


# Legislature of Ontario Debates

Monday, July 12, 1971 — Wednesday, July 28, 1971

No. 91

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT—DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Monday, July 12, 1971

**Afternoon Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

5

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

## CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, JULY 12, 1971

The House met at 2 o'clock, p.m.

Prayers.

Mr. Speaker: Statements by the ministry.

Hon. W. G. Davis (Prime Minister): Mr. Speaker, I have two statements. The first relates to the introduction of the government air service in northern Ontario. In pursuing our commitment toward a more balanced and imaginative transportation system for Ontario, I am pleased to announce a major government-financed air service programme which will contribute in several vital ways to the development goals of this government. In September the government, through The Department of Transportation and Communications, will launch a demonstration passenger air service in northern Ontario.

This programme will determine the stimulus that can be provided to northern Ontario through a regularly scheduled air service that will link a number of northern communities to national and international air networks. We anticipate that substantial economic and social benefits will result for these centres which now have only limited access to the advantages of modern transportation.

An important benefit will be the immediate assistance that this programme will provide to the de Havilland Aircraft company at Downsview, which has shown leadership in the development of the short takeoff and landing aircraft. The government today placed an order with de Havilland for two Twin Otter series 300 planes for use in the northern Ontario service. This order will assist the firm in retaining the skilled staff it has assembled to design and manufacture STOL-type aircraft.

The northern air service will consist of a closed-loop circuit based at Sault Ste. Marie and serving Timmins, Earlton and Sudbury in the first year of a three-year demonstration period. Expansion will be undertaken into Kirkland Lake and Chapleau during the three-year period. To begin with, the northern network will be served by one flight in each direction each day, six days a week.

Mr. J. E. Stokes (Thunder Bay): How about northwestern Ontario?

Hon. Mr. Davis: The objective of this programme is to establish a transportation and communications circuit for centres which have poor or non-existent access to one another or to mainline and regional air carriers. All of the reports emanating from our regional development programme have emphasized the importance of improved transportation service in stimulating balanced growth across the province.

This project will enable the government to demonstrate the potential of air service for our province-wide regional development programme. We will be able to assess the economic, social, technological and environmental impact of this type of transportation service and its effectiveness as a tool for diversification of growth.

The northern programme results from studies which originally recommended two demonstration projects, one in the north and the other in the south, to provide scheduled service by Twin Otter aircraft. For the time being, we are not proceeding with the southern network because of a number of questions related to federal regulation of air services.

The southern programme, which was to have been a spoke-type network linking a number of communities to the Toronto International Airport, is being re-examined in the light of the recent decision by the Canadian Transport Commission to license a private carrier to operate an air service between Kingston and Toronto. The southern service is also conditional to some extent on the outcome of discussions between the federal and provincial governments concerning the Metropolitan Toronto airport system.

After an extensive study into the feasibility of short-haul air transport for Ontario, in which we involved a number of acknowledged experts in the aviation field, the department invited proposals from licensed Ontario-based carriers and Air Canada on March 4 of this year. Five submissions were received. After careful evaluation of the proposals, the project committee recommended

the submission of White River Air Services Limited, an organization with considerable experience in the northern region. The department is negotiating a contract with White River for operation of the northern network beginning in September and specifying the use of the de Havilland Twin Otter aircraft being purchased by the government.

Reliability of service for the northern circuit will be ensured by means of standby aircraft. We are also reviewing the possibility of employing the standby aircraft for ambulance and other emergency services in the north. Initial estimates indicate that the northern air service will be self-supporting at the end of the three-year demonstration period. In the interim, the operational deficit will be covered by government subsidy.

The demonstration project will operate from conventional airfields already established in the designated communities. If the demonstration proves successful, networks could be expanded into centres with airstrips as short as 2,000 feet or to specially constructed STOLports. These posibilities suggest that air service may be possible in future for communities which cannot afford to build conventional airports even with the financial assistance provided by the existing programme, which contributes half the cost of airstrip development in northern Ontario.

One of the principal advantages of the short-haul air service is the flexibility it offers to cope with changing patterns and requirements of development. Particularly in the north, this flexibility can enhance the potential for development of both our natural resources and the tourist industry.

The government also hopes that this demonstration programme will help to create a Canadian-based STOL industry, with the capacity for export trade to developing nations with transportation problems similar to ours, and to countries which require commuter services.

The proposed northern programme is a practical extension of Ontario's involvement in supplying air transportation services to the province. The original programme was begun in 1969. Since then we have encouraged the construction of a number of new and improved landing facilities in northern communities. We are exploring the potential for expanding the airstrip programme to develop corridor systems in the north and to provide commuter services in the south.

Mr. Speaker, the new air service programme is another example of the government's determination to use all modes in the refinement of our transportation system and to employ effective tools for regional development across the province.

Mr. Speaker, I wish to make a statement on the age of accountability. A bill related to this determination of government policy, The Age of Majority and Accountability Act, will be introduced this afternoon. I would hope hon. members will approve it before we adjourn. The bill will extend the franchise to all citizens between the ages of 18 and 21—

**An hon. member:** About time.

**Mr. C. G. Pilkey** (Oshawa): It is about time.

**Mr. D. C. MacDonald** (York South): The Prime Minister is keeping up with the times, but getting ahead of his back-benchers. They are looking glum.

**Mr. S. Lewis** (Scarborough West): Thank you.

**An hon. member:** They said it could not be done.

**Hon. A. F. Lawrence** (Minister of Justice): We are going further than that; stick around.

**Mr. MacDonald:** The Premier is looking enthusiastic for the first time.

**Hon. Mr. Davis:** —and conveys to them, in addition, certain rights and responsibilities commensurate with the age of majority.

The Act contains the following basic elements:

Firstly, on attaining the age of 18 years, every person in Ontario will cease to be a minor, will have attained the age of majority and will be treated as an adult.

Secondly, the right to vote in provincial and municipal elections will be extended to all persons 18 years of age and older.

Thirdly, the right to hold elective office and to serve on juries.

Fourthly, the right to consume alcoholic beverages.

And fifthly, the right to undertake legal and financial contracts.

**Mr. Lewis:** How about governing councils on universities?

**Hon. Mr. Davis:** With the passage of this Act, Ontario will join the majority of Canadian provinces which have effected similar legislation as has the federal Parliament.

**Mr. MacDonald:** You are second last to act.

**Hon. Mr. Davis:** However, I would emphasize that we have introduced this measure, not because it is either popular or fashionable—

**Mr. R. F. Nixon** (Leader of the Opposition): Oh no!

**Hon. Mr. Davis:** —but because—

Interjections by hon. members.

**Hon. Mr. Davis:** —but because we have given the matter—

**Mr. MacDonald:** Of course it is not popular or fashionable!

**Hon. Mr. Davis:** —earnest—

Interjections by hon. members.

**Hon. A. Grossman** (Minister of Trade and Development): It must be good, they are unhappy.

**Hon. Mr. Davis:** What is it?

**Mr. MacDonald:** The public has been ahead of the Prime Minister's back-benchers for years on this issue.

**Hon. Mr. Davis:** Mr. Speaker, if one gets into public opinion of how far in advance or behind of the New Democratic Party it is, I might be provoked into a rather lengthy dissertation.

**Hon. Mr. Grossman:** By all means.

**Hon. Mr. Davis:** I will save that for some other time.

**Mr. Lewis:** By all means, save it for the election.

**Hon. Mr. Davis:** That is a very appropriate thought—a very appropriate time.

**Mr. Lewis:** In the meantime, we thank the Prime Minister for lowering the voting age.

**Hon. Mr. Davis:** I nearly said something that I know I would regret. It had something to do with maturity.

**Mr. Lewis:** Right.

**Hon. Mr. Davis:** However, I would emphasize that we have introduced this measure not because it is either popular or fashionable, but because we have given the matter earnest consideration and are convinced that it is right and fitting to do so.

**Mr. T. P. Reid** (Rainy River): How long has the Prime Minister had the bill sitting around?

**Hon. Mr. Davis:** A very brief period of time.

Interjections by hon. members.

**Hon. Mr. Davis:** The hon. members will recall the recommendations of their own select committee on elections, which proposed extension of the franchise as well as the recommendations of the Ontario Law Reform Commission in 1969 with respect to the age of majority.

To refresh the memories of the hon. members about the contents of the commission's report, I am having a copy placed on the desk of each member. While this bill goes further than the Law Reform Commission recommendations and goes further perhaps than some might have wished—

**An hon. member:** Who?

**Mr. Lewis:** Who is that?

**Hon. Mr. Davis:** —nevertheless it does reflect a wide public acceptance of the principle involved, supported by both expert opinion and common sense.

**Mr. T. P. Reid:** But not the Tory back-benchers.

**Hon. Mr. Davis:** Given approval by the Legislature—

**Hon. Mr. Grossman:** Some of their rednecks.

**Hon. Mr. Davis:** —the bill will add some 412,000 new voters to the lists in the next provincial election.

**Mr. Lewis:** Hear, hear.

**Hon. Mr. Davis:** Whenever measures are introduced to extend the franchise, this "last and highest privilege of the constitution" as Gladstone described it, there have always been expressions of reluctance and concern.

**Mr. Lewis:** Say!

**Hon. Mr. Davis:** In the present example, I suspect a number of hon. members have heard such expressions from their constituents.

**Mr. Lewis:** Which hon. members?

**Hon. Mr. Davis:** We are, after all, adding to the voters' list a significant part of a

generation of substantial numerical size representing, as someone has said, the new centre of gravity in the population.

There are some, Mr. Speaker, who fear this new generation of voters may take the responsibilities which this bill thrusts upon them more frivolously than do their elders.

Interjections by hon. members.

**Mr. E. W. Sopha** (Sudbury): Impossible! Impossible!

**Mr. Lewis:** Oh, shame! Rhetoric! What nonsense is that?

Interjections by hon. members.

**Mr. T. P. Reid:** Who said that?

Interjections by hon. members.

**Hon. Mr. Davis:** Not the people in this party.

**Mr. MacDonald:** The Premier should not bow to his back-benchers so frequently.

**Hon. Mr. Davis:** Not at all.

Interjections by hon. members.

**An hon. member:** The Prime Minister should have left that line out.

**Hon. Mr. Davis:** Unlike the official opposition, whose point of view on so many basic issues, as I read in the Globe and Mail on the weekend, is completely divided, we do not have that problem on this side of the House. We really do not, in spite of what—

Interjections by hon. members.

**Mr. Nixon:** As a matter of fact, I thought the Premier wrote it, it was such ridiculous clap-trap.

**Mr. Lewis:** Why is the Premier bowing to his back-benchers this way?

Interjections by hon. members.

**Hon. Mr. Davis:** Not at all, I am expressing—

**Mr. Lewis:** The Premier should not humble himself before the Neanderthals.

**Mr. Nixon:** The Globe and Mail is afraid the Premier is in trouble.

**Hon. Mr. Davis:** —the point of view and the fears expressed by some members of the population of the province. I thought the hon. member would be delighted.

Interjections by hon. members.

**Mr. Speaker:** Order! Let us have the rest of the statement.

**Mr. Lewis:** The Premier does not have to apologize. Where are they all?

**Hon. A. F. Lawrence:** The opposition will have the opportunity to vote against it.

**Hon. Mr. Davis:** Certainly, if they want to do it. I would be willing to make a bet they will not. Perhaps this fear represents an opinion reached by assuming that a highly visible and conspicuous few are representative of all of the younger members of our society. Nevertheless, Mr. Speaker, it is a conclusion unsupported by the facts. I do not believe there has ever been a generation which has been as committed to progressive change, so involved in public issues, and so active in the expression of argument and opinion—

**An hon. member:** It is bringing tears to my eyes.

Interjections by hon. members.

**Mr. Lewis:** Wonderful, wonderful!

Interjections by hon. members.

**Hon. Mr. Davis:** Mr. Speaker, if the hon. members do not agree with this, let them say so. I happen to believe it.

**Mr. Nixon:** It sounds like the Premier is trying to win them over.

**Mr. MacDonald:** It sounds like Tory progress—reluctantly made.

**Hon. Mr. Davis:** Is the member disagreeing?

**Mr. MacDonald:** That is why they will not vote for the Tory party.

**Hon. Mr. Davis:** I am delighted to hear that the New Democratic Party does not believe that this generation is progressive and subject to change.

**Mr. Lewis:** The Prime Minister was Minister of Education for 10 years. One would hope that he would believe it.

**Mr. Nixon:** The Prime Minister had better hire another speech writer.

**Hon. Mr. Davis:** —and opinion on them, as those who, on the enactment of this legislation, will have the pivilege and power of the franchise.

No doubt some of them may treat it lightly, but they will by no means be the first or last to do so.

Interjections by hon. members.

**Hon. Mr. Davis:** On the other hand, Mr. Speaker, their active presence among the electorate may well serve as an incentive and inspiration for that one-third of the present electorate who, for one reason or another, habitually fail to exercise their franchise. Indeed, I would predict that as a result of this legislation not only will our provincial and municipal elections become more representative of the general will, as they will certainly become, but that the percentage of those voting who are eligible to vote will increase, to the benefit of a healthy, active and vital political system.

**An hon. member:** Did the Provincial Secretary (Mr. Yaremko) write the minister's speech for him?

**Hon. Mr. Davis:** Mr. Speaker, perhaps the most contentious public concern in all this has to do with the lowering of the so-called drinking age from 21 to 18 years. It would appear that it is one thing for us to place upon 18-year-olds the sober responsibility of voting, or the right to hold elective office—

**Mr. Lewis:** That is quite a defence.

**Hon. Mr. Davis:** —or the right to hold elective office—

**Mr. J. R. Breithaupt** (Kitchener): That is a good one.

**Mr. V. M. Singer** (Downsview): Not a very good speech writer. He will have to try another one.

**Hon. Mr. Davis:** Well, I spent a little bit of time last week myself and sober reflection assisted. The member for Downsview might not know what that means.

**Mr. Singer:** The minister might never know.

**Mr. T. P. Reid:** I understand there were only two free tickets.

**Hon. Mr. Davis:** —at either the provincial or municipal level—

**Mr. Lewis:** You fellows must have had a weekend together.

**Hon. Mr. Davis:** —or the legal right to accept and convey property, or the legal responsibility for a contract, but it is another thing to allow an 18-year-old to drink.

Here again, Mr. Speaker, I do not believe we can deal with matters of this kind by half-measures.

**Mr. Sopha:** That is a good phrase, half-measures.

**Hon. Mr. Davis:** That is right.

**Mr. Lewis:** Not quite the ringing tone of the Spadina.

**Hon. Mr. Davis:** If the member would listen carefully—I know the member has had a busy weekend. So have I. A very encouraging one, incidentally.

Interjections by hon. members.

**Mr. E. W. Martel** (Sudbury East): Got the trained seals in shape?

**Hon Mr. Davis:** Far better the seals than the donkeys being in shape.

**Mr. W. Hodgson** (York North): That ought to hold the hon. member.

**Hon. Mr. Davis:** Here again, Mr. Speaker, I do not believe we can deal with matters of this kind by half-measures. If we are right to lower the age of majority we would be wrong to discriminate against those concerned as to the reasonable responsibilities and privileges they may enjoy. We cannot bestow upon them our trust and at the same time prejudice it with suspicion.

**Mr. Breithaupt:** Great stuff!

**Hon. Mr. Davis:** There is no evidence of a substantive nature to indicate that the younger members of society will be any less prudent and temperate in their habits than their fathers. While it is true that age begets experience—

**Mr. Lewis:** Say!

**Hon. Mr. Davis:** —and experience begets wisdom, it is also true that even for those who have both experience and wisdom, drinking remains for some a pleasure and for still others it becomes a problem.

**Mr. Singer:** Anomalies by the Premier.

**Hon. Mr. Davis:** Having regard—listen; the member for Downsview might learn something from some of them—

**Mr. Singer:** Hearts and flowers; violins in the background.

**Hon. Mr. Davis:** —perhaps too late.

**Mr. Pilkey:** Where are the violins?

Interjections by hon. members.

**Hon. Mr. Davis:** Having regard for this fact, Mr. Speaker, which is a fact of life, I can only express what is more than an opinion and more than a hope—

**Mr. Lewis:** It is too embarrassing, Mr. Speaker, call it to order.

**Hon. Mr. Davis:** —but a confident belief that none of these responsibilities and privileges we are extending to the younger members of the community will be abused by the great majority of them.

**Mr. MacDonald:** The minister has almost convinced himself.

**Hon. Mr. Davis:** If anything, having been closely involved with the processes of their education, I would expect it to be to the contrary.

To a substantial degree, the bill, which will be introduced shortly, deals with the legal sense of the age of majority; that is, the age at which a person assumes not only the rights of an adult but also the responsibilities and obligations which go with these rights.

**Mr. H. Peacock** (Windsor West): That speech was written for the Attorney General.

**Hon. Mr. Davis:** Attached to this bill is a list of statutes affected by this legislation. The members will recognize many changes in the law as revised by the proposed bill.

**Mr. Peacock:** Passed over again.

**Hon. Mr. Davis:** It should also be noted that the age relationship has not been altered insofar as social welfare and family benefits are concerned. Wherever a revision of the age resulted in fiscal implications, these were left undisturbed pending more detailed study by the various departments and agencies concerned.

In addition, certain professional and occupational requirements involving age have not been altered because of specific problems where the responsibilities must be further reviewed before any action is taken.

I would also point out, to the House, Mr. Speaker, that the government has not altered some situations which would have meant taking away some of the benefits which young people presently enjoy. For example, we have protected the right to attend school to the age of 21 and to enjoy coverage to age 21 under family benefits of our medical health plan.

Mr. Speaker, I am aware of the numerous concerns and of the presence of the contrary opinion in the province on the subject of lowering the voting age. As I have said, historically any extension of the franchise has been a subject of controversy. It was not too long that the Mother of Parliaments found it appropriate to extend the franchise to women, and many of the arguments against that are similar to much of the argument against lowering the voting age.

**Mr. MacDonald:** Will the Premier stop persuading his back-benchers?

**Hon. Mr. Davis:** Mr. Speaker, the hon. member may even hear from some of his own constituents.

To those who have reservations—

**Mr. Singer:** Good suffragettes.

**Hon. Mr. Davis:** Well, on second thought, to those who have reservations about this legislation, perhaps they will be comforted by the advice of the Earl of Birkenhead—

**Mr. M. Makarchuk** (Brantford): They look pretty glum back there.

**Hon. Mr. Davis:** Pardon?

**Mr. Makarchuk:** They look pretty glum back there.

**Hon. Mr. Davis:** This group never looks glum.

Interjections by hon. members.

**Mr. Speaker:** Order! Order!

**An hon. member:** No wonder you fellows are over there.

**Mr. Lewis:** Think of what it does to the member for Wellington-Dufferin (Mr. Root).

**Hon. Mr. Davis:** It is for sure that the leader of the New Democratic Party will never do anything to the member for Wellington-Dufferin. He might as well spend his time elsewhere.

**An hon. member:** He is well rooted in the riding.

Interjections by hon. members.

**Mr. Sopha:** Save us the pain of the last paragraph.

**Hon. Mr. Davis:** I think it is a very good quote. I think it is. I want to read it to the member from Downsview.

To those who have reservations about this legislation, perhaps they will be comforted by the advice of the Earl of Birkenhead who, while supporting women's sufferage, reluctantly advised his fellow members "to go into the lobby in favour of this bill, if without enthusiasm, yet in a spirit of resolute resignation."

Interjections by hon. members.

**Hon. Mr. Davis:** Tremendous quote! Look at their colleague from Guelph. Their colleague from the Kent riding should be very careful, Mr. Speaker.

Interjections by hon. members.

**Hon. Mr. Davis:** Mr. Speaker, I am sure hon. members will do better than that.

**Mr. Speaker:** Order! The member for Rainy River will please refrain from further interjection.

**Hon. Mr. Davis:** I do not know whether there are any more available, but I will certainly try, if the member for Rainy River would like one.

This bill, Mr. Speaker—

Interjections by hon. members.

**Hon. Mr. Davis:** Pardon?

**Mr. MacDonald:** It is unconscious provocation.

**Hon. Mr. Davis:** Oh not really, not really.

**Mr. Lewis:** The Premier is not very anxious about this bill.

**Hon. Mr. Davis:** This bill, Mr. Speaker, is enthusiastically recommended by my colleagues and by our supporters on this side of the House.

Interjections by hon. members.

**Hon. Mr. Davis:** It is quite obvious, Mr. Speaker—

Interjections by hon. members.

**Mr. Speaker:** Order!

**Hon. Mr. Davis:** It is quite obvious, Mr. Speaker, that we now know that it will enjoy the complete support of the hon. members opposite.

Interjections by hon. members.

**Hon. Mr. Davis:** Now, it is your turn. No? It will not enjoy your support. I see.

Interjections by hon. members.

**Hon. Mr. Davis:** I am confident, Mr. Speaker, as a result of this announcement, that all of us who are devoted to the political process, to the party system and to parliamentary democracy will have no cause to regret our decision which we are convinced is in the best interest of Ontario.

Interjections by hon. members.

**Hon. J. Yaremko** (Provincial Secretary and Minister of Citizenship): Mr. Speaker—

**Hon. C. S. MacNaughton** (Minister of Transportation and Communications): He is not speaking of the member for Rainy River.

**Hon. Mr. Yaremko:** Mr. Speaker, I should like to report on my recent meetings with Indian leaders throughout Ontario which we consider the first phase of Meeting '71.

You will recall that some months ago, I announced my intention to hold a series of discussions. This project was launched on July 2. Since then I attended six meetings with leaders of Indian bands encompassing even the most remote parts of Ontario.

My broad message was simply this: The government of Ontario wished to convey to the Indian people of Ontario that it was ready to assist in the establishment of the widest ranging programme of communication.

Specifically Meeting '71 is conceived with twofold purpose:

Firstly, to afford an opportunity for Indians to communicate among themselves on provincial, regional and reserve levels on the subject of provincial services and on other matters of interest to them; secondly, to enable Indian people, through their bands and in groups to communicate more easily with the government and its many service departments.

Meeting '71 is also designed to help to bring, to the government, Indian viewpoints based on "Indian-only" meetings that would have considered the question how provincial services can be made more appropriate and responsive to the needs of Indian people.

In the past, Indian people have expressed the view that they never have the time or

resources to develop their own point of view and that one- or two-day meetings are useless. Everywhere I went I emphasized that this government recognized their complaint and that we would provide money, communication resources and time so that for the first time Indians would be able to organize their own discussions in their own way, would be able to review provincial services and to set out what the government should or should not do in the future.

As Indian people are engaged in intense discussions with the federal government, Meeting '71 is also designed to inform them so that their often-voiced concern about hidden federal-provincial arrangements can be put to rest. Ontario has pledged that it stands ready to co-operate in matters agreed upon between Indians and Ottawa. In the meantime, making available to Indians appropriate provincial services which are available to all Canadians requires that they, the Indians, should have a real input into how these services should be delivered.

The first round of Meeting '71 gatherings have been completed as of last Friday. These recent meetings were held in Peterborough, with 25 delegates representing 13 out of 15 bands; Timmins, with 30 delegates representing 15 out of 16 bands; Elliot Lake, with 18 delegates representing nine out of 12 bands; Thunder Bay, with 39 delegates representing 16 out of 19 bands; Kenora, with 30 delegates representing 18 out of 20 bands; and London, with 15 delegates representing nine out of 11 bands.

In all, I met with more than 150 Indian leaders representing 80 of the 93 organized Indian bands in the province, and as a result 82 bands accepted just under $110,000 for their own communication. Thus I am pleased to be able to report, Mr. Speaker, that our sincere desire to begin a genuine "no-strings attached," "no hidden motive" communication with Indian leaders and their bands in the province has been accepted by more than 90 per cent of the leaders I met.

The format of the meetings was as follows: My staff and I outlined the proposal, then the chiefs and delegates met by themselves for considerable discussion in each case, after which we met again. Five of the six meetings agreed that the need for communication was real, and decided to make use of the provincial offer of funds and resources to continue the meeting process over the next few months.

I would also like to add that at my invitation, representatives of Ontario's major Indian organizations attended these six meetings. The Union of Ontario Indians was represented at the meetings in Peterborough, Timmins, Elliot Lake, Thunder Bay and London, the Grand Council for Treaty Three was represented at the Kenora meeting, and a vice-president of the Iroquois and Allied Indians Association was present in his capacity as chief of the Peterborough meeting. In addition to this, I made known to those attending these gatherings that I plan to hold separate meetings with representatives of all Ontario Indian organizations in the near future to discuss the same topic: how the government of Ontario can best serve our Indian citizens.

Mr. Speaker, there was an interjection about the London meeting and some publicity was generated following that meeting. Those who gathered there, representing nine of the 11 bands in the area, are all in receipt of extensive provincial services. Five chiefs amongst those present chose not to accept the assistance proffered. To them, as at all six meetings, it was indicated that they should feel free to accept or not accept.

This position is based on our contention that only if we can demonstrate to Indian people over and over that they have the opportunity to opt in or out, will they be able to believe that Ontario will not be a party to forcing them into unacceptable situations. The London decision confirms the provincial government's belief that, since the Indian people hold so precious their treaty and aboriginal claims, they would be naturally wary of any governmental approaches to them.

However, based on a few newspaper articles, Mr. Speaker, I would not want the members of this House to get the impression that Indian leaders do not want to communicate—quite to the contrary. Even the meeting in London served to reinforce the purpose of communication. While they do not wish any provincial aid toward meetings, I am most encouraged to hear that the London group, or at least those people represented by the signatories, are soon to meet again at their own expense at the Saugeen reserve.

Thus, while the provincial government's offer of assistance was not taken up by the London signatories, the intention of Meeting '71, to initiate and encourage talks among Indian peoples, is in fact being followed by them. Indeed, Mr. Speaker, it was very interesting that in communicating their posi-

tion to me, the five signatories used the official letterhead developed for the concept of Meeting '71.

I do hope that at these future meetings, representatives of the Six Nations band and the Walpole Island band, as well as four other bands which did not sign this document in question, will be present to aid in forming a consensus over priorities among the southwestern Ontario Indian leaders. Indian leaders want the government to consult with them before legislative action is taken. The expression from some people in London, who were quoted as saying that the province should amend its Acts first and without consultation, goes against all that I have heard in these past seven days.

In closing, Mr. Speaker, I want to quote our Prime Minister in his personal message to these conferences—

Interjections by hon. members.

**Hon. Mr. Yaremko:** I quote from an excerpt of the Prime Minister's introductory remarks brought through videotape message.

**Mr. R. F. Nixon** (Leader of the Opposition): At Talisman Lodge. "Boys, we have a tough fight on our hands," he said.

**Hon. Mr. Yaremko:** The Prime Minister said: "The government of Ontario recognizes that, in order for its services to become most beneficial to Indian people, knowledge and understanding of the Indian point of view are essential."

Mr. Speaker, this initial round of introductory meetings has set up new avenues of communication with the Indian bands all over our huge province among themselves and with the provincial government. I pledge the efforts of myself and my department to further and improve this communication so that the native people of Ontario, again in the words of the Prime Minister, could "help us make Ontario an ever-growing, ever-improving place to live."

**Mr. Pilkey:** Read that editorial in the Globe and Mail this morning.

**Hon. Mr. MacNaughton:** Read all the stories in the Globe and Mail this morning.

**Mr. Singer:** Is the government going to withdraw?

**Hon. L. Bernier** (Minister of Mines and Northern Affairs): Mr. Speaker, I would like to make a statement concerning an article which appeared in this morning's Globe and Mail, alleging, first, that misleading information was provided by my department in the filing of a site plan, by Consolidated Sand and Gravel Company, as required by The Niagara Escarpment Protection Act, and second, implying that I had indicated that a commercial pit and quarry operations would be permitted in conservation areas and provincial parks.

**Mr. J. E. Bullbrook** (Sarnia): It said "might be."

**Hon. Mr. Bernier:** With respect to the first of these allegations, Mr. Speaker, I would like to inform this House that an inspector in my department has been dispatched to the area in question to verify the conditions of the site plan as filed with the department. If it is found that the application contravenes the provisions of The Niagara Escarpment Protection Act in any way, I am prepared to issue immediately a suspension of the licence now held by the company pending a hearing on the matter of the mining commissioner, as further required by The Niagara Escarpment Protection Act.

**Mr. Singer:** Why did the minister not do that when he was asked in the House?

**Hon. Mr. Bernier:** Site plans which have been filed with my department, Mr. Speaker, since The Niagara Escarpment Protection Act came into force on September 26, 1970, have been and will continue to be the subject of my department's review. Approximately 150 of these plans were filed with the department last September. I should also point out, however, that because the pit in question was an existing pit at the time The Niagara Escarpment Protection Act came into force, the policy of my department in the matter of the establishment of a new pit or quarry did not apply in respect to the company's application for a licence.

However, Mr. Speaker, it was to prevent situations such as this from occurring in the future that the government introduced The Pits and Quarries Control Act last week. I am sure that if the proposed Act is brought into force—and I will look for the members' support—and my department is then able to increase its complement of inspectors, situations such as those alleged in this article cannot occur.

With respect to the second allegation, that I hinted pit or quarry operations may be carried out in conservation areas or provincial parks, which I interpret to mean a commercial operation, Mr. Speaker—

**Mr. Lewis:** The minister did not hint—he said it.

**Mr. Pilkey:** He did not know.

**Hon. Mr. Bernier:** —I would like to assure members of this House that nothing could be further from my mind.

Interjections by hon. members.

**Mr. MacDonald:** Furthest from his mind!

**Hon. Mr. Bernier:** Indeed, Mr. Speaker, it is the expressed intention of this government that no such operation will ever be permitted. And let there be no further misunderstanding about this. I would remind hon. members that The Mining Act already provides that no mining whatsoever shall be allowed in provincial parks. But lest there be any misunderstanding, I wish to assure the House that it is the policy of this government that this same policy will apply to all conservation areas within the Province of Ontario.

**Mr. Pilkey:** Better send a retroactive letter.

**Mr. MacDonald:** Somebody must have got at him over the weekend.

**Mr. Speaker:** Oral questions.

## MINING POLICY

**Mr. Nixon:** Mr. Speaker, I have a question of the Minister of Mines and Northern Affairs. Why is it he would have to wait for an article to appear in the Globe and Mail when precisely the same information was put before him by the hon. member for Downsview in the question period two weeks ago? Does he not take the word of the member for Downsview that incomplete information was available?

Interjections by hon. members.

**Mr. Nixon:** Talk about being responsive!

**Hon. Mr. Bernier:** He cries "wolf" too often.

**Mr. Lewis:** He asked the minister before that.

**Hon. Mr. Bernier:** I think I pointed out in my statement, Mr. Speaker, that we have some 150 site plans to review, and we are doing this.

**Mr. Nixon:** His predecessor got to him and said, "Smarten up."

A supplementary: Does the minister accept it then as final government policy that there will be no removal of aggregate from our parks or conservation areas, or is this something that will be reconsidered after the election?

**Hon. Mr. Bernier:** No, no, you can accept—

**Mr. MacDonald:** They will not have a chance.

**Hon. Mr. Bernier:** —that there will be no quarrying or gravel pits in provincial parks or conservation areas, period.

**Mr. Lewis:** By way of supplementary, Mr. Speaker, what then was meant in your letter of July 5, 1971—and I quote:

> The rapidly dwindling supply of this essential material may make its removal necessary from conservation and park areas in the not too distant future to maintain the economy.

**Mr. Breithaupt:** That is after the election.

**Hon. Mr. Bernier:** Mr. Speaker, my only explanation of that can be, this is an unintentional oversight.

Interjections by hon. members.

**Mr. Lewis:** It leads to some other questions.

**Mr. MacDonald:** Obviously they got at him this morning.

**Mr. Speaker:** A further supplementary?

Interjections by hon. members.

**Mr. Speaker:** Order! Has the leader a further supplementary?

**Mr. Nixon:** No.

**Mr. Speaker:** Then we have a supplementary over there.

**Mr. R. Gisborn** (Hamilton East): A further supplementary, Mr. Chairman: How does the minister explain the apparent lack of knowledge of his department in regard to the need for aggregate across the province, as it contradicts the statement of the present Attorney General on the same subject on December 9, 1970:

> Southern Ontario has been most fortunate in having sufficient sand and gravel in almost every location at present to sustain construction, roadbuilding and maintenance requirements at reasonable cost.

**Mr. Martel:** They will know that.

**Mr. T. P. Reid:** Neither one of them knew what he was talking about.

**Mr. Gisborn:** How does the minister explain that in view of his statement that there is a very dire need for aggregate in the Province of Ontario?

**Hon. Mr. Bernier:** I think, Mr. Speaker, if other paragraphs of this particular letter were examined, one would see that the minister at that time was as concerned as I am about the diminishing supply of aggregate in the Province of Ontario.

**Hon. A. F. Lawrence:** That is right.

**Mr. Lewis:** By way of supplementary, would the minister table the letter from the previous Minister of Mines and Northern Affairs? I should like to see that.

**Hon. Mr. Bernier:** Yes, I think so.

**Mr. Speaker:** The hon. Leader of the Opposition.

## PROVINCIAL SECRETARY'S MEETINGS WITH INDIANS

**Mr. Nixon:** Mr. Speaker, I have a question of the Provincial Secretary further to his statement. Is he going to consider further the first piece of advice he got in—was it Communications 1971?—which was proffered by those groups of Indians, I think, amounting to 10 per cent of the ones he was talking to. The refusal of the $14,000 he proffered them with no strings attached indicated that he had better put his own administrative house in order before they could have any confidence in dealing with him.

**Hon. Mr. Yaremko:** Mr. Speaker, that would indicate the misunderstanding of the purpose of Meeting '71, which was to convey to the government of Ontario specific concerns about specific issues.

**Mr. Nixon:** But not to listen to them.

**Hon. Mr. Yaremko:** I am hopeful that there will be forthcoming from those who will be participating in the discussion, not such a sort of blanket type statement but their concerns about specific matters and about specific legislation. It would be our intention to move in all of these areas after specific opinions by the groups that we are consulting.

**Mr. Nixon:** A supplementary: Can the minister explain why he persists, in the evolution or the development of these procedures, in keeping the elected members from the Indian communities concerned out of the discussions? Does he recall that one of the objections raised not only by the members concerned but by the Indians themselves in his previous difficulties with the Indian community was that he had not informed the elected members of the areas concerned of his intention to meet with the Indians or invited them to take any small part?

**Hon. Mr. Yaremko:** Mr. Speaker, these six meetings were done on an area basis and often there would be more than one member.

**Mr. T. Reid** (Scarborough East): That is no excuse.

**Mr. Bullbrook:** What is wrong with that? The member for Lambton (Mr. Henderson) and I would both go together and I would drive him. Would I not?

**Mr. S. J. Randall** (Don Mills): Would the member bring him back?

**Hon. Mr. Yaremko:** Mr. Speaker, had I followed the intent and purpose of the Leader of the Opposition's direction, that I should have so notified them, he would have been the first to rise in this House and accuse me, as he has done in the past, of using these things for political purposes.

**Mr. T. P. Reid:** What kind of thinking is that?

**Mr. Pitman:** The minister is losing his grip over there.

**Mr. Lewis:** You see, the Premier was away for one week and look what has happened. Think of the potential.

**Hon. Mr. Yaremko:** Mr. Speaker, I was very careful in these instances that we did not issue any press releases or invite the press. We left it completely to the judgement of the Indians at their meetings.

**Mr. Lewis:** The government had better adjourn this House and call an election quickly. The sooner the better.

**Hon. Mr. Yaremko:** No member of the press was turned away but they had not been informed in advance by us. When they wanted to meet as they did in London, they had the fullest of opportunity. This was a meeting of the minister, who has been held responsible by this House, consulting with those whom he wishes to consult.

**Mr. Lewis:** For a great deal.

**Mr. Makarchuk:** Irresponsible.

**Mr. Nixon:** Mr. Speaker, did the minister have a meeting in Brantford or Ohsweken?

**Hon. Mr. Yaremko:** Those bands were invited to the London meeting—the Six Nations. I think in both instances both were represented.

**Mr. T. Reid:** Can the minister not remember?

**Mr. Nixon:** Well, is the minister aware—

**Hon. Mr. Yaremko;** They are not signatories; I do not believe.

**Mr. Nixon:** They are not signatories? Is he aware that they are the largest single community of Indians in Ontario, in fact, in Canada? And he neglected to go to their own council to discuss this matter with them?

**Hon. Mr. Yaremko:** Mr. Speaker, I was not meeting with the Indian bands or Indian reserves individually, I met with them on an area basis and—

**Mr. Makarchuk:** They would have run him off the reservation. That is what would have happened.

**Hon. Mr. Yaremko:** —the meeting at London was attended by—I know that—

**Mr. Bullbrook:** The minister was there?

**Hon. Mr. Yaremko:** —Chief Isaac was present from the Six Nations. To me it was a significant factor that the chiefs of the most populous and most powerful bands are not signatories to that particular document.

**Mr. Speaker:** The hon. member for Thunder Bay has a supplementary.

**Mr. Stokes:** I would like to ask the Provincial Secretary, Mr. Speaker, how he reconciles the statement he made—that he would not want to invite members on the grounds that he might be accused of being political —with the fact that the last time he entered my riding to consult with Indians he took the hon. member for Fort William with him and not the sitting member for Thunder Bay?

Interjections by hon. members.

**Mr. Lewis:** It is typical of the minister.

**Hon. Mr. Yaremko:** Mr. Speaker, regarding what the hon. member is referring to, the fact is that he has to go back over two years to find this instance.

**Mr. Nixon:** The Indians do not trust the minister either.

**Mr. MacDonald:** Does the minister mean he has changed his ways?

**Hon. Mr. Yaremko:** I may say this, Mr. Speaker—

**Mr. Stokes:** That is about the last time the minister was in my riding.

**Hon. Mr. Yaremko:** I may say this, Mr. Speaker, no member—

**Hon. A. F. Lawrence:** The last time the member was in the riding, too.

**Hon. Mr. Yaremko:** No member of this House—

**Mr. Lewis:** At 3:30 you will be talking about the Battle of the Boyne.

**Hon. Mr. Yaremko:** No member of this House has received better communication or better service or better information from the department than has the hon. member for Thunder Bay. And if he has any complaints—

**Mr. Stokes:** And who writes the minister more often on behalf of the Indians than the member for Thunder Bay?

**Hon. Mr. Yaremko:** The member gets the same service as every member of this House gets.

**Mr. Stokes:** As a supplementary, is the minister saying he has been apolitical in all his dealings with the Indian people in my riding?

**Hon. Mr. Yaremko:** Mr. Speaker, I point out this fact, that I was shown a copy of a programme in Thunder Bay and the member is no longer shown—this is significant—is no longer shown on these documents as being a member of the House; he is now shown as "Mr. Jack Stokes, NDP candidate, Thunder Bay District." He has given up being a member of this Parliament.

Interjections by hon. members.

**Mr. Speaker:** Order! We have pursued this far enough!.

**Mr. Stokes:** May I ask the minister what he is referring to?

**Mr. Speaker:** Order! The hon. Leader of the Opposition has the floor to continue questions.

**Mr. Lewis:** What a house of cards the Premier has around him.

## QUEEN STREET MENTAL HOSPITAL

**Mr. Nixon:** A question of the Minister of Health: What is he going to do about the situation at the Queen Street mental health facility which led the coroner's jury to recommend that they have nothing further to do with medical emergencies under their present organization? The Queen Street mental hospital.

**Hon. A. B. R. Lawrence** (Minister of Health): I do not catch the significance of "medical emergencies."

**Mr. Nixon:** Is the minister not aware of the recommendation of the coroner's jury investigating a death under those circumstances which indicated that the hospital should have nothing further to do with medical emergencies under their present status of organization?

**Hon. A. B. R. Lawrence:** Well, I have seen the report on it, Mr. Speaker. I really do not know how I can answer the question. I would judge that the basis is that that hospital is not a facility that is capable of handling the more difficult or immediate problems.

**Mr. Nixon:** This was an overdose of Aspirin, I believe.

**Hon. A. B. R. Lawrence:** As I recall, they felt there was no way of finding out one way or another by diagnosis at the time—

**Mr. Nixon:** They had not given the proper tests. I wonder if the minister would look into it and give a report to the House? Surely that hospital should be capable of dealing with medical emergencies? It is one of the largest hospitals we have.

**Mr. Speaker:** The hon. leader is entitled to ask a question, not to make statements.

**Mr. Nixon:** I said, will he look into it?

**Hon. A. B. R. Lawrence:** Yes, Mr. Speaker.

**Mr. M. Shulman** (High Park): They do not have the facilities.

**Mr. Speaker:** The member for Scarborough West.

## ROLE OF MINISTER OF MINES

**Mr. Lewis:** Mr. Speaker, a question of the Premier: Does not the Premier feel that the Minister of Mines is trapped in an insoluble conflict of interest by being the man chiefly responsible for promoting natural resource extraction in Ontario and cannot therefore be relied upon to protect environmental concerns?

**Hon. Mr. Davis:** Mr. Speaker, I guess if one approaches this using the leader of the New Democratic Party's mental process, in his mind it might appear to be something of a conflict. In my process I think it is highly logical that the minister responsible for mines and mining operations in this province should be the one very directly responsible as it relates to pits, quarries and other related matters. To me it is completely logical; no contradiction or conflict whatsoever.

**Mr. Speaker:** Supplementary? The member for Scarborough West has the right of supplementary first.

**Mr. Lewis:** I sense a moment of colour here and I will defer to it.

**Mr. Bullbrook:** If the Premier feels that his Minister of Mines is so sensitive in the field of the ecology, he has permitted the interjection of waste material into Sarnia township that creates the contents of this jar as our water supply. Now I wonder what the Premier or the Minister of Energy and Resources Management (Mr. Kerr) or the Minister of Mines will do for one Douglas Harris, of RR 2, Sarnia, a farmer whose family is called upon to drink that and whose livestock is to be watered with that?

**An hon. member:** Shame, shame.

**Mr. Martel:** There you are.

**An hon. member:** Why do the Tories not applaud now?

**An hon. member:** No answer.

**Mr. Breithaupt:** They are not applauding now.

**Mr. Singer:** You did not break that one!

**Mr. Lewis:** Not having heard the answer to this very compelling question—which deserves an answer—may I ask the Premier whether it would not make more sense to have the administration of the pits and quarries legislation under the Minister of Energy and Resources

Management or the Minister of the Environment? Would that, in terms of handling the preservation aspects of it, not make more sense?

**Hon. Mr. Davis:** Mr. Speaker, of course there are two aspects to it, one is the preservation aspect and the other is the operational aspect of it, and I don't think it is contradictory at all to have it under the administration of the Minister of Mines. To me there is no conflict or contradiction here whatsoever. It is an administrative situation. I do not see any problem with it. No.

**Mr. T. Reid:** He sits in a rocking chair to talk to himself—hearing both sides of an argument.

**Mr. Lewis:** By way of a final supplementary, does the Premier think it is plausible that any minister of the Crown can make that kind of "unintentional oversight" about conservation areas and parks in the Province of Ontario?

**Hon. Mr. Davis:** Mr. Speaker, it is quite plausible for ministers, members, even leaders of political parties to make oversights from time to time. The Minister of Mines has made it abundantly clear that it is the policy of this government that there will not be pit quarrying or mining operations within provincial parks or conservation areas. That is a categorical statement. If it is not satisfactory to the leader of the New Democratic Party, I am so making the statement as well. Done.

**Mr. Lewis:** First of the "done." That is the first of the "done" check marks is it?

**Hon. Mr. Davis:** Five.

## MEETING WITH ELECTRO METALS

**Mr. Lewis:** Mr. Speaker, a question of the Minister of the Environment or Energy and Resources Management: Did he have a meeting here at the Legislature this morning with Electro Metals Company of Welland? When is the meeting?

**Hon. G. A. Kerr** (Minister of Energy and Resources Management): Mr. Speaker, in case there is a misunderstanding, I had a meeting this morning with union representatives of Union Carbide.

**Mr. Lewis:** Can the minister report to the House on the meeting which he had with the United Electrical Workers?

**Hon. Mr. Kerr:** Mr. Speaker, it was really a purely exploratory and information meeting. We listened for the most part to the submissions made by the representatives of the union regarding their concern that part of that operation will be transferred out of Welland; some of the reasons they felt that may be promoted, by the company, shall we say, for such a move. We have indicated to them our policy generally in respect to the plant and to the company, to the expansion, to the installation of pollution abatement equipment. We now, of course, as a result of that meeting, will meet with representatives of the company so that we have the whole story.

## POLLUTION OF MAITLAND RIVER

**Mr. Lewis:** A further question, Mr. Speaker, of the Minister of Energy and Resources Management: What is the minister doing about the pollution of the Maitland River, and the involvement of OWRC and, I guess it is Campbell Soups Limited, in that pollution?

**Hon. Mr. Kerr:** Mr. Speaker, the OWRC, of course, has been dealing with the company. The company now has agreed to make whatever extensions to its lagooning system that are required to properly treat its wastes. It was unfortunate that as a result of expansion and improvement to the treatment facilities, there was some waste deposit in the Maitland River as a result of a change in the lagooning. This has now all been overcome. There is no more waste flowing from the particular lagoon system. Unfortunately it did have the effect of contaminating, at least for a short period, the water used by cattle by the farmers in that area.

We feel that this, as a result of flow, has been overcome. However, we are agreeing, if there is any danger, to fence certain farm properties so that cattle, at least for the short time being, will not drink the water.

The latest findings we have from our analysis is that the water is as it was, say, a year ago. In other words, the condition of the water in the Maitland is normal, as usual.

However, as a result of a buildup of algae in the Maitland, and the algae weed growth, it is rather unsightly. I think this has given the impression that it is contaminated much more than it actually is.

**Mr. Lewis:** By way of supplementary, since the contamination existed for a considerable period of time and both the farmers in the area and the cattle were exposed to it and

since I gather it resembled a little the analogy indicated by the member for Sarnia, what compensation might be available to the farmers? What damages might they be able to claim would the Save the Maitland Association now wish to sue to obtain compensation for losses? What indemnification is there, in effect, available?

**Hon. Mr. Kerr:** Mr. Speaker, as the hon. member should know, the contamination or the condition of that river is the result of many things.

For one, it is a result of the community just upstream not putting in sewage treatment facilities long ago. It is also the result of a certain amount of agricultural runoff, and of course, the lack of facilities in some industrial operations.

So it is a combination of many things that exist in many parts of the province, when you could not get the local people to agree to install proper sewage treatment facilities, shall we say, a few years ago—five or 10 or 15 years ago. This has had the effect of causing a certain amount of contamination.

Now we are dealing with this problem. If we can, through financing or other ways, get these communities to agree to build sewage treatment plants or let us build them and pay for them over a certain period of time, then some of these problems will go away.

**Mr. Lewis:** I am sorry, Mr. Speaker, a last supplementary. I hesitate to pursue it but why, when the OWRC has known of this situation since 1962, and why, when Campbell Soups offered to pay for whatever alterations—lagoon, or otherwise—would be necessary as far back as 1968, has it remained until 1971—it is rather like Canadian Gypsum—with absolutely nothing happening from the minister's department? How is that possible?

**Hon. Mr. Kerr:** That is not true. As far as Campbell Soups are concerned, they did agree in 1968 to our plans for proper sewage treatment—the proper treatment of wastes from that company. Unfortunately, because the community there intended to annex the plant, it withdrew its offer; it no longer agreed to the 1968 commitment. Despite the delay of over a year in getting the company to carry out its commitment by assuring the company that it still would not have to pay for its own plant, as well as pay on the tax rate, we now have the company committed to go ahead.

**Mr. Speaker:** Is this a supplementary? If not, the member for Simcoe East.

A supplementary from the member for Huron-Bruce.

**Mr. M. Gaunt** (Huron-Bruce): Mr. Speaker, may I ask, is the minister aware that the extension of the lagoon to which he made reference will only be good until 1974?

**Hon. Mr. Kerr:** Yes, Mr. Speaker, I am aware that the Ontario Water Resources Commission estimates that the capacity will be used up by about 1975. We, of course, certainly hope by that time there is a normal sewage treatment facility in that community.

**Mr. Gaunt:** A further supplementary, Mr. Speaker: Is the minister aware that the Maitland is a no-flow river during the summertime and therefore any sewage dumped into it during that time should not be permitted?

**Hon. Mr. Kerr:** Yes, I am quite aware. I do not know if it is entirely no-flow; I think you might say low-flow is a more accurate statement. There is a certain amount of flow although the algae buildup has not really helped the situation.

I think our objective should be that all sewage into the Maitland should be treated before it gets there, otherwise I do not know what particular receiving water the community will use.

## POSSIBILITY OF POLLUTION SUIT AGAINST INCO

**Mr. Lewis:** A question of the Minister of Energy and Resources: Is the minister going to take Inco to court for the pollution of the Copper Cliff water supply?

**Hon. Mr. Kerr:** Mr. Speaker, the Minister of Mines, the Minister of Health and myself are looking into this particular situation and as far as I am concerned, the OWRC has been since early in the spring. In the event that some sort of prosecution is recommended we may go ahead and sue. There is no decision.

**Mr. Speaker:** The member for Simcoe East. A supplementary?

**Mr. Martel:** Is it not a fact, Mr. Minister, that agreement was reached between OWRC and the International Nickel Company on October 29, 1970, for improvements, and to this date Inco has not done a bit of repair?

Furthermore, is it not true that the minister has always stated that if a company co-operated he would not prosecute, but should the company fail to co-operate he would then prosecute? Because of Inco's reluctance to move, should he now not move against the company?

**Hon. Mr. Kerr:** Mr. Speaker, there was a direction by OWRC and recommendation to the company on ways and means of improving that particular facility. It is the commission's understanding that some steps were taken along those recommendations. They have not been completed. We were not happy, as the hon. member knows, with the progress that it made and further directions were made this spring.

**Mr. Martel:** A supplementary, Mr. Speaker: Is it not a fact, that from October 29 to the present—and the letter was sent on May 19, 1971, by Mr. Caverly—is it not true that the company did absolutely nothing in that period? According to the letters, any way.

**Hon. Mr. Kerr:** There is some disagreement, or shall we say controversy, over the statement that absolutely nothing was done. The company claims that certain things were done; certain improvements were made. There has been an allegation by the company that there was in some way some interference in their attempt to carry out these improvements. In any event, the important thing now is to make the improvements that are required by the government.

**Mr. Martel:** One final supplementary: Could the minister then indicate who would be interfering with the International Nickel Company? No? Well, that is a lot of nonsense, then, is it not?

**Mr. Speaker:** The member for Simcoe East.

## ODC ASSISTANCE FOR RELOCATION OF BUSINESS

**Mr. G. E. Smith** (Simcoe East): Mr. Speaker, I have a question of the Minister of Trade and Development. Has the Minister of Trade and Development received any communication from the Orillia and district industrial commissioner, the Chamber of Commerce and the city of Orillia concerning a request of a Toronto-based firm for financial assistance from ODC to transfer its operations to that city, to Orillia?

**Hon. Mr. Grossman:** Mr. Speaker, I have received some communication from officials in that area. I do not know at the moment whether they included all the officials mentioned by the hon. member. I can tell him it is against government policy to provide incentives to move a plant from one location in the province to another location in the province.

Indeed, I am sure the hon. member would appreciate that this could have implications in reverse for his community. It would mean that government funds would have to be applied to some instances where some firm wanted to move from Orillia, say to Toronto or some other location. What I am really saying is that the hon. member can appreciate the difficulties and the implications involved in that sort of policy.

**Mr. D. M. Deacon** (York Centre): May I speak to that?

**Mr. Speaker:** Is this a supplementary?

**Mr. Deacon:** Yes, a supplementary.

**Mr. Speaker:** The member for York Centre.

**Mr. Deacon:** Is the minister not aware that an an incentive was offered for moving to another town in eastern Ontario in preference to Orillia and in that particular instance that the company concerned is a Toronto company wishing to move to Orillia, but that it was indicated to it that it should seek to locate in an eastern Ontario town instead to get the incentive?

**Mr. T. P. Reid:** They do not want to save the member's seat.

**Hon. Mr. Grossman:** Is the hon. member saying that he has information that ODC has provided incentives for a firm wishing to move from one location to another in Ontario?

**An hon. member:** Often!

**Mr. Deacon:** My supplementary was, is the minister aware that in this particular instance the company had been informed that it should seek to move from Toronto where it is now located to a town in eastern Ontario, instead of Orillia?

**Hon. Mr. Grossman:** I would doubt that very much, Mr. Speaker, and I would have to look at the circumstances to see what the actual facts are. If the hon. member cares to send me the name of the firm, I would be glad to look into it.

**Mr. G. E. Smith:** I have a further supplementary, Mr. Speaker, of the Minister of Trade and Development. Should his findings reveal that there is going to be any financial consideration given to assist such a move as this, would he consider giving high priority to the city of Orillia?

**Hon. Mr. Grossman:** Mr. Speaker, I can assure the hon. member that at the present time it is definitely against government policy to give such assistance.

**Mr. Speaker:** The member for Sarnia.

## USE OF DEEP WELLS FOR INDUSTRIAL WASTE DISPOSAL

**Mr. Bullbrook:** I have a question of the Minister of Energy and Resources Management. Recognizing that his colleague, the Minister of Mines and Northern Affairs, has permitted the injection of toxic and other materials into the Detroit and Cambrian strata in the Sarnia area and recognizing that as of Friday night for the first time a clear rock well produced the type of material that I am now producing for the attention of the Minister of Energy and Resources Management, would he please consider the following: 1. An immediate cessation of injection into the Detroit stratum; 2. A temporary cessation of injection into the Cambrian stratum; 3. An analysis of this material when delivered to him; 4. Provision of water for the family of Douglas Harris, RR 2, Sarnia, so that he might provide water to his family and to his livestock?

Lastly, and most importantly, would he consider a general statement from the government, agreeing to indemnify farmers, fishermen and others for losses suffered as a result of ecological adversity?

**Mr. Singer:** Hear, hear!

**Hon. Mr. Kerr:** Mr. Speaker, for the hon. member's information, I probably should start at question 4. As of this morning, Mr. Harris is using his drinking water; it now is apparently acceptable. There is an OWRC geologist at the site to analyse the water, and I do not anticipate any further problem. The contamination of the sample the hon. member has, has not necessarily at this point been directly connected with that particular disposal well to which he refers.

**Mr. Bullbrook:** Nobody said it was.

**Hon. Mr. Kerr:** Certainly, there is some implication—

**Mr. Bullbrook:** No implication at all! I asked the minister to investigate—all right, finish.

**Hon. Mr. Kerr:** Some implication, I am sure. Yes, yes. I know, that is a coffee bottle the member has there.

Interjections by hon. members.

**Hon. Mr. Kerr:** I am just saying, Mr. Speaker, that our information at this point does not indicate that the black water level has been raised as a result of this disposal; so really we must find out just what that is the hon. member has.

**Mr. Bullbrook:** All right, by way of a first supplementary, would the minister answer question 3? Are we going to indemnify Mr. Harris for having to bring water in to supply his family and his livestock over the weekend?

That is the first question. Secondly, is the minister going to support the pronouncement that he made, notwithstanding the pronouncement of his leader today, that one minister should be responsible in our area for both the environment and the injection of material into the substrata?

**Hon. Mr. Kerr:** Mr. Speaker, I will answer the first question. I understood that the first question was the one of analysis, which of course—

**Mr. Bullbrook:** I am sorry—the minister is quite right.

**Hon. Mr. Kerr:** —we are undertaking right now, and we hope the results of that will be available later today or certainly the first thing tomorrow. As the hon. member knows, the second question deals with government policy, and really it is not my—

**Mr. Bullbrook:** By way of final supplementary, so that we might, Mr. Speaker, in fairness to yourself and the members of this Legislature, understand without equivocation what—

**Mr. Speaker:** Perhaps the member will ask his supplementary.

**Mr. Bullbrook:** I will, right now, sir; I appreciate that. Did the minister or did he not, in the course of his estimates in reply to a question from me, say: "Yes, I think the proposed minister of the environment

should be responsible for passing or not passing permits for the injection of toxic materials into the substrata"?

**Hon. Mr. Kerr:** I think that will be the case, as the hon. Prime Minister has indicated. The jurisdiction of the Minister of Mines and Northern Affairs will deal mainly with reguation and with the operation of these sites. As far as the injection of contaminating material is concerned approval of these wells as disposal sites will rest with my department.

**Mr. Bullbrook:** Would the minister get on with it?

**Hon. Mr. Kerr:** We do it now.

**Mr. Lewis:** What about the Maitland water supply? This indemnification problem is pretty important.

**Mr. Speaker:** The member for Hamilton East.

**Hon. Mr. Bernier:** Mr. Speaker, on a point of order.

**Mr. Speaker:** Point of order.

**Hon. Mr. Bernier:** I would just like to clarify for the member for Sarnia if he was not aware of it, that I introduced a bill that would transfer this jurisdiction to the minister. I also want put on the record the fact that shortly after my appointment to this particular post I went to Sarnia with he hon. member and the hon. member for Lambton.

We met with the farmers in that particular area. We heard their case. We came back and shortly we made an announcement that we would be stopping the injection of industrial waste and toxic waste. The member for Sarnia agreed that it was all right to put brine into those wells.

**Mr. Bullbrook:** I am not talking about brine, I am talking about toxic and other offensive materials. Brine is in there notwithstanding.

**Mr. Speaker:** Order!

**Mr. Bullbrook:** On a point of order! If the minister wishes to rise in connection with this, the minister will well recall that the member for Sarnia, nothwithstanding his partisan persuasion, came to the minister's defence at that meeting and with vigour.

**Hon. Mr. Bernier:** That is right.

**Mr. Bullbrook:** Right!

**Mr. Speaker:** The member for Hamilton East has the floor for a question.

**Mr. P. J. Yakabuski** (Renfrew South): Why should he not? Is he not on the side of right?

**Mr. Lewis:** The working classes can be—

**Mr. Bullbrook:** I had two people in my defence.

**Mr. Speaker:** Order.

## AGE OF MAJORITY

**Mr. Gisborn:** A question, Mr. Speaker, of the Provincial Secretary. In view of the Prime Minister's announcement on the age of majority, would the Provincial Secretary now move with haste to change the rules that provide that a person must be 21 years of age to take employment in the Liquor Control Board outlets and retail beer outlets in the province?

**Hon. Mr. Yaremko:** Mr. Speaker, the hon. member is referring to the question to which, I indicated to you, I had an answer.

Yes, the policy of the board in the past has been to relate the age with the employment, as set out in the Act. In the light of the changes which have been announced the policy will also change.

**Mr. Gisborn:** As a supplementary, Mr. Speaker: Does the Prime Minister imply that the two regulations are relative? Is it not just a rule that they must be 21 and there is no legislation that bars one under the age of 21 from taking employment in those two areas?

**Hon. Mr. Yaremko:** Yes, the hon. member is quite right. There is no prohibition or restriction by statute or regulation. It has been a matter of policy in the past and now I assume that the policy will adjust itself in terms of the new age of majority.

**Mr. Gisborn:** A further supplementary: In view of its importance to employment to several youths, can the minister not move with haste today to have that regulation or rule changed?

**Hon. Mr. Yaremko:** I will be in touch with the board. I assume that the bill is so popular that it will be moved forward with great dispatch.

**Mr. Speaker:** The member for Rainy River has a supplementary.

**Mr. T. P. Reid:** Mr. Speaker, a supplementary of the minister: How does he reconcile what he has just said with the fact that there are people under the age of 21 apparently serving liquor at Ontario Place? Is there one rule for the government and one rule for the rest of the public in this regard?

**Hon. Mr. Yaremko:** Mr. Speaker, the hon. member uses the word "apparently." Now I have not been—

**Hon. Mr. Grossman:** They just happen to be pretty and look young.

**Hon. Mr. Yaremko:** At the times I have been at Ontario Place, what has been apparent to me is that though the order may be taken by someone, the practice that has been followed there results in the order being delivered by someone else.

**Mr. Singer:** Apparently over 21, yes.

**Mr. T. P. Reid:** By way of supplementary, regardless of that rather niggling remark, how about the case then where Ontario Place got its liquor licence immediately and others had to wait for six months?

**Mr. Speaker:** This is not a supplementary. The member for Scarborough East.

## AUDITING OF CAATS' BOOKS

**Mr. T. Reid:** I have a question of the Minister of Education. Could the minister explain what some community colleges have to hide in their financial statements? Could he comment on a memo to the presidents of the Colleges of Applied Arts and Technology from H. W. Jackson, dated July 5, memo No. 71-A-4, which states, in effect, that federal government auditors who want to look at their books will not be allowed to do so? What is there to hide in some of the provincial-college books?

**Hon. R. Welch** (Minister of Education): Mr. Speaker, there is absolutely nothing to hide and—

**Mr. T. Reid:** Why can the auditors not get in?

**Hon. Mr. Welch:** I have not the slightest idea what has prompted that memorandum and I will have to get some further information on what is behind the memo. There is nothing to hide.

**Mr. Speaker:** The member for York South.

**Mr. T. Reid:** A supplementary, Mr. Speaker, if I might.

**Mr. Speaker:** Unless the member wishes to ask the minister to look something else up there can be no supplementary, because the minister—

**Mr. Singer:** How does Mr. Speaker know what he is going to ask until he asks?

**Mr. T. Reid:** Will the minister also look up other pertinent information relating to this subject, like tabling the books of the Colleges of Applied Arts and Technology in the Legislature, as the Minister of University Affairs (Mr. White) has demanded the universities do? That is what I want.

**Hon. Mr. Davis:** Why did the member not say that in the first place then?

**Hon. Mr. Welch:** Mr. Speaker, the hon. member appreciates that the estimates of this department will soon be before the committee in which all kinds of details can be asked. The financial statements of the community colleges were tabled here about two weeks ago—

**Mr. T. Reid:** Details are what I want.

**Hon. Mr. Welch:** —and if, in fact, there is any further detail that the hon. member requires, if he will spell it out in some detail I will give him the details.

**Mr. T. Reid:** The Minister of University Affairs understands what I want.

**Mr. Speaker:** The member for York South.

## INCREASE IN TELEPHONE RATES

**Mr. MacDonald:** I have a question of the Prime Minister. Has the government made, or is it planning to make, representation to the Canadian Transportation Commission with regard to Bell's recent increase in long distance call rates?

**Hon. Mr. Davis:** Mr. Speaker, this matter is being considered by the government and when policy is determined it will be announced.

**Mr. Lewis:** Has the Prime Minister any friends on the board of directors?

**Mr. Speaker:** The member for Windsor-Walkerville.

**Hon. Mr. Davis:** What is that again?

**Mr. Speaker:** There is a supplementary question coming up.

**Mr. MacDonald:** Mr. Speaker, as a supplementary, is the Prime Minister aware that the CTC will judge its action on this implementation of increases, in light of public protest, including that of the province of Ontario?

Is he aware, for example, that credit cards—and therefore all members of government, and all those who are using credit cards—have extra costs? And is he aware that if you ask for the cost of a long distance call, your charge is automatically doubled; as one man found after a $13 telephone call, when he asked for the cost it automatically became $26?

Is the minister aware of these kind of shenanigans?

**Hon. Mr. Davis:** Mr. Speaker, I do not know if the term "shenanigans" is really the appropriate descriptive adjective to use. I am not prepared to suggest that.

I have become aware of the fact that on credit card calls—because I must confess I do use one from time to time—it has come to my attention there is a service charge that I did not know existed to the extent it did. Yes, I am aware of that.

**Mr. MacDonald:** Is the Prime Minister aware of the fact that the bill is doubled, if you ask for the cost of a long distance call?

**Hon. Mr. Davis:** Mr. Speaker, I do not think that is accurate in all situations either, but I am not familiar with all the transactions or the fees charged by Bell Telephone.

**Hon. A. F. Lawrence:** Is the hon. member saying that is a hugger-mugger approach?

**Mr. Speaker:** The member for Windsor-Walkerville.

## GENERAL FIRE EXTINGUISHER CORPORATION CLOSURE

**Mr. B. Newman** (Windsor-Walkerville): Mr. Speaker, I have a question of the Minister of Trade and Development. Is the minister aware that the General Fire Extinguisher Corporation, after 23 years of manufacturing operations in the city of Windsor, is closing its operation as of September 3? And will the minister approach the corporation with an attempt to have them continue operations in the city?

**Hon. Mr. Grossman:** Mr. Speaker, if it is a fact that they have announced that they are going to close, I am sure my staff is working on it now. If not, I will make sure that they are working on it.

**Mr. B. Newman:** Right.

**Mr. Speaker:** The member for York South.

## DIGGER HOUSE INELIGIBILITY FOR AID

**Mr. MacDonald:** I have a question of the Minister of Social and Family Services. Is the minister's decision irrevocable in cancelling the grant to Digger House?

**Hon. T. L. Wells** (Minister of Social and Family Services): Mr. Speaker, I suppose any decisions can be changed, but the decision that has been given to them stands at this present time. It is not a case of giving a grant. They asked us if they could be listed under The Children's Institutions Act, and, as such, be eligible for permanent sharing, as are many other institutions in this province. The answer to that was no, because we did not feel it was the kind of innovative service that is here now; perhaps it will not even be the kind of service that should be here a year from now. It did not fit under our Act.

**Mr. MacDonald:** Mr. Speaker, a supplementary question. How does the minister reconcile a refusal to accommodate Digger House either this way or any other way with its massive attempt, a crash programme to cope with drug problems? After all, does the minister not recognize the Digger House is a project that is financed by public and private moneys and therefore, is worthy of support?

**Hon. Mr. Wells:** Mr. Speaker, there are many of these, of course, that come to our attention. Many are being supported by various funds from this government. After reading all the various evaluations of this service, we did not feel that it fitted under the Acts that we have which would give it a degree of permanence. I think this kind of programme, and our Acts, were not meant to go together.

**Mr. Speaker:** The member for Downsview.

## ORDER OF DE HAVILLAND PLANES FOR NORTHERN AIR TRANSPORT

**Mr. Singer:** Mr. Speaker, I have a question of the Premier.

In relation to his statement about air transport in the north, and more particularly in reference to the order for two planes that is being placed with de Havilland, could the Premier tell us how many dollars are involved; how many jobs this would involve; and whether or not this is the sole assistance that the government of Ontario plans for de Havilland?

**Hon. Mr. Davis:** No, Mr. Speaker, not at all. There have been discussions conducted which the Minister of Trade and Development has attended, and I believe some discussions with the federal authorities as well, as to the situation at de Havilland. The purchase by the government of two Twin Otters, of course, is not the final or ultimate or even a major solution to the problem, but it will nonetheless be significant and put life into their economy to the extent that two Twin Otters are effective. But it is not part of the other consideration that is going on at the moment.

**Mr. Singer:** Does the Premier know how many jobs are involved?

**Mr. Speaker:** The oral question period has expired, I am sorry.

Petitions.

Presenting reports.

**Hon. Mr. Grossman:** The member for Downsview did his best.

**Mr. Singer:** There is always another day.

**Mr. Speaker:** Motions.

Introduction of bills.

## NIAGARA PARKS ACT

Hon. Mr. Davis moves first reading of bill intituled, An Act to amend The Niagara Parks Act.

Motion agreed to: first reading of the bill.

**Mr. Nixon:** Changing its name?

**Hon. Mr. Davis:** Just adding—Mr. Speaker, this is just housekeeping legislation related to representation on the commission.

## AGE OF MAJORITY AND ACCOUNTABILITY ACT

Hon. A. F. Lawrence moves first reading of bill intituled, An Act respecting The Age of Majority and Accountability.

**Mr. Lewis:** The minister should be pleased that he did not have to read a statement.

**Mr. Singer:** I am sure the Earl of Birkenhead must have had some more to say about suffragettes.

**Hon. Mr. Yaremko:** Do members opposite think the member for Sudbury is going to run on the youth vote?

**Mr. Singer:** Very fascinating!

**Mr. Sopha:** One of the great chancellors of all time.

**Hon. Mr. Davis:** He was indeed.

**Hon. Mr. Yaremko:** Worth quoting!

**Mr. Speaker:** If the ministers and the members will give silence, we will have first reading of the bill.

Motion agreed to; first reading of the bill.

**Mr. Singer:** He is resolutely resigned to it.

**Hon. Mr. Grossman:** They have no cause for enthusiasm.

## PROVINCIAL PARKS MUNICIPAL TAX ASSISTANCE ACT

Hon. Mr. Bales moves first reading of bill intituled, The Provincial Parks Municipal Tax Assistance Act, 1971.

Motion agreed to, first reading of the bill.

**Hon. D. A. Bales** (Minister of Municipal Affairs): Mr. Speaker, this bill provides for the payment of grants to municipalities in which provincial parks are located. This was referred to in the Treasurer's budget statement.

## HOMES FOR THE AGED AND REST HOMES ACT

Hon. Mr. Wells moves first reading of bill intituled, An Act to amend The Homes for the Aged and Rest Homes Act.

Motion agreed to; first reading of the bill.

**Hon. Mr. Wells:** Mr. Speaker, this bill puts into legislative form the fact that need must be proved in a municipality before applying for a home for the aged or a rest home. It also restores a mechanism for a municipality in an unorganized territory to appeal its assessment for costs of the home for the aged in that area.

**Mr. Lewis:** Before the orders of the day, Mr. Speaker, on a point of order, can I ask the House leader whether the human resources committee and the Trade and Development committee are to be sitting concurrently with the Legislature? If so, why does he constantly give his reassurance to the Legislature that he will attempt to change the pattern of sitting?

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): They will be sitting, Mr. Speaker, as presently. I did agree that I would endeavour to work out some arrangement and would hope to be able to say something before the day was out. That was my undertaking. That is still my undertaking.

**Mr. Lewis:** If I may point out, Mr. Speaker, the question was raised with the House leader some time ago. It was then raised again Thursday and rather more heatedly on Friday. Can we have some indication from him what his intentions are?

I am sorry to take up the time of the House, and it may be necessary to take up a great deal of the time of the House, but it is surely legitimate that we know at some point what the House leader's intentions are on concurrent sittings, because it is profoundly and clearly unfair and wrong that the members should be asked to be in three places simultaneously when important estimates or legislation are being discussed.

Is it not possible for the House leader to tell us when he will make a statement on the government's administration of the affairs of the House?

**Hon. Mr. Wishart:** Mr. Speaker, I have nothing really to add to what I said. I said I would endeavour to give an answer today and that is still my intention.

Let me say to the leader of the New Democratic Party that no member is expected to be in three places at once. The membership of all parties has to be so disposed that they attend those matters of business on which they are best fitted to take part in the debate. I realize that some would like to be in two places or three places, but that is not possible.

It is not possible for ministers and members of this side of the House to attend to all the features of the legislation and the business of the House they would like to. We all suffer under this. I would make the final point that the rules under which we are operating at this moment, and under which we have been operating, were approved unanimously by the House—

**Mr. Stokes:** No.

**Hon. Mr. Wishart:** Yes they were—

**Mr. Stokes:** Absolutely not!

**Hon. Mr. Wishart:** Those are the rules that prevail. Those are the rules under which we are operating. I undertook to see what I could do, if there was any way perhaps to moderate them. I appreciate the difficulty that has been put forward. I shall hope to have something to say today. That was my original answer and that is my answer now.

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** The 43rd order, House in committee of supply; Mr. R. D. Rowe in the chair.

## ESTIMATES, DEPARTMENT OF JUSTICE
*(continued)*

On vote 901:

**Mr. V. M. Singer** (Downsview): Mr. Chairman, to continue with this vote 901, I note that notwithstanding my rather extensive remarks about rock festivals the Attorney General did not deign to reply.

**Hon. A. F. Lawrence** (Minister of Justice): I have forgotten what they were.

**Mr. Singer:** If you want, I will go through them all again. They were rather extensive. I am sure the Attorney General should be able to cast his mind back and recognize what the substantial concerns were that I expressed.

I was concerned about the ineffectiveness, in my opinion, of the various sections of The Police Act to control this; the uselessness of the writ that you have issued; the foolishness, in my opinion again, of proceeding by way of special endorsement.

I am satisfied that any law student who has studied or taken his first couple of lectures about the reasons for special endorse-

ment, could think of 10 reasons why the special endorsement in this case is an invalid and improper one. Finally, Mr. Chairman, I noticed the other day—I guess it was Thursday—that the Minister of Health (Mr. A. B. R. Lawrence) came in with a new statute to control the health aspects of any gathering; and a gathering is defined as something that goes on for over 24 hours.

What I am trying to get at is the philosophy of government in regard to these matters. On the one hand you are trying, I would say most ineffectively, to tie your hat to a statute that was never designed for this purpose. You have allowed a firm, Orange Productions Limited, to thumb their noses at you, literally. The principals of that company said they were not going to sign a contract a year ago, they were not going to pay. Now you have issued a writ. I would doubt very much whether you will succeed, so you have gone and issued another order-in-council.

The Minister of Health is proceeding in a somewhat different way; when his bill comes up for second reading I will have some comments on that.

What puzzles me, Mr. Chairman, is the rationale behind all of this. When do you begin to think that this kind of activity should come under government control and when do you not? When do you think that the private promoters should be paying part of the cost, and when not?

For instance, there was an apparent altercation at Varsity Stadium the other day when two soccer teams drawn apparently from areas of the world which have some antipathy toward each other started to play soccer. The inevitable disputes which arose required the presence of 200 policemen to make sure that great damage was not done to those who had disagreements. Why are not the people responsible for that kind of gathering asked to pay for the additional police?

On Saturday there was a parade of that fine organization, the Orange Lodge. As I read the paper all sorts of people came out to watch and I would imagine there was extra policing on the streets of the city. Why was the Orange Order nor charged with the cost of extra policing?

Last Thursday night, Mr. Chairman, I went to the football game. I did not get any permission from the government benches, but nevertheless I did go to the football game. I found to my concern and amazement that it took me some three-quarters of an hour to get from these buildings down to the exhibition grounds. When I got there the police had closed off the exhibition grounds to traffic because they had come to the conclusion that the parking lots were all full and there were no more additional cars to be allowed in.

Thirty-two-thousand-odd attended that football game and it certainly involved an awfully large number of policemen from the Metropolitan Toronto force to control the traffic. Just to put men on point duty at every entrance to the exhibition grounds is a substantial task—to control the traffic in and out is a substantial task. I would not even hazard a guess as to how many policemen that sporting activity forced to be on duty at that point; I would think it must be several hundred. Was there any charge made to the Argonaut Football Club for that additional cost to Metro Toronto?

If it is fair for the government to attempt to charge Orange Productions, surely it should be equally reasonable to charge the Argonaut Football Club, the people who promote soccer games or the people who organize Orange parades. I am puzzled, Mr. Chairman, as to why the government proceeds in this unusual manner, even though I would think it is also ineffective, against these rock festivals. Does the government not like rock festivals? Do they concern themselves more about gatherings of youth than they do about gatherings of football fans? What goes on at football games or soccer games or parades—

**An hon. member:** Grey Cup!

**Mr. Singer:** The Grey Cup—certainly when that festivity took place there had to be all sorts of unusual police precautions. As for the Shriners' conventions, I think there is one scheduled for Toronto this summer, with a large parade, and that is certainly going to require the careful observation and surveillance of large numbers of policemen. What is the rule, and how does the government go about approaching these things? Why are they not consistent in what they do, and really why do they resort to these non-applicable sections of The Police Act when they come to a rock festival?

Finally, along the same line, I wanted the Attorney General's views on the statement that I quoted, made by the chief superintendent of the OPP, who expressed the view to a meeting of coroners that the best way to deal with rock festivals was for the police not to be there at all; then there could

be no possibility of any trouble. I have that quotation here; I read it to the Attorney General a little while ago.

But I think the time has come, Mr. Chairman, that the people of Ontario are entitled to an opinion that would cover this whole field, an opinion that has some meaning in fact and an opinion that in fact can be enforced.

**Hon. A. F. Lawrence:** Well, before the hon. member sits down, maybe he could also give us the benefit of his views as to just what our approach should be on this. Does he believe that these people should be charged for the police services available to them? Does he believe the attitude of the government should be one of prohibition or regulation? What about the municipal councils? I mean, he is not just going to leave it here where he is asking me the questions alone. Is he not going to give us the benefit of his opinions too?

**Mr. Singer:** Well, I would think, Mr. Chairman, this government, the new wave; with all of these ideas, the writ issuers, should have some opinion. They purport to act at some times and not others. The inconsistency is obvious. I would like to know what is the policy of government? I have made it abundantly clear that the law should be there, should be written, should apply to everyone and that the people like the Attorney General and his advisers should not go into some deep dark cloud to resurrect some obscure and inapplicable section of some statute that has never been used before to berate people they apparently have no legal right to do. Let us start from that point, and let us see what the Attorney General thinks about it.

**Hon. A. F. Lawrence:** All right! I can take it, though, that the hon. member is not offering any constructive policy pronouncement of his own in respect to this matter. That is all; that is the point I wanted to make.

**Mr. Singer:** He cannot take it at all.

**Hon. A. F. Lawrence:** He does not have any views on it at all, but he does not like what we are doing. All right.

**Mr. Singer:** The minister can take it that in this last 10 minutes I have no suggestion, but before the day is over I will, and in years gone by I have offered many.

**Hon. A. F. Lawrence:** All right. Number one, the hon. member is totally wrong in his claim that most functions today are not charged separately for their police functions. This has always been the understanding; this has always been the procedure in the past. When the Grey Cup festival is on, it is my understanding the Grey Cup festival committee or whatever it is, pays a great deal of money to the Metropolitan Toronto police, both directly and indirectly, for the extra services required.

When the Orange Order or the Knights of Columbus—if they have a parade; I do not know—has a parade down Yonge Street, under The Municipal Act of course they have to apply for a parade permit to the municipal council. It has been my supposition, and I believe I am correct, that that permit is not granted by the local municipality, unless there is ample provision made for police services and they are paid something extra.

If my hon. friend wants to throw a political function at Maple Leaf Gardens, he has to pay the police for the extra police services required.

Now, until the emergence of the rock festival craze, this was the way in which things operated. There is no provision in The Municipal Act, specifically covering rock festivals as such. There has been an attempt by some of the municipalities to regulate, control and in some cases, absolutely prohibit these matters, by virtue of some sections of The Municipal Act, which, while they were not specifically designed for rock festivals, as such, nevertheless can be so interpreted and some municipal councils are attempting to so interpret the sections, so that they do cover rock festivals. They are attempting to regulate them, or prohibit them in some cases, by a number of various sections, all the way from land use proposals, through to sections of The Municipal Act that do cover concerts, parades and matters such as that.

My own personal view is that this is a fact of life today and that it would be wrong for this government to attempt to provide a vehicle which would permit, either the provincial government itself, or a municipal council, to absolutely prohibit these things. Because, to me, if people want to get together at a rock festival, a band concert, or a wake for Mackenzie King, that is a right of free expression and free assembly on their part and I do not believe that it is our function here to indicate that these matters should be absolutely prohibitive.

Now, in saying that however, I also firmly believe that, as regards these promoters of

the rock festivals, especially when the majority of them do not reside in this province—and some of them are making a great deal of money out of these festivals—I just do not think it fair that the taxpayers of this province should directly subsidize those operations in two very expensive areas: one, the provision of health services and two, the provision of police services. These are very very expensive expenditures on the part of this government over the last couple of years in relation to these matters.

Normally in respect of the police, let us say, these events are usually on holiday weekends, when the police services are required on normal traffic duty, and you must add to the traffic congestion on our highways, the need for added officers on traffic duty in respect of these matters. Apart altogether from the actual policing, whether it is internal policing or perimeter policing of the functions themselves, the drain in respect of overtime pay for police officers is pretty great.

My concern has been, as the concern of this government has been, that as regards the added health expenditures required for these matters—and last year there was a pretty substantial bill for health services—and the added expenditures required to police these matters, whether by the Ontario Police specifically or particularly—and last year it also was a pretty substantial bill—we should take steps to make sure that these costs are met by the promoters.

We feel that we have the vehicle already to do that in respect of the police designation area. Our attempt is certainly not to be arbitrary and not to persecute the promoters of the rock festivals by any means. We attempt to negotiate with them in advance, to try to indicate to them the police costs that are going to be entailed in respect of their operations. In the event that they co-operate—fine, that is exactly what happens; in the event that they do not co-operate, we feel that the only just way of going about it is to designate the area as a police area, which then gives us the right to enter into an agreement with them, and if they do not enter into an agreement, the answer is to issue a writ.

In respect of the rock festival last year in Orangeville—near Orangeville, near Shelburne, in Mulmur township—every attempt was made by my predecessor and his staff to negotiate an agreement in advance. There was no co-operation whatsoever. The area then was designated, I believe. An agreement was drawn up. Again, there was no attempt to co-operate from the promoters. The function was held. The police services had to be provided, in any event, and they were provided. A writ was eventually issued against them.

This year, I believe there was a different corporate shell. I do not believe it was the same corporate shell this year which held the production. It may be the same one, but I believe it to be another one. I may be wrong but in any event the area was again designated, and again we are now attempting to collect that bill. If we do not collect the bill, obviously we will issue the writ.

In respect of the health costs, this is a matter of continuing concern by the government. That resulted in the Minister of Health standing up in his place here last Friday morning and introducing a bill which hopefully is going to correct that situation as well.

That is the situation. That is the policy and the philosophy of the government.

**Mr. Singer:** That is very interesting, except the minister touches on certain things and deliberately omits others.

**Hon. A. F. Lawrence:** Such as?

**Mr. Singer:** Such as 200 policemen had to be called to quell the disagreements or fighting or whatever it was at the soccer game. Would it not be logical to charge those promoters?

**Hon. A. F. Lawrence:** Yes, sure. I am sorry, I did not go down each one of these specifics that the hon. member mentioned, but I have no doubt at all that, first of all, there was some sort of an agreement by the soccer promoters prior to that game. Of course, I am not too sure about this because it was through the Metropolitan Toronto Police Commission, not the Ontario Provincial Police. I assume that there was some agreement, some payment in advance, not only for the off-duty policemen within the grounds but also the on-duty policemen outside the grounds in respect of traffic.

I would assume that particular disturbance is one that would not necessarily be expected. Those soccer games have been played on Wednesday night here for the last three or four summers. Certainly in the exhibition games that have been held, I am not aware that there has been any disturbance that has required the number of policemen that that one did the other night. I am saying this

now right off the top without any real knowledge of that situation because I have not yet received a report respecting it, but my assumption is that there will certainly be an attempt by the Metropolitan Toronto Police Commission to pay for the added expenditure incurred by the Metropolitan Toronto police for that disturbance that night provided that they were policemen who were brought in off duty, who were not normally going to be on duty.

I am not that conversant with the regulations and the procedures of the Metropolitan Toronto police, but there will be a standby force available in Metro Toronto any night of the week for a disturbance such as that in nature. It may well be, in that event, that they may not consider that to be an exceptional operation. I do not know. I have not talked to them about it. I do expect to be receiving a report about it but I have not yet received the report respecting that. But where there is something that is obviously going to be required in the way of extra police forces in advance, something that can well be planned to require extra police, then normally it is the practice of the municipal forces, as I understand it, and certainly the Ontario Provincial Police, to attempt to come to some settlement and agreement in advance requiring the understanding that there will be payment made for those extra services.

**Mr. Singer:** I would be very interested to know just what authority there might be. I would think insofar as the Argonaut football games are concerned—and I have been a football fan for a great number of years and I go to most of the football games here—that the responsibility of the Argonaut Football Club is to provide internal policing.

I would be very surprised if they are responsible for traffic policing or if they assume any cost in relation to it or, in the event that the Metropolitan Toronto Police Commission wanted any money or had to spend extra money—as it had to do last Thursday night—that they would have any right to go back against the Argonaut Football Club for that additional money—bearing in mind that at the same time the football game was going on, it was a hot summer evening and a lot of people were attending Ontario Place.

Does the Ontario government, for instance, pay extra money to the police officers who are doing the traffic policing in and around the exhibition grounds? I would like to know what the authority is. You just cannot dream these things up after the event. Certainly my own observation, doing a lot of driving around and looking for a parking place on Thursday night, was that there were an awful lot of policemen keeping vehicles out of the grounds at that point, as they should have—the grounds were full; there were no parking facilities available.

I would be very surprised if they would have the right, as that situation grew up, to come back to the Argonaut Football Club and say, "We are sorry, Mr. Bassett and company. We have just got another little bill here for you for $30,000 for additional policing." I can just imagine what Mr. Bassett would say to the Metropolitan Toronto Police Commission as he received that bill!

Now what is the authority? It is all very well for the Attorney General to say he understands this is done, but these things are not done without authority. He knows he is having trouble. He knows he is having trouble under section 2 of The Police Act, as implemented by section 6, and that Orange Productions Limited thumb their collective noses at him and the government.

He knows there is a very great question that eventually is going to be determined by the court and he knows that his own people were not sure enough of their rights under The Police Act to immediately take legal proceedings and to issue a writ. He knows that they waited from last June until June of this year. They waited 12 months they issued their writ so he must know as well that their legal rights are somewhat vague. I would like to know the basis on which one determines these things.

**Hon. A. F. Lawrence:** First of all, I do not think it requires any legislative authority for a police commission to enter into an agreement respecting the provision of police services to anyone. I believe they have that implied authority at the moment and certainly that has been the practice. When those understandings are reached in advance and an agreement is signed between the specific police authority and whoever it is who is holding the function, then there is no problem.

We ran into difficulty, in respect of the Mulmur township rock festival, when we could not reach any agreement. In effect, as the hon. member indicates, the promoter of that rock festival thumbed his nose at us. Therefore we passed an order-in-council under The Police Act, which we are permitted to do, designating that particular geographic area as a special police area in which

we could then collect for the police services after the event. This is exactly what we are attempting to do. I see nothing wrong with it, but if my friend sees something wrong with it, what would he have us do? That is the point I am trying to get at. What do you think we should do?

**Mr. Singer:** Very simply, Mr. Chairman, I would think, notwithstanding the Attorney General's protestations about the right to have gatherings—whether they are young people or people who watch football games or people who parade in celebration of the battle of the Boyne or because they are Shriners or because they are on their way to that lodge up in northern Ontario where some of you spent your weekend—the law should be the same for all of the people.

We should be able to find it in the statutes and we cannot. Can the Attorney General tell me any other case where you have passed an order-in-council requiring a group to enter into an agreement under section 2 of The Police Act? Have there been any others?

**Hon. A. F. Lawrence:** I have just indicated that this rock festival phase or craze, or whatever the member wants to call it, is something that is quite different. This is why we are utilizing this procedure.

**Mr. Singer:** And it is a good procedure.

**Hon. A. F. Lawrence:** Certainly during the last war there were instances when this designation was made and police services were then provided under contract. We feel that this can be used for this purpose and we are attempting to do exactly that through the courts. I am still not too sure what the hon. member would have us do. Would he have us bring in special legislation in respect of rock festivals, for instance, by which we would have the power of prohibiting them? Is that what he is saying?

**Mr. Singer:** The Attorney General is trying to lay a trap. It is quite obvious from the very beginning—

**Hon. A. F. Lawrence:** If the member wants to blunder right into them, why should I not lay a trap?

**Mr. Singer:** Very simply, what I am trying to find out is whether or not there is any government policy. And there is not.

**Hon. A. F. Lawrence:** Sure there is.

**Mr. Singer:** He admits that it is only Orange Productions Limited that he has been concerned about. It is only Orange Productions Limited that they have issued orders-in-council about. They do not concern themselves about the Argonaut Football Club. They do not concern themselves about soccer games that require 200 policemen. They do not concern themselves about fraternal and other groups which hold parades.

**Hon. A. F. Lawrence:** Sure we do.

**Mr. Singer:** No, they do not. Show me where you get extra money from these people for either the provincial police or the municipal police. If they hire off-duty policemen, yes, indeed. They pay for their own off-duty policemen. But you show me where there have been agreements; where any of these organizations pay for traffic direction. Show me where the Jockey Club, when they bring people out to Greenwood, pay for extra outside policing. Show me where the Canadian National Exhibition, when they have their fair for 14 days a year, pay the Metropolitan Toronto police for extra traffic direction. Show me where the Conservatives when they had their gathering at Maple Leaf Gardens, paid for outside traffic direction.

**Hon. A. F. Lawrence:** May I?

**Mr. Singer:** Yes.

**Hon. A. F. Lawrence:** Yes, I would be glad to. As a matter of fact, large sums of money are paid to the police commission involved. I have said this about six times now. I know this is a fact. I have attempted to organize certain matters, certain large functions, both as a solicitor and as a private individual in my day, and I know very well that to do this you have to go out and make a deal—there is nothing wrong with it either, in my mind—with the police commission or the police authority that has the control in the area where that function is.

Certainly, I am sure the Mariposa Folk Festival held on the Toronto Islands now for the last three or four years—the last one was held this weekend—I know when that was not held in Toronto, arrangements were made respecting the payment of extra police costs. I am sure that now it is held within the confines of Metropolitan Toronto, where the police authority is the Metropolitan Toronto police, arrangements are made for that.

I know very well that when functions are held in Maple Leaf Gardens, let us say, large sums of money are paid to the Metropolitan Toronto Police Commission for the

provision of police services, both inside the Gardens and outside the Gardens. I am sure that this is the case in relation to the other functions which are held within Metropolitan Toronto.

In respect of other rock festivals, we have not entered into any attempted deal in respect of the one in Madoc, for instance, because it is knowledge to us, as I am sure it is to the hon. member, that the local township has obtained a series or is obtaining more injunctions to prevent that function from being held, and the first scheduled festival of this year was put off because of that injunction, I believe. I am not too sure of that.

But certainly it was our belief that the matter was being attacked through the courts in order to get an injunction to prevent the thing from being held. So I do not think there is any discrimination here at all.

We are attempting to collect the police costs in respect of the Mulmur township one of last year. If we are unsuccessful this year in attempting to collect the police costs—I think the bill has been made up now—then we are going to try to collect that from those promoters.

In respect to Mosport and the functions that are held there, I have not checked into this, but my understanding is that for the normal sporting events that are held there, when they require extra Ontario Provincial Police, they pay the bill. I will check into that and inform myself more fully of that matter.

In a lot of cases, of course, the police themselves are satisfied with the arrangements that the individual promoters make. In many cases, they hire their own security forces, and if that is approved by the Ontario Provincial Police as not requiring extra people, then there is no need for extra police forces and therefore there is no bill.

But in all cases where there is the provision of a large amount of extraordinary police forces for any function, certainly it is my understanding that an attempt is made, and they are usually quite successful in their attempt to make the arrangements ahead of time respecting the provision of the payment for those police forces.

**Mr. Singer:** Mr. Chairman, that is very interesting, because what the Attorney General is now implying is some kind of a sanction.

**Hon. A. F. Lawrence:** Yes, I think it is a good idea.

**Mr. Singer:** Yes! Well, there is no sanction!

**Hon. A. F. Lawrence:** I am sanctioning it.

**Mr. Singer:** Is the minister sanctioning whether or not a football game can go on at the exhibition grounds? Supposing those people who run that football game say, "Yes, we will employ some extra policemen. It is only good common sense" and there is a traffic jamup of the proportions that took place last Thursday night. Is the minister telling me that there is some right of the Metropolitan Toronto Police force to come back against the Argonaut Football Club and say, "We needed an extra 100 policemen. Here is our supplementary bill" and that it is going to be paid? Because if he is, I think that is a bunch of claptrap.

The minister knows that does not happen. And supposing the bill comes forward and the Argonaut Football Club does not pay it, is the minister suggesting to me that the police can say there will not be any more football games? That is a bunch of claptrap too.

What I am trying to get from the Attorney General, Mr. Chairman, is some consistency of policy. I am trying to find out whether in fact he believes what chief superintendent Gartner said, that the best police action for a rock festival is to stay away from them; that was the speech he made to the coroner's association in mid-May of this year.

Does the Attorney General subscribe to that, and when he says some of these promoters of the rock festivals are people who flit about and who are not here, why does he particularly concern himself only with Orange Productions Limited? Both of the directors—apparently the men who lead this company are Ontario residents who live up in the riding represented by the hon. member for Dufferin-Simcoe. They have not been hiding. They have been around. They are here, and they are the only two that the minister is jumping on by these mysterious powers that he thinks he has under section 2 of The Police Act.

He makes fish of one and fowl of the other and he has no consistency of purpose. Is the minister suggesting that if the quarrels that took place at the soccer game the other evening required 200 extra policemen that nobody had thought about, that it lies within the competence of the Metropolitan Toronto Police Commission to send another

bill to these promoters and say, "Because there were riots there and we needed extra policemen you must pay us"? And then having asked for that kind of payment, then if that payment is not forthcoming that they have power to prevent soccer games. That is nonsense. What sanction does the minister have?

The Attorney General is not talking like an Attorney General, he is talking like his leader, saying everything should be great, but where is the law? That is what we want. These are the Attorney General's estimates. For goodness sake, spell out the law and make it applicable to all people. And what do you say about Gartner's approach to the matter—is he right or wrong? Is that the opinion of the OPP, or of the government?

**Hon. A. F. Lawrence:** First of all, in respect of the policy, certainly I agree with the idea that if the police commission or the police authority in advance, knowing full well that there will be extra police required in relation to any function, can satisfactorily make an agreement with them for the provision of the police, the hon. member says there is no sanction to it. I am saying there is. I will sanction it any day of the week—

**Mr. Singer:** Where is your law? Where is your authority?

**Hon. A. F. Lawrence:** —because any police commission today can enter into any agreement, in my mind, for the provision of police services.

**Mr. Singer:** Come on!

**Hon. A. F. Lawrence:** All right, now, that is the point. If there is an adamant refusal to do so, no agreement is made at all, then certainly we have to look for means other than the municipal bylaw. Many of the municipalities of course, have passed bylaws —the city of Toronto has a bylaw regarding parades, for instance, so that when the Orange order wants to hold a parade or the peace fellowship of North American draft dodgers, or whatever it is, wants to hold a parade down to the American consulate, they have to apply for a permit here in Toronto to have that parade.

I would imagine that one of the first questions asked is, "What are you doing about the extra police required. Ergo, are you going to pay"—

**Mr. Singer:** I do not think you are going to find any such powers in The Municipal Act.

**Hon. A. F. Lawrence:** —"to pay for it, or not?" The police themselves have to be concerned presumably about the preservation of public order. I am sure that in some cases there has—I do not know for sure but I would suspect it—been a turning down of permits for some parades on occasion on the advice of the Metropolitan Toronto Police Commission, simply on the grounds that it does not have the extra men available to supply the forces required for such a parade.

**Mr. D. C. MacDonald** (York South): Even that is not valid. They are anticipating there is going to be difficulty.

**Hon. A. F. Lawrence:** Maybe, but certainly that exercise the other night at the soccer game is something that I should not discuss, because the only thing I know about it is what I read in Saturday morning's paper, or whenever it was. So I really do not know the cause of it or how many men were required or what. But, certainly, if the Metropolitan Toronto Police Commission wants to attempt to collect from the promoters of that soccer game the extra salaries, if there were extra salaries required, for the payment of those policemen, and if it could justifiably be thought that that near riot was going to occur in any event, then certainly if they want my advice, it would be to attempt to collect that money from the promoters of that soccer game. They do not ask—

**Mr. Singer:** On what legal basis?

**Hon. A. F. Lawrence:** They do not ask me that.

**Mr. Singer:** On what legal basis?

**Hon. A. F. Lawrence:** Well, just a minute. Just settle down there and play it cool.

If the thing can be seen in advance as an event that is obviously going to take place, and if at that time there was any indication that the promoters were not going to play ball in respect of the provision of those free services, and they were making money out of the soccer game, as obviously they are, or they would not be holding it, then they then would apply to us presumably, or they could apply to us, and I suppose we could designate Varsity Stadium as the geographical area under The Police Act. But that has never occurred, and therefore, I assume that they have been able to make these arrangements. I do not believe The Municipal Act gives the power, and I am not too sure about this either, but I do not believe The Municipal Act gives power to the municipality to

pass bylaws requiring permits for sporting events of that nature.

**Mr. Singer:** No, no!

**Hon. A. F. Lawrence:** It may very well though, because it does already cover parades, it does already cover band concerts and musical performances, and entertainments. It may well cover sporting events as well, I am not too sure of that, but in any event, that is the way the matter usually works. Usually the promoters, being taxpayers themselves and in most cases—although of course, in the rock festivals in some cases, they are not—bonafide businessmen, certainly want to co-operate with the police all they can. It is to their advantage to do so, obviously.

The difficulty that you get into with the rock festivals as I say, is that a good percentage of them are controlled from outside of the province, and for a good percentage of them we have no way of knowing what their profits are, or other such matters. A good percentage of them are not continuing commercial organizations within this province, and therefore they are not taxpayers within this province in the normal sense of the word, and they have really caused some very great difficulties in the provision of these services.

**Mr. MacDonald:** There is another ramification of this that disturbs me in a number of applications. The responsibility of the minister, I am sure he would conceive, is to see that there is an even application of the law. Now, there is at least the appearance, and quite frankly I think there is some substance to the appearance, that when it comes to rock festivals, there is a fairly widespread effort to frustrate them, and the police are brought into the picture.

I heard a broadcast last fall; I almost hesitate to use this analogy, I am not going to vouch for it, but I was rather intrigued by it. The person who was commenting on the action of the police and of the government and authorities generally, with regard to rock festivals, and the anticipation that there was going to be a problem, made the point that he happened to go the international ploughing match up near Lindsay a year or so ago, and he said that at the end of the field there was the greatest collection of liquor bottles and beer bottles that you could find anywhere. There was a massive violation of the law.

This is why there is growing up the belief that young people or rock festivals per se, always have violations of the law, but they are ignored in other instances. The kind of thing, for example, that goes on in the Grey Cup game is maybe the best example of all. But let me come to one what really disturbs me and that is—

**Hon. A. F. Lawrence:** Wait a minute. May I just deal with those two things. Of course, there are a great number of arrests for infractions of the liquor laws at both the ploughing matches and the Grey Cup game—at Grey Cup weekend too.

**Mr. MacDonald:** I will bet there were no arrests at the international ploughing match.

**Hon. A. F. Lawrence:** Oh, I do not know about that, but the horrifying thing in the minds of—

**Mr. MacDonald:** I am not inviting them, but—

**Hon. A. F. Lawrence:** All right, but the horrifying thing in the minds of many people in respect of the rock festivals is not so much the alcohol problem, but the drug problem. You get local hospitals being filled with people, young people especially, who—

**Mr. MacDonald:** Have you ever looked at the jails and the hospitals after Grey Cup game?

**Hon. A. F. Lawrence:** —who have blown their minds, really, in respect to the drug problem. This is something that we have got to do something about and this is something that the government is doing something about, which is the reason for the bill presented by my colleague last Friday, in respect of the health problem. There is no question about that. But on the other hand, while there has been a great deal of pressure on us, on me, on the government, to bring in legislation that could be used as a vehicle to absolutely prohibit, I very bluntly and frankly said "No." I do not believe that it is our function to absolutely prohibit them. It is a question of whether the local people or the province should enact the measures to properly regulate them, but—

**Mr. MacDonald:** It is only the Liberals who do that in PEI and it backfired.

**Hon. A. F. Lawrence:** —regulation in my mind is not prohibition and I do not want to be the author of any legislation in here that could be used by an emotional attack on a rock festival to prohibit it. Because this is a fact of life.

**Mr. MacDonald:** Okay, let me—

**Hon. A. F. Lawrence:** Young people today go to rock restivals. I have gone to rock festivals. I have been involved in the promotion of them at one stage of the game, and to me, properly handled, as the Mariposa one is now, they are a very worthwhile, entertaining and educational function. How you can regulate the other aspects of it, of course, is the big problem today. But nevertheless, to come along and attempt to provide provincial legislation to be used in a prohibitory way, a la Prince Edward Island or Alberta—

**Mr. MacDonald:** Right.

**Hon. A. F. Lawrence:** —is something I do not think we should get into, and I have been steadfastly refusing to.

**Mr. MacDonald:** Let us get away from the rock festivals and the overtone of drugs, because we all get uptight on this—the difficulty in seeing, for example, the drug problem in the same context as a drink problem. Maybe in the minds of a growing proportion of the rising generation we are just old fashioned if we do that.

**Hon. A. F. Lawrence:** Maybe.

**Mr. MacDonald:** But let me get on to another ground where this aspect of the problem will be relieved, and this is the persistence with which the police forces are out en masse at strike situations. Now I happen to be very familiar with the Johnson Matthey and Mallory strike in my own riding, on Industry Road. It went on from the latter part of October or November, through into February, and every morning—

**Hon. A. F. Lawrence:** This year?

**Mr. MacDonald:** Yes, last October and through into February. Every morning there were 10 and 12 policemen there, two or three of them on horseback. Now if the minister is justified in his suggestion of the proposition that the people have got to pay for the protection, has there ever been an contemplation of the proposition by the police commission that Johnson Matthey and Mallory Limited should be charged with the services of 10 policemen who normally would not have been there?

**Mr. Singer:** He will not let them have a strike unless they pay.

**Hon. A. F. Lawrence:** Not by me, in any event because of course—

**Mr. MacDonald:** Well, if not by you, why are you contemplating—

**Hon. A. F. Lawrence:** Now wait a minute, because there is a little bit of a difference, I would assume, between somebody starting a function where a large amount of money is going to be made as a result of that function and you can tell in advance what the problem is going to be, and a labour dispute, where, believe it or not, not always is the blame on one side or the other.

Are you saying that I should be presenting a bill to this Legislature which would require the payment for the provision for the extra police force as required in a matter such as that on both sides, say the union or the bargaining agent as well as management? Because—I know this is perhaps heretical for me to say in the presence of the hon. member —not always is it management's fault that you get these labour disputes.

**Mr. MacDonald:** Let me complete my presentation, because—

**Hon. A. F. Lawrence:** And the police are there to make sure that law and order prevail. They are not there to be strikebreakers or to guard the strikebreakers by any means, if there are any; they are there to make sure that the laws of this province are maintained, and those laws of this province are that even on a picket line, the picket line should not be there to prevent people from ingress and exit from that plant or from that office or from that industrial concern. Now that is the law and they are there to preserve that law.

**Mr. MacDonald:** Well, the minister interrupted me. Just let me complete it. Because the police—I saw it morning after morning after morning—the police were quite emphatic in saying that they were there to protect private property. That is the reason they were there: The private property was the property of the company.

Indeed, I understand there was one instance out in Etobicoke—I had no first-hand experience with this—where the policeman said, "Do not touch that car. Just do not touch it." And as soon as the fellow touched it, in defiance, childish if you will, immediately he was arrested. Well, this is a piece of nonsense. This is not an even application of the law.

Indeed, if we want difficulty on the picket line, the policemen are the people—and I am

not criticizing them as individuals—who unwittingly create the difficulties on the picket lines. They create the scuffles that sometimes degenerate into mini-riots, by this pushing of people away and saying, "Do not touch that car. It is not your property" and by the zealousness with which they will protect property rights and the fact that they will ignore, for example, the right of a man who has a proprietory interest in a job.

I can remember when we had that select committee on labour 10 years ago and the late James Maloney, when he was told by the well-known spokesman for the United Church, from the board of evangelism and—

**Hon. A. F. Lawrence:** Mutchmor?

**Mr. MacDonald:** Mutchmor, yes. Dr. Mutchmor made the plea that if a man had worked for 30 or 40 years in a plant, he had a proprietory right to that job. And by implication it was at least understandable that he did have a right to defend that job against somebody who was going to take it away from him. Well, what Jim Maloney had to say about that is not printable either in this House or anywhere else, God rest his soul.

All I am saying is that there are other rights and the right that becomes the predominant right is the right of property and the police are brought in readily, in great force. I have never heard any suggestion on the part of the minister that there should be some consideration of somebody having to pay that bill. So I am driven back to not just being disturbed by the image, but the reality behind the image, of an uneven application of the law, both in the instance of the rock festival and that.

**Hon. A. F. Lawrence:** Well, honestly, I am not trying to trap the hon. member or any hon. member into any expression of opinion if they do not feel they want to give it. One hon. member obviously does not, but I am glad to have the expression of opinion of my friend, the member for York South. Certainly it is a question whether in effect the taxpayers of the province should be subsidizing these rock festival promoters to the very large extent they now are, and whether we should make honest attempts.

We believe the Mulmur township situation is one that fits the circumstances that we can collect in this fashion, and that is why we are proceeding. It may well be that the courts may not agree with it, but we want to find that out and that is why we are proceeding that way. Is the hon. member saying that we should not be trying to collect that money?

**Mr. MacDonald:** I am not asking that so much. This is another matter.

**Hon. A. F. Lawrence:** All right, I am glad to have that expression.

**Mr. Singer:** Mr. Chairman, let me get back to the rock festival bit and show some more of the inconsistencies. Apparently, as far as my files indicate, some 15,000 people attended the Mulmar rock festival.

**Hon. A. F. Lawrence:** Mulmur; m-u-r.

**Mr. Singer:** All right. The rock festival in Dufferin county last year. The province is claiming $106,000; if my arithmetic is significant at all, that means about $7 a person in attendance for police services. The admission fee was $5 a person. Does the Attorney General really think it is reasonable that they should attempt to collect from the promoter $2 more per person than was received in admission fees? Does that make sense? If it does, what kind of sense does it make? I do not understand just how this thing is supposed to work.

And then let us draw in on what happened at Mosport. I am reading from a column written by John Kastner in the Telegram of August 12, 1970. The concluding paragraph in the story is:

> But at Mosport last weekend there was the OPP quietly looking the other way as hundreds of thousands of dollars worth of drugs changed hands, as 800 kids were hospitalized for drug crises, several of them arising from heroin. Why it is almost enough to make a man think twice on charges about the Mafia and the OPP.

One has to wonder, Mr. Chairman, whatever happened to what went on at Mosport?

There are all sorts of stories in here—threats that the government was going to try to collect money at Mosport. There was never any order issued. The government surely must have been aware that there was a rock festival scheduled to go on at Mosport.

In fact, the only authoritative position—and the Attorney General has refused to comment on it at all, but I am going to read it again—the only authoritative position came from the chief superintendent of the OPP, Mr. Gartner. Mr. Gartner said—and I have mentioned this before—"Police kept peace at

the rock festival last summer by simply staying away."

Does the minister have one rule for Mosport and another rule for Mulmur? Does the minister have one rule for Mulmur and another rule for Maple Leaf Gardens or the Argonaut Football Club?

It would seem to me that the Attorney General would be on much sounder ground if we had some general—perhaps I could get further ahead if the deputy Attorney General was able to answer me instead of the Attorney General. I get a little distracted with the conversations going on.

**Hon. A. F. Lawrence:** I have given instructions to distract.

**Mr. Singer:** Oh, that is good. Perhaps the deputy Attorney General could just answer the questions and we could leave the Attorney General out of the discussion entirely. Maybe that would make more sense.

The Attorney General has asked me; I am looking for some consistency in the law. I am looking for the law to be written out in a statute where we can find it, not a law that is dusted off whenever in somebody's opinion some appearance of action should be given.

**Hon. A. F. Lawrence:** And what would the hon. member say should be in that law?

**Mr. Singer:** I would say that if the minister has a policy whereby he is going to charge people for extra policing, it should apply equally to Maple Leaf Gardens, the Argonaut Football Club, Orange Productions Limited—whoever promotes rock festivals at Rockhill. It should apply throughout the Province of Ontario, and apply equally.

The minister is just not going to get me to believe that when somebody goes to the board of commissioners of police for Metropolitan Toronto and says, "We want a parade permit to hold our Salvation Army annual parade, or our Red Feather parade or our Shriners parade," that parade permit can in fact, or would in fact, ever be denied on the basis that there has to be an X-dollar contribution to the Metropolitan Toronto Police force, or that there was a commensurate contribution from the Argonaut Football Club for the additional policing that the Thursday night football game required. And I am saying that he should not make fish of one and fowl of the other.

I would think there is a case to be made for reasonable control. I would think that there is a case to be made that there should be certain standards lived up to. I find this particularly abhorrent, these statements made by Chief Superintendent Gartner insofar as his approach is concerned—apparently the OPP approach to the festival at Rockhill. But I find equally abhorrent the fact that apparently the minister is descending with all the co-called might and main—and I do not think it exists—on the people at Rockhill —at Mulmur.

I do not think the minister has that authority. If you spell it out—and the rules apply across the board—that is fine. But I do not think the law can be as long as the Attorney General's foot, or as vague as it is in his mind.

If somebody comes to me and says, "Yes, can I do it." I, the Attorney General, will say, "I will do it." He is getting into enough trouble with these new statutes he is bringing in where all the powers lie in regulation.

Surely we are entitled to have the authority of the government spelled out in statutes. And this is a new thing and he has been fiddling about with it inexpertly, inefficiently and unfairly now for 1½ years. For goodness sake, the minister should pull up his socks and get down to business and write some laws that will exercise reasonable control over these things.

I would agree with the Attorney General they should not be prohibited. But I think there is a responsibility to have reasonable policing, reasonable health services. There is sufficient concern about these things that unlimited law breaking cannot be allowed to go on, as took place at this other one that Gartner was commenting about.

But somewhere along the line I would think that the time has come for the Attorney General and his deputy, to sit down some night, if they have a few minutes, and say, these are the principles and then bring in the statute, amend The Police Act if you want. Let us make it abundantly clear that it can apply in Toronto and in Orangeville and in Windsor and anywhere else, but make it apply equitably and reasonably all over the province.

**Hon. A. F. Lawrence:** Well, the principles, of course, that apply where we have designated areas, are where there is obviously a great deal of resentment and opposition from the local people, number one. That is a factor that has to be borne in mind.

Number two, that the festival or the function is of a contemplated size to require it. It is a little different from a couple of mounted horsemen outside a strikebound plant, plus a cruiser.

Number three, that it does fall within the provisions of section 2 of The Police Act. All of these three requirements were present in respect of the Mulmur township matter, both last year and this year. In respect of Mosport—not Mossport, but Mosport—you are having trouble with your pronunciation today, this was—

**Mr. Singer:** As long as I know the place names I mean, that is sufficient.

**Hon. A. F. Lawrence:** This was the forerunner. It started off, if you remember, as the Lennon peace festival, I think it was, but in any event, this was a function at the very beginning. It was earlier than the others. The Ontario Provincial Police were still developing the procedures and the policy which they felt was necessary to police these matters. It is still a difficult question. This is what Superintendent or Inspector—

**Mr. Singer:** Chief Superintendent L. R. Gartner.

**Hon. A. F. Lawrence:** —Superintendent Gartner was referring to in the coroner's course.

**Mr. Singer:** No, no, not the court. Speaking to the coroner's—

**Hon. A. F. Lawrence:** Coroner's course, I said. C-o-u-r-s-e.

**Mr. Singer:** You are not quite clear in your pronunciation.

**Hon. A. F. Lawrence:** Well, maybe you should clear out your ears, too. Other people can hear me.

If you look at the totality of his remarks, he was indicating the very great problems that they had at Mosport, and their experience there, and it is a developing experience in respect of these rock festivals. They have now concluded that by no means can they have uniformed policemen inside the grounds at these massive rock festivals. This is the difference between the Grey Cup festival or even the ploughing match to which the hon. member for York South was referring.

They have concluded that they simply cannot have uniformed policemen inside those grounds. They would be mobbed or torn apart by the moods of some of these people. This is what makes the rock festival a completely different type of function than anything else that we have ever had in this province to my knowledge. They have developed now, this parameter policing aspect or concept really, in which they will certainly let everyone know that the police are available in the event of full-scale problems within the grounds.

This is why they require some of this extraordinary training respecting the locking of arms and the flying wedge, and other things, in order to get in and retrieve somebody who is in a great deal of difficulty in these places and get them out, whether they are policemen or children whose minds have been blown with drugs.

It is a very extraordinary type of function, and that is what makes the rock festival completely different from these other things and does require these extra concepts and this extra training and these extra costs. That is what Chief Superintendent Gartner was referring to, and if my friend had read the rest of his remarks instead of just taking the one section which one newspaper took out of context, then I think they fit in quite deliberately with a very well thought-out, and a very well developed, policy of attempting to police these matters. But this is why it does, in some cases, require a great many policemen. This is why.

Sometimes these are off in small rural communities, where there is not even any place nearby to house a policeman overnight and the costs involved in some of these cases are very great. It just does not seem fair that the taxpayers of the province as a whole, should have to pay this amount of money for that type of policing when a profit is being made, and the problems involved can be anticipated. That is why we are suing Rockhill.

**Mr. Singer:** Well Mr. Chairman, I suppose, we have worried this one just about as far as we can go. If only the Attorney General did not have to feel, or maybe it is his deputy who feels, that everything that is done by the government in the name of law enforcement, has to be defended.

**Hon. A. F. Lawrence:** Oh, blame me!

**Mr. Singer:** Well all right, let me blame the minister then! Let me blame him. This is what we found so frustrating with his predecessor. Everything that was done over there in the name of the Minister of Justice, or in

the name of the Attorney General, was always right.

He has even spent the last 10 minutes trying to justify Gartner's remarks in relation to what happened at Mosport. Now, I look over his special endorsement here and he is not, surely, suggesting to me that these police officers, for whom he wants to charge some 10,123 hours of work, were all wandering around in plain clothes and that the new technique—

**Hon. A. F. Lawrence:** Oh no! no, this policy has been developed since then.

**Mr. Singer:** Oh I see, I see! Well all right; then could the Attorney General tell me the amount that he is going to put in his order-in-council, or that he did put in the order-in-council, in that schedule for the contract that he wanted Orange Productions to sign for this year.

**Hon. A. F. Lawrence:** No, first of all, the order-in-council designates the area—

**Mr. Singer:** Yes, and it has attached to it, as a schedule, a contract—"Schedule A" and then there is a figure as to the amount of the contract.

Could he tell me the amount, for this year's order?

**Hon. A. F. Lawrence:** It was about $56,000. The deputy believes it is in the neighbourhood of $50,000.

**Mr. Singer:** Fifty thousand dollars?

**Hon. A. F. Lawrence:** Somehow or other the figure $56,000 sticks in my mind. I do not have that here. I will look for it.

**Mr. Singer:** I see. Well, if the figure was say $56,000, why would it have fallen from $87,000 which you had in your order-in-council a year ago, to $56,000? And your order-in-council figure of a year ago, apparently was not anywhere close to being accurate, because you are claiming this $106,000.

What I am trying to get at is, where is your technique? What is your technique? Do you believe in the technique that Gartner was trying to enunciate that you do not put uniformed policemen in? If you are not going to put uniformed policemen in, how then do you make up your $56,000? How then do you claim $7 a head for the 15,000 people who are attending?

I do not think, Mr. Chairman, it is necessary that every action done in the name of law enforcement in this province has to be justified, can be justified, or that the Attorney General is able to do it. Surely, I make a very simple point that there is concern in the minds of all of us, about the whole problem of law enforcement. There is concern about some of the things that go on at rock festivals.

I can agree with the Attorney General that we cannot arbitrarily ban this kind of gathering, but we can take reasonable steps to ensure that the law is enforced as well as it can be, and that reasonable facilities are provided and that those people who are making a profit from this kind of an event should pay a reasonable share of the cost of running it.

What I am suggesting is that we should find the rules in the law. I think that is a very simple proposition and that the rules should be in the law, and should apply reasonably and equitably to everyone who finds himself in this same position, whether it be the Argonaut Football Club, the Progressive Association who wants to hold a parade, the Orange order or the Shriners, or Orange Productions Limited who want to hold a rock festival, or people who want to have soccer games. That is the simple proposition, Mr. Chairman, and that should surely be obvious to the Attorney General.

If he was not quite so enthused about excusing the inexcusable and trying to be logical about the illogical and so anxious to do his foot dance around the subject. If he would meet these things head on, obviously the position of law enforcement in this province would take a step forward, but he is not prepared to do that, he wants to play games. Well, we can play games too. There is the simple proposition, Mr. Chairman, and I would like to see the Attorney General simply and boldly say that this is the aim toward which they are going to try to work.

**Hon. A. F. Lawrence:** Yes, well the difference between last year's bill and this year's bill in respect to the Mulmur township festival, is simply that this year we have come to the conclusion that the parameter policing system is the most effective and the most efficient for the amount of money that we have to spend on it. If we continued with the police costs of last year, we would have to disband the OPP very shortly because there simply would not be enough money to be paying their normal salaries; it is that much of a worrisome—or it was that much of a worrisome—and expensive proposition last year.

If my hon. friend wants to find out how we made up the $106,000 last year, he already knows, but in any event I can give it to him again if he wants it. I have sent him a copy of the writ, but if he wants to know—

**Mr. Singer:** No, I do not think I asked you that question. I have the writ here. You do not need to worry about that.

**Hon. A. F. Lawrence:** Well, it breaks down salaries—

**Mr. Singer:** I said it is unreasonable to try to charge the promoters $7 a head, when they only collect $5 a head in admission tickets.

**Hon. A. F. Lawrence:** On the other hand, I am not so sure that he only charged $5 a head. Did he? I thought most of these rock festivals—

**Mr. Singer:** That is the information that is there. This year he has put his price up to $8, but last year he charged $5.

**Hon. A. F. Lawrence:** Most of these rock festivals charge far more than $5, but in any event this is one of the things that we want these promoters to realize—the very large costs involved in respect of policing them. certainly the salaries alone last year amounted to over $40,000 and the overtime amounted to over $46,000. The stand-by amounted to almost $12,000. Meals and accommodation—we had to rent accommodation in Camp Borden for these people—amounted to over $3,500, and the extra mobile equipment required was over $3,500. There were other expenditures relating to portable toilets and trailer site rental, telephone installation and what not; fuel which amounted to again almost $1,000. The whole bill last year was $106,102.25 for the one rock festival.

Now I think I would be derelict in my duty if I did not attempt to try to collect that somehow.

**Mr. Singer:** Why did you wait a year before you issued the writ?

**Hon. A. F. Lawrence:** I came into the office on March 1, and the writ was issued on June 3. That is not a particularly long time—

**Mr. Singer:** Yes, a year after the event.

**Hon. A. F. Lawrence:** —to wait, in my mind. The advice, as I indicated in this House, was that the promoter in the form of a small company last year, had not much in the way of assets that could be collected even if we did sue them. But when it was apparent that they were going to proceed again this year, and when it was apparent that again they were, in the choice phraseology of my hon. friend, they were thumbing their nose at the government, in any event in respect of these police costs, obviously to attempt to collect them this year meant that we had to issue the writ for last year as well. To attempt to do anything along this line, we had to go after them hammer and tongs and that is exactly what we are doing. My friend is not acting for them, is he by any chance?

**Mr. Singer:** No, by no chance whatsoever.

**Hon. A. F. Lawrence:** No. Well that is good because he sounds as if he is cross examining me on the merits of our action, and I—

**Mr. Singer:** No, no, I have not told you what I think is wrong with your special endorsement. I will tell you that if you want.

**Hon. A. F. Lawrence:** I just wish he had the opportunity perhaps of cross examining and asking the same questions of the promoter. Does he not really think the promoter owes some duty to pay for these costs, out of his profit?

**Mr. Singer:** I said that as long as you proceeded reasonably and equitably.

**Hon. A. F. Lawrence:** Right!

**Mr. Singer:** Now those are the provisions that should guide your acts.

**Hon. A. F. Lawrence:** Right. Well, that is exactly what we are trying to do and I am glad the hon. member agrees with our action.

**Mr. Chairman:** The hon. member for Riverdale.

**Mr. J. Renwick** (Riverdale): Mr. Chairman, I would not dream of interjecting at any length in this debate that is going on between the minister and the member for Downsview about the rock festivals. I would just interject a word of caution. I always find that when the member for Downsview refers to something as a simple proposition, it is anything but simple. It is an extremely complex new circumstance which has occurred with respect to rock festivals and what should be done in order to determine the best way of handling them. I think on balance the province has dealt very well with the new situation. I think the OPP have dealt well

with the new situation. It has been an extremely difficult one.

The word of caution that I want to interject is that I can well understand the government wishing to give consideration to recovering from people, who are in the nature of promoters out to make a profit from a particular transaction, if they cause a drain upon facilities or require extra and additional public services in order that they can conduct whatever event they are going to conduct. I think I can also see in the case of the traditional method by which voluntary organizations of one kind or another, stretching all the way from the hon. member's party, or this party, or the Liberal Party, holding a convention or an assembly of some sort, and again, putting a drain or a demand upon public services, that there should be some method by which the cost of those additional services would be borne by the people who were carrying out the event.

My colleague, the hon. member for Oshawa, (Mr. Pilkey) tells me that the United Automobile Workers had their annual picnic at Lakeview Park in Oshawa over the weekend and that it was just a part of their negotiation with the city to provide for the additional police facilities for traffic control and that kind of thing, and that the payment would be made by such an organization.

**Mr. M. Gaunt** (Huron-Bruce): Were they an unruly group?

**Mr. J. Renwick:** Not at all! As a matter of fact, if there is any organization that would get a minimal rate, it would be the United Automobile Workers in any function which they may hold. But then when you move into areas such as my colleague, the hon. member for York South, referred to, the question of people engaging in a legitimate strike, which again involves the public interest and requires support from public services, or when you enter into the question of people who organize, for example, an anti-Vietnam war demonstration on University Avenue before the United States consulate, accompanied by a march and all the rest of it, you get into very difficult questions of balancing off the public interest required with respect to law and order and the questions of political rights.

It would seem to me that we must avoid the danger of laying down any kind of a policy or directive which would give an opportunity for a municipality to refuse a licence for such purposes, because the group was not able to meet some financial commitment with respect to the obvious fact that additional police or other assistance would be available. I just wanted to say that in all of what has been said by the hon. member for Downsview and the minister, some word of caution is required with respect to the exercise by people of the right of public association and public demonstration.

**Mr. Chairman:** Vote 901.

**Mr. Singer:** Mr. Chairman, I have another topic that I wanted to discuss and that is the difficulty that many persons are encountering with the so-called summary procedure under The Landlord and Tenant Act. When we amended The Landlord and Tenant Act we moved the pendulum very sharply from one side to the other. What went through the minds of many of us who had argued for substantial amendments to The Landlord and Tenant Act was to even it up, to give tenants better rights than they had before, to limit the landlords, to write down the law again, so that people could see what has been happening.

One of the very serious discussions and disagreements that took place, at least between the previous Attorney General and myself, was how quick the summary procedure could be in determining the questions of getting orders from the courts for possession. The former Attorney General, intelligent man though he was, I am afraid had to relate what was going on in his mind to his experience as a practising lawyer in the Soo where you can quickly get before a district court judge and quickly get him to deal with these orders and quickly get some resolution to the kind of problem. Now, I have had many, many very serious complaints, particularly from people who I would describe as small landlords—landlords who own perhaps a multi-dwelling unit that has three or four or five apartments in it. And that where a tenant overholds, and where a tenant cannot be gotten out save and except with the order of the court—which is in most cases—that the tenants often withhold rent and the landlord is then put to the expense of initiating court proceedings, and to the delay of being denied his rental for a period of three or four months. And there are a number of them. In fact, one gentleman came to see me the other day and said, "If this goes on much longer I am going to be put into bankruptcy. I just cannot do it."

Now, somewhere along the line, Mr. Chairman, the Attorney General has got to—and

I would hope he would do it this session; I do not know from this myriad of bills that are waiting; he has some amendments from The Landlord and Tenant Act—but to make this speedy procedure speedy.

I am not suggesting that there be radical changes, but I am suggesting that there be a special tribunal or a special set of provincial judges, or someone designated to deal only with this kind of an application. Because, while the tenants' rights to stay in possession have to be respected, and while we take away from landlords the unilateral right to enforce their own laws by sending in bailiffs and by personally evicting and by locking doors, and all the other things, landlords, too, have rights and those rights are being very seriously abused.

I feel very sorry for the gentleman who came to me the other day and told me how he had put together the small sum of money that he had, and how he and his wife had bought this small building and this was all of their capital and they were working, apart from that, and they have had two or three tenants who overheld their term and have not paid rent and they have to go to court, and this has just about put these people in the position where they are going to have to lose their building because they cannot keep their payments up.

Now this is not fair and I think that there has to be an amendment. And I was hoping to see somewhere some kind of statement of policy and hopefully an amendment to The Landlord and Tenant Act.

It is not new, Mr. Chairman, we sounded this warning and sounded it reasonably clearly. But the former Attorney General thought things would work as they do in Sault Ste. Marie. Well, they do not work in the Sault the same as they work in Metropolitan Toronto and I am not being unduly critical either of the county court bench here. They are working very hard, but the lists pile up and these matters take a long time to get on to trial. I wonder if the Attorney General has some kind of indication of some government action in this important matter?

**Hon. A. F. Lawrence:** Well, I have been concerned about this too because there have been a number of complaints that have come into me from landlords saying that, you know, it is four months, five months, six months, before they can get a writ of possession.

Here in Metro Toronto, to evict a tenant under The Landlord and Tenant Act—and I have had studies made, I must admit not within the last two months but certainly in the two months preceding that, and the advice that came to me was that it is still entirely possible—well, all right—it is still entirely possible that an applicant can obtain a writ of possession within 30 days from the institution of the action.

Now the matter that holds it up, of course, is the delaying and the stalling tactics by counsel on both sides—in many, many cases on both sides. This is one thing that I think the legal profession is going to have to learn very, very shortly. And that simply is that in all sorts of ways we are going to have to deal more, do something to enable applications and trials and actions to come on a lot faster than they are now. And this is going to perhaps mean the institution of some systems and some regulations which will prevent legal practitioners from sometimes looking far more to their own convenience than the convenience of the court—or the convenience, in some cases, even of their own clients in the matter of delays and stalling tactics, because it is certainly there today.

I have had instances brought to my attention of people who have been indicating that they do not know why the matter cannot come to trial, or why the matter cannot come to a hearing, and on checking it out time and time again you will find that it is their own solicitor, their own counsel, in many cases, who has been asking for an adjournment. Sometimes with valid excuses, sometimes with obvious mere puffery as far as alibis are concerned.

**Mr. Gaunt:** More often than not the latter.

**Hon. A. F. Lawrence:** And you can come to only one conclusion in many cases, that the average legal practitioner today looks to his own convenience in many of these matters in respect of the matters coming before the court.

The other difficulty, in respect of The Landlord and Tenant application, is that most landlords, and this is human nature I suppose, but most landlords usually delay at least a month or two after there has been an overholding on the part of the tenant, or the non-payment of rent on the part of the tenant, before the action is brought. Therefore, these delays that you hear of—three months or four months in some cases—are occasioned by the fact that the application

to the courts is really not made at all within the time that the application could be made.

I am now told that there is no reason in the court system itself, in the procedures of the court and in the court system, and in respect of the lists, that there should be a delay of any longer than 30 days in respect of an application for a writ of possession here in Metro Toronto. Now, summer vacation is perhaps a difficult time, but certainly up until summer vacation started, that was the situation.

**Mr. J. Renwick:** Actually, it is quicker now in summer vacation.

**Hon. A. F. Lawrence:** Well, it may even be quicker now in summer vacation, I am not too sure. But the difficulty is that no application is made until there is usually at least a two-month period in which no rent has been paid, and the landlord tries to trap the tenants or tries to corner them or confront them with it.

Actually, if the application was made within three days of the rent being due, then there is no reason at all within 30 days of that date why the application could not be heard unless, as I say, there are some delaying tactics on the part of counsel or solicitors on both sides.

**Mr. Singer:** Well Mr. Chairman, I will accept the Attorney General's first statement—

**Mr. C. G. Pilkey (Oshawa):** The near Premier.

**Mr. Singer:** The near Premier, yes.

**Mr. Gaunt:** The near Premier.

**Mr. Singer:** —that it is perhaps possible to get it on within 30 days. But I do not think, Mr. Chairman, that anybody could reasonably anticipate—

**Hon. A. F. Lawrence:** Same as "near beer"?

**Mr. Singer:** —from the date of filing their application, to get heard in much less than 90 days, no matter how expeditiously counsel work, no matter how efficiently documents are able to be served. I agree that, to some extent, there is criticism to be levelled at some of the members of the profession who do ask for adjournments. Sometimes they get involved in other things. These things happen, and to some extent that is so.

But I would think that if the Attorney General would have a search done of these matters that have been initiated since the effective date of the amendments to The Landlord and Tenant Act, that he would be hard put to it to find half a dozen cases that had been dealt with in the 30-day period, whereas, probably several thousand of these matters have, in fact, been before the court.

**Hon. A. F. Lawrence:** All right, we have done that.

**Mr. Singer:** Yes.

**Hon. A. F. Lawrence:** We have done that and what my hon. friend says is perfectly true. But the point is this, would the imposition of another court system, or another summary procedure help? I suggest to my friend that the date that got to be picked for the hearing, in respect to a writ of possession, is one that should be set in advance. And the difficulties that the court officials are having right now in respect of the solicitors in picking that date is the thing that is holding it up. Now, it may well be, maybe, that the legal profession should be removed from the whole situation—

**Mr. Singer:** Well maybe.

**Hon. A. F. Lawrence:** Perhaps there would be a heck of a lot more summary. I do not know. But, in any event, that is the point. Perhaps we have got to devise a system here where the date is picked, "period." And that is it. I would hesitate to do that though, because there are many bona fide reasons many, many times, why the matter should not come on for trial with that type of arbitrary, compulsory, mandatory provision. And certainly I have been shying away from that type of decision and I do not want to get into it. But I really say, that at the moment, the rectification of the system itself is mainly in the hands of the legal profession and not the court system.

**Mr. Singer:** Well, Mr. Chairman, the Attorney General obviously has the figures. I was making a broad generalization and he says that my guess as to what those figures would show is approximately correct.

**Hon. A. F. Lawrence:** No, I do not have those figures.

**Mr. Singer:** Well, I do not know. How many cases have there been since the amendment?

**Hon. A. F. Lawrence:** If it is going to prove anything I can go and get the actual figures.

**Mr. Singer:** Yes, well I would like to see them because if they are, as I suspect, just a handful, say a few thousand—

**Hon. A. F. Lawrence:** That is not the point.

**Mr. Singer:** The point is—

**Hon. A. F. Lawrence:** The point is your alternative to the present system is the imposition of some different type of court, which I do not think is going to help the situation at all. The system that is now here is one that can be utilized if there is a determined and honest attempt on both sides to have the matter heard. It can be heard within 30 days, and some of them are being heard with 30 days. The majority of them are not because of the delays that come about. Some of them justified; in my mind, many of them unjustified.

**Mr. Singer:** Well, the determined and honest effort, in the average case where the tenant has become aware of his rights, and that he cannot be evicted unless there is an order, is not going to be a determined effort by both sides. The tenant is going to be something less than enthusiastic about allowing himself to be served. So he has to be found and served. So it is not going to be a deterrent—

**Hon. A. F. Lawrence:** No, in the great majority of cases the tenant has a legitimate beef about the landlord and the provision of the services as well.

**Mr. Singer:** Well he may—all right.

**Hon. A. F. Lawrence:** Believe me, I am not that cynical about human nature yet to believe that everybody is determinedly and validly a bad character, ready to go out and gyp everyone they can. There is a minority of people who have that type of character. The majority of these things—there is somebody with a belief that he has a legitimate reason for not paying the rent. Obviously, and in some of the cases, many of these cases, that legitimate excuse is found to be a valid one even before the court.

**Mr. Singer:** Well, the Attorney General again is trying to put words into my mouth. The fact is, if you want chapter and verse, I can start to read you chapter and verse out of these files that I have got here. But in many, many cases, a tenant has become—

**Hon. A. F. Lawrence:** Right!

**Mr. Singer:** —this kind of tenant has become—and it is a small minority of all tenants—

**Hon. A. F. Lawrence:** Right!

**Mr. Singer:** —has become aware of what his rights are and he tries to avoid service and he tries to get delays. Because, while they are in arrears and while the matter is pending before the courts, there is no payment required to be made to the landlord until the matter has eventually been determined. The particular landlord, the last one I was talking about, came in to me. Well, I will give the minister the detail of it. He and his wife had both spent a substantial part of the war in concentration camps. They had come over to this country; they had been given a small sum of money by way of reparation by the German government; they had taken that money; they had bought a five-unit apartment building. This was their only capital. They put it into this building, and they have had two or three of these instances where they have had to get eviction orders. They were stuck with tenants who stayed there two and three and four months and were paying no rent.

In the meantime their tax requirements went on, their insurance, their mortgage payments. They stand now in danger of losing their building, and losing this little bit of capital that they have. I think, Mr. Chairman, that this is a tragedy. I think that it lies within the control of the Attorney General to begin to do something about this, and to make sure that there is a speedy machinery available, and that landlords do not have to resort to other kinds of lawbreaking.

Representations were made to one of your officials, Mr. Cormack, in connection with a new practice that has come up, has been initiated by landlords, where they are shutting off hydro. You are probably familiar with the representations that were made. They were made by a municipal elected person, a controller out of the borough of North York, to the minister's department, and it was backed up by positive evidence. The landlord was not getting paid so he cut off the electricity.

There were suggestions made that there were remedies available under section 365 of The Criminal Code and perhaps other sections of the Code, but this is the sort of thing that begins to happen. I do not know that it is of any great interest to start pur-

suing landlords who act arbitrarily in this fashion, or illegally in this fashion, and shut off hydro and deny people light and refrigeration and all the other things that go with it. What is, in fact, happening is that this landlord—and I do not know the other one at all, he did not come to see me, but I heard of this case, I have the correspondence, I have a copy of the letter that was delivered to Mr. Cormack dated June 28, 1971 and I am sure the minister has it—the fact is that these things are happening. The fact is these are symptomatic of the disease. The fact is that the administration of The Landlord and Tenant Act is the responsibility of this minister. The fact is that he should begin to do something about it.

It is not enough to say that he has investigated, and theoretically one of these matters could go on in 30 days from its inception until it is concluded, because this is not in fact what happens. It is fine to attack the profession—sometimes the profession is to blame on this—but I say that the average period of three months, and those of us who practise in the courts in Metropolitan Toronto—some of them are here and some of them are over there and some of them are in your own back benches—they know that you cannot get one of these things done reasonably in 30 days. Therefore it is up to you to change the law because as much as we want to protect tenants—and we do—we have also got to bring some equality in the law to protect these landlords who are, in fact, suffering.

**Mr. Chairman:** Vote 901. The hon. member for Riverdale.

**Mr. J. Renwick:** I do not know whether to ask the member for Downsview to put the facts of the legal part of the case on the record or not.

**Mr. Singer:** Which? The hydro portion?

**Mr. J. Renwick:** No, the first case, the people who came to you who bought the five-unit building, as to when they first made their consultation, legal consultation, when the application was made, how many adjournments were granted and what the elapsed time between the application in fact coming before the court and the decision of the court in any one of the instances to which the member has referred. If he has that information, I think it would be helpful.

I think the problem is not either as simple as the member makes it, or as the minister makes it. In the cases that have come to my attention, while there may be an element of procrastination by the legal profession which there tends to be in many areas of the law, I do not think that that asks the right questions.

The member for Downsview says it takes too long and the minister, in fact, says that there has been an improvement and that he hopes it will improve in the future. The member for Downsview says there has got to be some change in the law.

Well, let me make it perfectly clear that certainly at the present time I am not at all interested in seeing these kinds of questions taken away from the court. I would not want to see them at this point in time.

Let me make the second point; among the cases which have come to my attention, there is a wide graduation of cases and wide factual situations involved in them. The cases which have come to my attention are basically of two kinds: One, where there is no lease; there is no way in which under our law a person can be given certain protections with respect to his tenure when there is no lease. A rental increase has been proposed to the tenant; the tenant finds he cannot meet the rental increase and is faced with the proposition of finding other accommodation.

The second type is but a variation on that. That is, there are families who are paying rents either at the existing level or at a proposed increased level who, in fact, have made application for Ontario Housing because they have not got the economic means to survive. Now a number of those cases, it seems to me, require the government, in looking at the question of administration of justice, to find out what the social reasons are behind this kind of a problem.

I do not think it is just a question of lawyers' procrastination. I think it would be necessary, from my point of view, for all of those applications before the courts, now that we have had a period of time to look at them, to be analysed and a proper and appropriate questionnaire raised; addressed to the solicitors who acted on both sides, asking them formal questions with respect to the steps which were taken to implement the procedure for possession, and how long it took, from their point of view. But also asking them specific questions as to what the reason was that prompted the landlord to make the application in the first place. And from the point of view of the lawyers on both sides,

what were the economic or social reasons which caused everybody to hold back.

I know it is extremely difficult. I know I find myself in the position where a landlord speaks with me about someone who is in arrears of rent for a month. I speak to the tenant about it. The tenant says they have made application to Ontario Housing. It has been outstanding for a year; they can no longer live in the accommodation that they are in, what are they going to do? If you call the landlord to indicate that you are endeavouring to solve a difficult housing problem sometimes you get co-operation, sometimes you do not.

I know very well that regardless of what the other reasons may be, I think most judges are very loath—when the situation in front of them is going to amount, in fact, to an eviction proceeding, and when the persons who are going to be evicted do not know where they are going, and when there is an application before Ontario housing—to decide how to deal with it. I am also quite sure from the time the order is issued, unless a solicitor is pretty tough with the sheriff's office, the sheriff is not going to rush out and evict somebody.

I tend to agree with it, but I think the great majority—I doubt very much, in fact, if any one tenant has been subject to more than one application. In other words, I disagree with he hon. member for Downsview that there is some small band of tenants who spend their time beating the system. I just do not think that happens.

I think what really happens is that because of an inability to find adequate housing accommodation at a rental which can be paid, everybody stays hands off a little bit unless somebody is very ruthless and tries to force the system through to a conclusion. Therefore, it would appear to me to be most helpful if a more in-depth survey were made, either from the courts themselves—and I am inclined to believe that from the courts, the lawyers would likely co-operate in answering it to a greater degree than if it was directed to them either by the Law Reform Commission or by the Law Society of Upper Canada. To try to ascertain the social impact of why these problems are arising it might be possible to devise a better method.

On the other hand, I know persons who have been waiting for Ontario Housing for some time who have considered such an application as a great help to them. If, in fact, a writ of possession goes out against them, often this is something on which Ontario Housing will move to provide the accommodation. Again, I am inclined to think —and I agree with the minister on this—that it is not just a few people who are trying to work the system.

There are basic social, economic problems behind this delay in the administration of justice in this regard. I think an adequate survey, if it were made, might disclose some information which if properly tabulated might lead to amendments in the law with respect to the authority of the judge. In other words he might be able to make some intermediary arrangements to reinstate the tenant in his tenancy, but at the same time provide a period of time during which for example, Ontario Housing Corporation, would be required to respond to the provision of housing if the persons fell within the ambit of the criteria of need established by the housing corporation.

I guess the point I am making is that in the administration of justice we have to begin to recognize that many of these problems of delay in administration are because of social and economic factors. We in the legal profession have a long way to go in getting the information and making the assessments which are required, so that we can bring about relevant and appropriate changes in the legal procedures, without, in fact, saying, "Oh well, let us take it out of the courts; let us put it somewhere else." In my judgement that will solve nothing in this instance.

**Mr. Chairman:** The hon. member for Oshawa.

**Mr. Pilkey:** Yes, Mr. Chairman, I want to come back to the question of police, not being hired but placed, in strike situations in the municipalities in the Province of Ontario. I feel that the minister, through the Ontario Police Commission, should make some in-depth study in this whole area.

I think that where police are involved in strike situations, it destroys the whole image of police forces in this province. Their involvement destroys their image as law enforcers, because obviously they are pitted against a great majority of the population that happen to be organized workers, not necessarily from any specific plant.

Police forces are looked upon as part of the management process. They are considered to be there to harass the strikers, as opposed to protect the access to and exit from that specific enterprise.

It would appear to me that there ought to be an in-depth study because, very frankly, I find it very difficult to make the analogy where at a rock festival the operator of that festival is charged for police protection, or whatever their duties are relevant to a rock festival, as opposed to an employer summoning police to a picket line.

I recall just recently, I happened to be on the A&P picket line in north Toronto; I was appalled at the number of police on those picket lines who were lined up with crash helmets on.

**Mr. Singer:** Were they helping the pickets?

**Mr. Pilkey:** I am sure they were not there to assist the pickets in any sense of the word. I know the case where that reporter from CBC was arrested, manhandled, thrown into the cruiser. I am sure the minister cannot talk about it. I suppose the case is sub judice at the moment—if that is the term I should use and I suspect it is—and he cannot make any comments. But we saw it right before our very eyes because here was a reporter taking pictures of the incidents that were happening on the picket line between the picketers and the police. His camera was confiscated and he was thrown bodily right into a cruiser. Fortunately, there were two cameras on that incident and thousands and thousands of people in this province saw it. It actually happened before their very eyes. I just urge upon this minister to make some kind of in-depth study as to the relationship of police on picket lines in this province.

I want to tell him that they are creating a bad image for the force itself as there have been many arguments that police should not be ticketing automobiles for parking tickets. It creates a bad image for police. It is not really a part of the law enforcement. Maybe that is not a proper analogy; nevertheless there should be something done in this regard. I want to tell the minister I am sure in every case the employer summons the police to the picket line at the slightest provocation. It is not necessary that they be there, but the employer will find some way to get the police there. As a matter of fact, I submit to this minister that on occasion I happen to think that the employer makes the incident of provocation so that he can get police there to harass that strike situation.

As I said, I urge upon the minister, through the police commission, to make some in-depth study and report back to the Legislature as to what his findings would be in that study.

**Mr. Chairman:** Does the hon. minister have any response? All right, the hon. member for Niagara Falls.

**Mr. G. Bukator** (Niagara Falls): Mr. Chairman, last Friday when we adjourned, we were touching on offtrack betting and I had quite a file on the subject. I am not going to take up too much of the time of the House but, I believe, Mr. Chairman, that one letter tells the tale quite well. I would like to read this letter into the records. It was addressed to me by a constituent and it says:

> I am a member of the Horsemen's Benevolent and Protective Association, Ontario region, which represents approximately 1,200 owners and trainers of thoroughbred racehorses in the Province of Ontario. All segments of the thoroughbred racing and breeding industry in the Province of Ontario are confronting serious economic difficulties at the present time and the situation has become so critical that a stoppage of racing in the near future is a definite possibility.
>
> All segments of the industry must depend for their support upon public patronage of the racetrack. Purses, for example, are based upon the percentage of the track's share of the parimutuel handle and, accordingly, when the amount of money wagered at the racetrack declines, there is a corresponding reduction in purses.
>
> The decline in attendance and wagering at thoroughbred racetracks in the Province of Ontario in the current year has resulted in a 10 per cent reduction in purse levels, effective Sunday, May 30, 1971. In the opinion of the HBPA and its members, the most significant factor contributing to our present financial difficulties is the continued existence and growth of so-called offtrack messenger betting shops. Our association is satisfied that relatively little of the aggregate moneys being wagered through such establishments is actually reaching the racetracks.
>
> As the livelihood of thousands of people is at stake, I urge you as a member of the Legislature to take whatever action you can in order to bring about a cessation of the present form of offtrack betting which is totally lacking in government supervision or control, and in this issue I am asking for your support.
>
> (Signed), W. D. Hatch,
> Niagara Falls.

He says there are 1,200 owners and small owners of thoroughbred horses and many of these people do it as a hobby more than to make money. But the point he makes is that while we are waiting for legislative support from Ottawa and the province, offtrack betting is thriving and millions of dollars are getting into the hands of the wrong people. I felt that the opinions of one who is as well-acquainted with the problem as Mr. Hatch ought to be recorded in Hansard.

There are many people operating offtrack betting establishments, bypassing the government, and we are not getting our just dues as far as the money is concerned that should be coming into this province because of the racketeers who are involved and the bookies who are operating to this day.

I would urge on this minister that he persuade Mr. Turner or the officials in Ottawa to get down to cases immediately and clean up this very serious problem in this province. I again ask the minister if he would contact Mr. Turner to get on with the job. We are waiting for results.

**Mr. Chairman:** Vote 901. The hon. member for Dovercourt.

**Mr. D. M. De Monte** (Dovercourt): Mr. Chairman, I would like to bring to the minister's attention something that I have learned from my firm—and I understand that it has been spoken of before—it is the inordinate delays that are taking place in connection with a tenant who does not pay his rent and the problem that a landlord has in having his rents paid or getting the tenant out of his premises.

I checked with one of my partners just before coming in here. We did a survey of the files in our office, Mr. Chairman, and we find that the delay is between three and four months. This is not so bad when we are acting for a man who has a large apartment development and can spread his losses over a greater proportion of apartments. But in connection with people who have triplexes and sixplexes, we find that this delay is causing some real problems.

I have the case of one of my clients who has rented a house and is on the verge of losing his house because he cannot get the tenant out of his house. The tenant refuses to pay rent and knows the ins and outs of the law. In this case the tenant has been in there about six months and has not paid his rent and is still sitting there.

I am wondering whether the hon. Attorney General is contemplating doing anything about this very bad situation in connection with these tenants who are overstaying and not paying their rents and actually putting some people on the verge of losing their buildings? In some cases they are older pensioners who are depending on the rents from these very small apartment buildings for sustenance and income. Is the Attorney General going to do anything about that very poor situation?

**Hon. A. F. Lawrence:** Yes, well, if the hon. member had been here earlier when this was discussed, he would have heard the views on all sides of the House about it, my own included. But I wonder if I could ask him if the case that he has in mind here of the house tenant who is overholding—

**Mr. De Monte:** Not overholding. He is just not paying his rent.

**Hon. A. F. Lawrence:** All right! Not paying the rent. I would be very interested, and I am sure the House would be very interested, in getting the details of it. When was the rent first not paid? How many demands were made? What attempts did the landlord make to collect it? When was the application actually filed?

**Mr. De Monte:** I will get them.

**Hon. A. F. Lawrence:** Because the information that I have is that there is no need here in Metro Toronto—it is a shorter period of time in the out-of-town places—for any application to be pending before the courts any longer than about 30 days or one month.

**Mr. De Monte:** There is no doubt, Mr. Chairman, that the landlord procrastinated a couple of months; that is true, but it is still six months of rent that is going to fly out the window. There is no doubt that the applicant probably procrastinated or did not know his rights as well as the tenant did, but there is no doubt that he is going to lose a substantial sum of money. There is no doubt either, Mr. Chairman, that in my experience, in my firm, the minimum time is about three months, three to 3½ or four months, and I think this creates an injustice.

**Mr. Pilkey:** Mr. Chairman, I have had some complaints from landlords in my riding. But let us understand that the law was changed as a result of how landlords were treating tenants previously, and the abuses that the landlords were perpetrating on the

people of this province. I appreciate the fact that some landlords have been—it is very difficult on occasion to evict people. But previous to that they were just doing it arbitrarily, just throwing tenants out. Bailiffs were coming in, putting padlocks on doors, which they are not doing now because—

**Mr. De Monte:** Without attempting to argue with my friend, Mr. Chairman, I am merely saying it is creating an injustice. We should work out some other system. I am not saying we should go back to the old system.

**Mr. Pilkey:** Well, I hope not.

**Mr. De Monte:** Perhaps we can streamline that system, or change the rules so that these applications and perhaps the service of the documents can be done in some other way. There are many roadblocks in the way of making sure that we have a just and equitable system on behalf of the landlord and the tenant. Mr. Chairman, I do not wish to debate with my friend from Oshawa on that point.

**Mr. P. D. Lawlor** (Lakeshore): Mr. Chairman, on the tenant issue, there are several things I would like to bring to the attention of the minister. There is some justice, you know; the previous systems and iniquities; the business moving in. It showed great prudence and foresight that through the Law Reform Commission you brought in the legislation. We supported it and I remember us speaking for many days, and brought it to fruition. But there is a slight imbalance at this stage, in all decency and justice, against the landlord. It has been slightly overbalanced.

I think you should do either one of two things. Either you designate three judges, or two judges—you find out how many you need—but say three judges of the county court, say of the county of York so far as we are concerned in this demesne, to be specifically handling these particular applications and forward them.

**Hon. A. F. Lawrence:** That is not the problem. There are judges available to hear them.

**Mr. Lawlor:** They tell me not.

**Hon. A. F. Lawrence:** The information that I get is different from the information of my friend.

**Mr. Singer:** Have you got the figures?

**Hon. A. F. Lawrence:** These figures are for the end of last year, but the average time, if I construe these charts correctly, here in Toronto the average time is about one month for these applications.

**Mr. Lawlor:** You mean one month from the time the date for the motion is taken out and that judgement is given, and the hearing takes place?

**Hon. A. F. Lawrence:** Yes.

**Mr. Lawlor:** Well, you know, that is not too bad.

**Hon. A. F. Lawrence:** Right.

**Mr. Lawlor:** The claim that I hear from the practising profession and bar is that it is three or four months. I suppose you could come back and say, well, maybe there is a certain degree of laxity on their part.

**Hon. A. F. Lawrence:** That is what I was just saying a few minutes ago.

**Mr. Lawlor:** And they are using the courts as a lead horse to blinker the clients. I suppose there may be some benefit in that. On the whole, I am much more favourable to a tribunal in this particular regard. I think it should be taken out of the courts entirely and a three-man tribunal, with the landlord—

**Hon. A. F. Lawrence:** Speak to the member for Riverdale, will you?

**Mr. Lawlor:** Are we talking at cross purposes? We are kind of used to that, you know. It shows a liberality of mind. Well, since we are not ad idem on the matter I shall switch to another topic.

If the hon. minister, Mr. Chairman, will take a look at section 103, I am sure it is of The Landlord and Tenant Act, that is the section that makes it requisite that landlords post up in a conspicuous place on their premises some kind of document reciting the terms, or the major terms, of the revised sections of The Landlord and Tenant Act having to do with residential tenancies. And secondly, place their legal designation, their ownership, their name and the address where they may be located in a prominent place. Not one in 50 does so.

I can conduct you to any number of apartment houses—I have been kind of making a hobby of this recently. You go into the front door of an apartment house, take a look and see if any of them have put up any of the signs required by the fairly recent

legislation. In nine cases out of 10, and I would say more than that, the odds are greater they have not.

It was just last Saturday that I had to bring this to the attention of a landlord, saying it was the law. He said in his rather querulous fashion: "Go blow your nose, Lawlor, I do not have to." And lo and behold, upon looking more deeply in the Act last afternoon, he does not. There is no penalty for not doing so.

There is no penalty whatsoever, as far as I can see, in this particular regard. If such is the case, then I think the legislation is defective and you ought to write a penalty. There is no use in writing in mandatory clauses and having no way of enforcing them and I would ask the minister to take that particular objection into consideration.

For the moment, that is all I want to say about Landlord and Tenant.

**Hon. A. F. Lawrence:** Right.

**Mr. Chairman:** The member for Riverdale.

**Mr. J. Renwick:** Mr. Chairman, I want to speak on another topic.

**Mr. Chairman:** The member for Hamilton East.

**Mr. R. Gisborn** (Hamilton East): Yes, Mr. Chairman, I want to pursue this question. I fall somewhere between the member for Lakeshore and the member for Riverdale, inasmuch as that I am not aware of the legal entanglements that are necessary, but it has been my impression of The Landlord and Tenant Act that went into being in January, 1970, that in Hamilton anyway, it has become a farce and a mockery.

**Hon. A. F. Lawrence:** I am sorry.

**Mr. Gisborn:** It has become a farce and a mockery that the Act has not been lived up to by the landlords. There has been an unsympathetic approach to the problems of the tenant and landlord by the courts, or a particular court, and maybe a particular judge.

First, at this stage I wonder why we have not yet received what was long promised by the hon. minister's predecessor—the new standard lease form that we have been promised would be made mandatory in this province. I have found there are very few tenants of apartment buildings who really know what the new Landlord and Tenant Act is all about. They are signing leases where the landlords use the old lease form that carries all the inequities that the new Landlord and Tenant Act was supposed to remove. The landlords add addenda and schedules which are in strict contradiction to the Act itself and the unsuspecting tenant signs that lease.

One might say, in the eyes of a court, if it went to court, the judge would say: "Well, this lease does violate The Landlord and Tenant Act." A lawyer could prove that, but this does not take place, because the tenant has signed that lease. He wants the apartment. He does not know how to fight for his rights under that Landlord and Tenant Act, and all he reads are the addenda which he has signed and he is in trouble.

I have one here, an addendum that was attached to a lease that was signed after the new Landlord and Tenant Act came into force. It was an 11-point schedule and, in my opinion, about six of the addenda are in violation of The Landlord and Tenant Act. It may never cause a problem to the tenant in a legal way, but it certainly causes a problem to him in a social way in trying to live up to the kind of lease that he has signed.

I would just like to read one or two of these addenda to this lease. One of them is:

> The tenant agrees that he will not hold responsible the owners of the building, their agents or employees, for any accidents incurred by themselves or guests in the building or on the property.

Now that is a violation or a contradiction of The Landlord and Tenant Act and the common law. If someone gets hurt in the parking lot and it is proved to be negligence on the part of the apartment owner, he has rights through the courts to get satisfaction. Another one is:

> The tenant agrees that upon notice of complaint to them by the property management or building owner of any disturbance occurring by themselves or guests they will immediately vacate the apartment and forfeit the last month's rent as liquidating damages.

That is not the case under The Landlord and Tenant Act. Another one:

> On notice from the tenants to vacate the apartment, the tenant agrees during this period of time to co-operate with the owner, their agents or employees, in allowing them to show the apartment to prospective new tenants, otherwise the tenants

> are liable for one month's rent as damages for failure to co-operate with the owners, or their agents or employees in showing the apartment.

There is some similarity to the Act but still the Act has some different protection for the tenant. Another addendum, and part of it says:

> The tenant agrees that the rent for an additional year's lease will be adjusted to cover any increase in Hamilton city taxes and any cost of living increase as compiled by the Dominion Bureau of Statistics.

Now how far are they going when they put those things into it? There are many of these things that are just contradictions of the Act. But that part is one thing and the other is, again, the complete failure of the landlord and tenant advisory bureau to function in any meaningful manner.

In Hamilton, I know something about it. I have read about one establishment in Windsor and in London. I read about the proceedings of their conference and no one agrees in any way, shape or form that they are serving any kind of a tangible function whatsoever. I think it is a waste of time of the members of the committee in Hamilton. It certainly is a waste of the time of the city employee, a clerk, who is handling the job as secretary to the landlord and tenant advisory bureau.

We just have, I think, to abandon or change the Act and give them more responsibility and more teeth to make that Act itself work in any shape or form. I think that the one important thing is a standard lease form. I think if we had a realistic standard lease form which carries some of the protections of The Landlord and Tenant Act in its entirety, it would do a great deal to correct some of the inequities.

Now before I forget it, I want to relate to a question raised by other members and that is the problem faced by some landlords. I have found that I have to come down in sympathy with one or two of their problems, and that is the access to quick decisions in regard to an undesirable tenant. The only way I could find some conclusion was not to give them the right that they had had before when they evict and get a court order and have a bailiff come in. But if the argument stands up, in many cases, because of an undesirable tenant who disrupts three or four or five other tenants from the same floor, the landlord has a justifiable grievance because he cannot get rid of that undesirable tenant as quickly as one would think he should be able to. Some special speedy method should be devised.

I do not know what to suggest, but I would think that you could come up with some idea that if more than three tenants on the same floor complained in writing to the landlord that a tenant was undesirable, and gave reasons that they were purposely and without regard disrupting the other tenants, that should be access to a speedy eviction of that tenant.

Now in regard to the comment I made about the unsympathetic attitude of judges in cases of application for tax rebate under the residential property tax rebate I want to relate what happened in Hamilton. In one case where the tenant was claiming the tax rebate, he presented his case, and all of a sudden the judge said, "Well I think you have won your case but you have not stated how much rebate is owing. Case dismissed."

The claimant then asked to approach the bench and it was my understanding that he had some proof then of rebate owing. The judge said: "Sorry, you are too late." And that was the end of his case.

But the main point I want to make in this regard is what happened in an instance —and strangely enough these were about the only three cases that I know of that got to the courts in Hamilton; although there were hundreds of people who did not receive their rebates.

Now I know that part of it does not stand in the responsibility of this minister. I raised that question with the Minister of Municipal Affairs (Mr. Bales) because it relates to a defect in the regulations of The Residential Property Tax Rebate Act. That is, the allowing of escalator clauses and a one month's arrears in rent for each month's percentage of that tax increase after the tax rate is brought down.

A very iniquitous loophole found by the lawyers and used by the tenants, in Hamilton anyway, and I am hoping that the Minister of Municipal Affairs will close that loophole. But this, I think, does come under the discipline of the Attorney General's department, and I quote from the Spectator of Tuesday, January 19, 1971:

> Receipts show tax rebates paid, but something that has never happened before as far back as court officials can recall happened not once, but twice, yesterday in bylaw court. In both cases landlords were charged with failing to pay tax rebates

in accordance with The Residential Property Tax Reduction Act, 1968. In both cases, while tenants were in the witness stand giving testimony, the landlords produced receipts signed by the tenants showing that the rebates had been paid in full and on time.

In the first case Diane Petch of Robins Avenue said: "It is a very good copy of my signature, but I did not sign it." The former landlord, Angelo Trotti of Chestnut Street, said: "I paid in cash and got this receipt from Mrs. Petch."

And I quote the judge:

"How can I tell who is telling the truth?" Judge Robert Morrison asked. "Case dismissed." A few minutes later there was a rerun; this time with Manley Warren of Main Street East gazing at what appeared to be his signature on a document he said he was certain he had not signed. The landlord in this case was Bernardo Agro of Johns Street North.

"If it is not your your signature, you will have to get a handwriting expert and sue Mr. Agro," Judge Morrison stated. "I cannot do anything about it. This is the second time this has happened. I do not know if the landlords are copying signatures and perjuring themselves or not."

Sergeant Paul Hearst, the bylaw court officer, said that unless initiated by the former tenants no charges could be laid against the landlords. "I have checked back as far as I can and this is the first time it has happened. It seems likely that tenants simply forgot they had received a rebate."

Now, I do not know as a layman whether I am right or wrong but it would seem to me that it would have been the responsibility of that judge, or the prosecuting attorney to have adjourned that case and ascertained who was guilty of either fraud or perjury. I visited the lady tenant involved in the case and she swears that she did not sign the receipt. Her lawyer told her that she would have to appeal the case and that it would cost around $200 to appeal the case. And she just said: "I have not got that kind of money to appeal and get my rebate back."

This is what makes me think that the judge, in this particular case and in the other case, was somewhat bothered by handling landlord and tenant problems and did not want to go to the trouble of ascertaining and seeing to it that justice was done in either case. So I would ask the minister to give attention to these cases, because certainly in the months of November and December this year again we will have the same problems of many, many tenants not receiving their tax rebate, and I think this year there will be many, many more applying to the courts to obtain their rebates from their landlords.

And we are going to have that situation if the Minister of Municipal Affairs does not close that loophole which allows the escalation clause to be effective and the rebate is not returned; if he does then it may correct the situation to a great extent. So I think that in this case we need some attention to the landlords' problem of getting speedy action on behalf of themselves and the tenants who are paying their rent and living up to their responsibilities. I think we have got to have some move on the long-promised standard lease form as promised by the previous Attorney General so that everyone thoroughly understands what The Landlord and Tenant Act is about and how it pertains to the operation of tenants. I think the point made by the member for Lakeshore merits a lot of attention. One has had to be strongly on the side of the tenant through the whole piece, until we get the application of this Act in regard to the landlords' problems and in regard to the problems of tenants who are living up to their leases, and we have to have speedy action in a court so that both of them get redress as quickly as possible.

**Mr. Chairman:** The member for Lakeshore.

**Mr. Lawlor:** There is one matter. I understand that the member for Downsview brought to the minister's attention the invidious way in which some landlords are seeking to circumvent the legislation by cutting off services. I will not go into that in detail. I think he has made his point. It is just that I thought I would bring to the minister's attention—it may not have been covered by the member for Downsview at the time—one of the other ways in which they are doing it is not by simply cutting off electricity, for instance, but by writing into the lease a clause saying something like this:

"With respect to the refrigerator and the stove, which are the property of the landlord, unless the rent is paid within 48 hours" —or whatever period of time they set—"then the landlord has the right to enter upon the premises and withdraw his chattels from them." What I saw was a seven-day one. If they were in arrears for seven days he could enter.

**Mr. Singer:** I have not seen that. The landlord could enter without any further permission?

**Mr. Lawlor:** That is right and it is part of the contract, a part of the terms of the lease itself. You are simply going to have to move in on these fellows again, and I feel the more thought you give to this legislation the better it is. As long as you provide them with an expeditious route for them to get justice on their side, it seems to me that the economic weight here far outbalances the situation.

As we said in that committee, not that the landlords could look after themselves, although I think they can, but in a balance in in society as to where the economic losses fall and where they hurt most, the law has come into some kind of righteousness, if I may put it that way, in bringing the Act into being, but with minor modifications. Now we are back into the business of trying to plug the loopholes and I have mentioned two of them to you today.

**Mr. Chairman:** Vote 901.

**Mr. Singer:** Mr. Chairman, I would like to hear what those statistics are that the Attorney General has. Let us hear him present them, then there may be some specific questions tomorrow morning.

**Hon. A. F. Lawrence:** This was just a survey required of the various courts by countries as to the number of applications disposed of, those pending and the average time that it took each one. They are not as full as I had thought they were. I can give them to the member, but they are rather meaningless now because of the time of year.

**Mr. Singer:** Well, I was just wondering if in the figures they—

**Hon. A. F. Lawrence:** But I am sure the average time, though—

**Mr. Singer:** Do the figures isolate landlord and tenant applications?

**Hon. A. F. Lawrence:** Yes, these are landlord and tenant applications.

**Mr. Singer:** And is the date of commencement—

**Hon. A. F. Lawrence:** These are landlord and tenant—

**Mr. Singer:** Are they isolated county by county?

**Hon. A. F. Lawrence:** Yes.

**Mr. Singer:** Is the Attorney General able to tell, from what he has in front of him, the date on which the appointment is first asked for?

**Hon. A. F. Lawrence:** No.

**Mr. Singer:** That really is the important thing—

**Hon. A. F. Lawrence:** That is the pertinent point.

**Mr. Singer:** —when the solicitor arrives and says, "I would like an appointment," and the clerk has to look up in his book. Because that, in my experience, involves a considerable delay.

**Hon. A. F. Lawrence:** Yes; all right. I will certainly be glad to look into that and have more research done on it.

**Mr. Singer:** I would think the sort of notice of motion that is necessary or the affidavits would give that date.

**Hon. A. F. Lawrence:** Hopefully I am not being adamantly perverse about defending the existing system. Certainly from the number of complaints that have reached me just since I have been in this office, I am well aware that it is a fairly widely held belief among landlords that the system is not summary enough. It is easy to say that, but again when one attempts to come to alternative constructive proposals, it is a different thing completely.

I cannot see that setting up another tribunal would help at all, when I am told that the main delay is not in relation to the present system. Maybe we will have to start cutting down the time, I do not know; we may have to do more of that. But setting up another tribunal or—and I would agree with the hon. member for Riverdale—removing it from the courts is not necessarily the answer.

**Mr. Singer:** Well the member for Riverdale said he would like to hear the specifics of the case that, with some reluctance, I have made reference to. I do not think that is particularly material. I have them and if A has suffered an undue delay that does not necessarily prove anything. It is the multiplicity of these reports. The Attorney General says he has heard about them; my colleague from Dovercourt knows about them; the member for Lakeshore knows about them.

Now, the people that I have talked to — landlords, lawyers and so on—I do not believe all this results from overly busy or careless lawyers.

**Hon. A. F. Lawrence:** Undoubtedly the main delays of three and four months—the ones I have been able to check into anyway—in my mind arise from the fact that two months go by before the application is even made. No court system is going to change that. We are still going to have landlords who will sit on their fanny and do nothing about it for awhile, and I suspect that a large number of them by virtue of that delay are able to collect somehow or other in the meantime; there is no question about that. But I am looking for something constructive here today; I am not getting it, but that is all right. There is a problem and I will try to find ways of reaching it; but I must say that the members are all a great deal of help.

**Mr. Chairman:** It being 6 of the clock, I do now leave the chair and we will resume at 8 p.m.

**Mr. Singer:** We will come back and help you then.

It being 6 o'clock, p.m., the House took recess.

# CONTENTS

**Monday, July 12, 1971**


**Introduction of government air service in northern Ontario,** statement by Mr. Davis ..... 3761

**Age of majority and accountability,** statement by Mr. Davis ..... 3762

**First phase of Meeting '71 with Indian leaders,** statement by Mr. Yaremko ..... 3767

**Niagara Escarpment Protection Act,** statement by Mr. Bernier ..... 3769

**Pit and quarry operations in conservation areas, questions to Mr. Bernier,** Mr. Nixon, Mr. Lewis, Mr. Gisborn ..... 3770

**Provincial Secretary's meeting with Indians, questions to Mr. Yaremko,** Mr. Nixon, Mr. Stokes ..... 3771

**Queen Street mental hospital and medical emergencies, questions to Mr. A. B. R. Lawrence,** Mr. Nixon ..... 3773

**Minister of Mines trapped in insoluble conflict of interest re environmental concerns, questions to Mr. Davis,** Mr. Lewis, Mr. Bullbrook ..... 3773

**Meeting with Electro Metals Company of Welland, questions to Mr. Kerr,** Mr. Lewis .... 3774

**Pollution in Maitland River, questions to Mr. Kerr,** Mr. Lewis, Mr. Gaunt ..... 3774

**Taking Inco to court re pollution of Copper Cliff water supply, questions to Mr. Kerr,** Mr. Lewis, Mr. Martel ..... 3775

**Request to Toronto-based firm for financial assistance to move to Orillia, questions to Mr. Grossman,** Mr. G. E. Smith, Mr. Deacon ..... 3776

**Use of deep wells for industrial waste disposal, questions to Mr. Kerr,** Mr. Bullbrook .... 3777

**Age re employment in liquor and beer outlets, questions to Mr. Yaremko,** Mr. Gisborn, Mr. T. P. Reid ..... 3778

**Community colleges having to hide matters in their financial statements, questions to Mr. Welch,** Mr. T. Reid ..... 3779

**Representation to CTC re Bell's recent increase in long distance rates, questions to Mr. Davis,** Mr. MacDonald ..... 3779

**Closing down of General Fire Extinguisher Corporation, question to Mr. Grossman,** Mr. B. Newman ..... 3780

**Cancelling grant to Digger House, questions to Mr. Wells,** Mr. MacDonald ..... 3780

**Order of de Havilland planes for northern air transport, questions to Mr. Davis,** Mr. Singer ..... 3781

**Niagara Parks Act,** bill to amend, Mr. Davis, first reading ..... 3781

**Age of majority and accountability,** bill respecting, Mr. A. F. Lawrence, first reading .... 3781

**Provincial Parks Municipal Tax Assistance Act, 1971,** bill intituled, Mr. Bales, first reading ..... 3781

**Homes for the Aged and Rest Homes Act,** bill to amend, Mr. Wells, first reading ..... 3781

**Estimates, Department of Justice,** Mr. A. F. Lawrence, continued ..... 3782

**Recess,** 6 o'clock p.m. ..... 3810

CONTENTS



# Legislature of Ontario Debates

No. 92

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Monday, July 12, 1971

**Evening Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, JULY 12, 1967

The House resumed at 8 o'clock p.m.

## ESTIMATES, DEPARTMENT OF JUSTICE
*(continued)*

On vote 901:

**Mr. Chairman:** The Department of Justice, 901.

**Hon. A. F. Lawrence** (Minister of Justice): Carried.

**Mr. R. F. Ruston** (Essex-Kent): Mr. Chairman.

**Mr. Chairman:** The member for Essex-Kent was about to speak before the dinner hour.

**Mr. Ruston:** I was talking about in whose jurisdiction waterways lie.

**Mr. B. Newman** (Windsor-Walkerville): Inland waterways.

**Mr. Ruston:** Inland waterways, we call them. I am thinking now of a place like the Sydenham River and Snye Channel in the Wallaceburg area and the Thames River that runs up to Chatham and so forth.

**Mr. B. Newman:** A little tight trip.

**Mr. Ruston:** A tight trip. What I wanted to ask the minister about is are they actually taking on the responsibility to enforce speed limits and so forth on these waterways? I know this could come under the provincial police vote, but, on the other hand, what I want to find out is it the jurisdiction of this department to look after the enforcement of laws on these waterways?

I have a few notes that I have had from some of the people in my riding and from Wallaceburg. This is with regard to the one on the Thames River and I quote: "We took the number of 51 boats, all American, and 25 of them were causing wash from five inches to two feet above the level that the lower Thames conservation authority has for being safe."

They have wash limits on the Thames River now. They do not classify it as a speed limit. It is a wash limit. They put stakes in and mark them up and if your boat, regardless of the speed you are going, gives more than so many inches or feet of wash then it is going too fast.

Through you, Mr. Chairman, is the minister taking on this responsibility this year? I think it should be the responsibility of this government since we now keep all the tax taken from gas for pleasure boats. That goes into the Treasury, so I guess we should have some responsibility to enforce the laws on these waterways.

... **Hon. A. F. Lawrence:** Yes, this is basically within the constitutional jurisdiction of the federal government. It has been an unsatisfactory matter, I think, to both governments for some time.

The federal people have proposed a deal to us which we have accepted reluctantly because it is going to mean increased costs to the OPP and we really originally felt that this was a matter that was exclusively under federal jurisdiction. Nevertheless, somebody has to do it and in the face of declining interest of the federal people, we have undertaken that if they will write the regulations—in other words, they have the statutory authority anyway—the regulations in respect of small boat traffic on navigable waters has to be passed by them.

There have been discussions with the federal government about this and we have agreed that if they will come up with the regulations in certain designated areas—and one of the designated areas is the area that my friend is concerned with—we will then police them. It may not be necessarily by the OPP exclusively. It may well be that we will get the conservation authorities in the act as well, but nevertheless there is a real problem down there respecting the washing away of the banks and the protective groynes, or whatever you call them—they are not groynes, I have forgotten the name that they call them—but anyway, they are being washed away by these pleasure craft.

Nobody is policing it at the moment. They should be policed. We are willing to take that job on, even though constitutionally it is a federal responsibility, but they have to pass the regulations. We will do it. We are waiting on their reply in respect of the passing of the regulations.

**Mr. Ruston:** You do not feel that there is any jurisdiction at the present time to enforce anything now?

**Hon. A. F. Lawrence:** Well, yes, the jurisdiction right now is very clearly federal. There is no question about that.

**Mr. B. Newman:** What happens this summer?

**Hon. A. F. Lawrence:** This summer? We had hoped that the regulations would have been passed by now. I have forgotten—our last letter to Mr. Jamieson would be four or five weeks ago anyway and we have had no reply to it. I thought that maybe he was too busily involved with the colleagues on my right, worrying about regional airports.

**Mr. R. F. Nixon** (Leader of the Opposition): He does not answer your letters about the airport either.

**Hon. A. F. Lawrence:** No. I do not know why. It is about time he got some better help up there.

**Mr. Nixon:** Terrible. It is a shame.

**Hon. A. F. Lawrence:** Not even an acknowledgement of it.

**Mr. Ruston:** Whatever way you have had it, my impression of a navigable waterway was that when it was no longer used for shipping purposes then in effect the federal government's responsibility was dropped.

**Hon. A. F. Lawrence:** No, if it is navigable waters then in the concept of what we are talking about it is a federal responsibility. If it is not navigable water, there is no boat on it, and if there is no boat on it then there is no problem is there? Navigable for pleasure, but not for shipping.

**Mr. L. C. Henderson** (Lambton): Speak to them for us. They will get it done then.

**An hon. member:** Today, all waters are navigable, because you have all kinds of—

**Hon. A. F. Lawrence:** It is a very real problem down there.

**Mr. B. Newman:** Now, may I ask the minister whose responsibility is it to designate the area that should be looked after by the OPP or the conservation authority?

**Hon. A. F. Lawrence:** The actual designation—in the concept of what we are talking about here now, under the federal regulations which we have not seen, I would imagine they will either give us the jurisdiction to designate—this is something that has not been entirely clarified to my benefit yet; but maybe it has been, just recently—we will either designate it or they will. But I am told here now that we act for the area to be designated and under the agreement that we have with them they will designate it.

**Mr. B. Newman:** Mr. Chairman, the minister made mention of a conservation authority possibly being given the authority to enforce the new regulations. Now Essex county does not have a conservation authority. In a case like that, will the OPP be responsible, or will the minister appoint some new body?

**Hon. A. F. Lawrence:** I anticipate that there will be three different regulatory bodies: There will be the OPP; there will be The Department of Lands and Forests, where there are staff or personnel available for that; and there will be officers of the conservation authority. I am also told that municipal police forces will also be—

**Mr. Nixon:** Yes, that is almost enough regulatory bodies to go ahead.

**Mr. B. Newman:** The minister can readily understand the situation in the Essex-Kent county areas bordering the State of Michigan, where the numbers of pleasure craft go into the thousands. Perhaps possibly no place in the world has as many pleasure craft in such a small confined area as we have along the Lake St. Clair and Detroit River area, and it is becoming a real problem to residents along the smaller waterways.

**Hon. A. F. Lawrence:** I wish you were at Ottawa.

**Mr. Chairman:** The member for Riverdale.

**Mr. J. Renwick** (Riverdale): Mr. Chairman, I have just one area; I would like the minister to let me know whether or not there is any policy, or whether it is dealt with by the government simply on an ad hoc basis. There are a number of commissions of the government of Canada, such as the Trans-

portation Commission and the Radio and Telecommunications Commission, where the public interest of the Province of Ontario is often involved. The National Energy Board is another such board.

For example, the question was raised today by my colleague the member for York South (Mr. MacDonald) about the intervention of the government to make a presentation on the question of the Bell Canada rate increases. I could name others. There is the question as to whether or not the government will intervene before the National Energy Board on the question of the contractual price to the distributors of natural gas in the province, which will ultimately affect the retail price which is paid by the consumers in Ontario.

Similar questions came up with the discontinuance of rail services and questions came up with respect to the discontinuance of Air Canada services in certain parts of the province and the allocation of flight rights to other companies.

It seems to me that there are a number of such areas where there is a definite interest of the public of the Province of Ontario that can only be adequately represented by government. My question is whether or not the minister's department takes the initiative, or is it a matter which comes to him by reference from other colleagues of his in the government before a decision is made to intervene?

**Hon. A. F. Lawrence:** It all depends on the board.

One of the things I did in The Department of Mines and Northern Affairs, for instance, was to make sure that all applications to the National Energy Board were well researched by an interdepartmental committee task force—I have forgotten what the "in" name of these things is now—with the result that all of this would be fed into a Department of Justice man who was then the counsel for the Ontario government in all hearings affecting the Province of Ontario before the National Energy Board.

So we do have Mr. Robin Scott now as counsel for the government—he is in The Department of Justice—who takes on all appearances before any of the national boards in respect of public utility rates. He acts on the instructions of the government in general, through the Attorney General, but actually in respect, let us say, of the Energy Board. It is an interdepartmental committee made up of representatives of The Department of Justice, The Department of Treasury and Economics, The Department of Mines and Northern Affairs and I believe, The Department of Energy and Resources Management is in on it as well. Who else have I forgotten? I think that is about it. Also of course he can draw on the background and the statistical work also done by our own Energy Board in respect to this.

Then you get on the matter of transportation, both air and land transportation, generally speaking. David Duncan of The Department of Transportation and Communications appears as the counsel for the government in respect of any matters affecting the Province of Ontario on that matter, and we advise Mr. Duncan as well on those matters.

I am not too sure now in the new departmental setup of The Department of Transportation and Communications if any other department is involved in any interdepartmental committee respecting his intervention or his appearances. I do not believe so. I think it is just the one department and we also give some advice to him in respect of that.

**Mr. J. Renwick:** Is it a cabinet decision in each partciular case as to whether or not the appearance will be made and the argument put forward?

**Hon. A. F. Lawrence:** Yes.

**Mr. Chairman:** Vote 901?

**Hon. A. F. Lawrence:** Wait a minute now. No, there are standing instructions to Mr. Scott, certainly on all matters to the Energy Board, that the subject matter of the next application has to be brought to the attention of the interdepartmental committee. From there on, some of them are quite routine matters; they do not require cabinet approval. But any matter of any import certainly comes through cabinet, through a variety of ministers, through either of any one of those ministers involved.

In respect of Transportation, air and land problems would come to the cabinet through the Minister of Transportation and Communications; if the minister himself thought it was necessary. Most of them are considered by cabinet, but there are some minor ones that are not.

Vote 901 agreed to.

On vote 902:

**Mr. Chairman:** Vote 902. Crown legal services programme.

Is this on 902?

**Mr. J. Renwick:** My question probably comes more appropriately under 904.

Vote 902 agreed to.

On vote 903:

**Mr. Chairman:** Vote 903. Legislative counsel services programme.

**Mr. J. Renwick:** Mr. Chairman, is the delay in the introduction of legislation into the assembly by any possible chance because of the inadequate staffing of the office of the legislative counsel, or is it purely a delay on the part of the government in implementing its programme?

**Hon. A. F. Lawrence:** First of all, on a nice quiet peaceful night like tonight, I do not want to give you an argument about delay of legislation into the House. But I thought the main emphasis in the first part—let us say the first third of the session—would be on estimates only and therefore presumably we may have two-thirds of this session yet stretching ahead of us, as far as legislation is concerned.

Vote 903 agreed to.

On vote 904:

**Mr. Chairman:** Vote 904.

**Mr. R. Gisborn** (Hamilton East): Mr. Chairman, I do not know whether the opposition is getting a litle sloppy, or the government is just taking advantage of the pleasant evenings and is sliding things through, but I appealed for a couple of answers from the ministers on vote 901—that is in regard to the long-off promise of a standard lease form from his predecessor in regard to The Landlord and Tenant Act. I also asked for—

**Hon. A. F. Lawrence:** I would be glad to deal with that. One thing at a time. I have a poor memory, therefore just hit me with one thing at a time, will you?

**Mr. Gisborn:** All right.

**Hon. A. F. Lawrence:** My understanding of the undertaking given by my predecessor was that he would refer this matter to the Law Reform Commission for in-depth study and research and report. As I think my hon. friend is aware, they have embarked on a very large study of all matters, really, I suppose, in relating to real property in the province. They have already produced one large report on land registration, which I tabled in the House about a week or so ago. They have not yet reported on the lease question.

I must say to my hon. friend, in all honesty, that I do not know what the delay is on the lease problem, because it seems to me that that is something that could be acted upon and reported to us fairly quickly. I do know they have a lot of things in their pot at the moment, but certainly I intend reminding the chairman of the Ontario Law Reform Commission that this is a matter that should be delayed no longer, and that we really want to get their report and advice on it.

**Mr. Gisborn:** Mr. Chairman, I can do no other than accept the explanation of the minister. I was under the impression that that subject had been considered by our Law Reform Commission and it had sent back a report.

Okay, I will send the minister a copy of the papers I raised in regard to the administration of the claims for tax rebate and the disposition of the judge in this case. And my question in that regard—and I think this comes under this vote also—was, in his opinion, did he not think that either the judge or the prosecuting officer had the responsibility at the point in question to confirm whether there was fraud or whether there was perjury, and have those cases remanded until a decision was made?

It seemed to me, being a layman, that it was a very funny way in which to dispense with this kind of case, when there were receipts shown to be signed by the landlord, and, in turn, the tenant denied that it was her or their signature. I would have thought that someone was responsible to find out just what the situation was, because those two particular cases caused some controversy in the Hamilton area in regards to people trying to see the tenants got their full rights under The Landlord and Tenant Act.

**Hon. A. F. Lawrence:** I am certainly not prepared to enter into any defence of, or castigation of, the courts' action just on the basis of a newspaper clipping. My own meagre experience in this office just in a couple of months would lead me to believe that almost the last report you should believe, about either legal or court matters is the daily newspapers, believe me.

But in any event, now that you have sent this Hamilton Spectator clipping over to me,

and I see it is January 19, 1971, I will certainly try to find out the details of the matter and what were the reasons for the disposition of the cases in that fashion.

I must say to my friend that these cases are summary conviction matters and, therefore, the normal rules of criminal evidence in a criminal court proceeding apply. In other words the judge has to be convinced beyond a reasonable doubt of the case against, in this case, the landlord who was being prosecuted. I would imagine in both cases that this was simply the case. The prosecution had to show beyond a reasonable doubt that the rebates had not been paid to the tenants. In the judge's view and that is what we pay him for, after all, to make those decisions, in the judge's eyes that case was not made out. I would imagine it is as simple as that.

In any event, now that you have given me this—I have not heard of it before—let me try to dig out some more information on it and I will be in touch with you.

**Mr. Gisborn:** I thank the minister for his consideration because I think we are going to have similar situations. I get the impression that the court just did not want to be bothered with the nuisance of landlord and tenant cases. I got that impression through three or four instances that—

**Hon. A. F. Lawrence:** I can give you the statistics in Wentworth if you want. There are a number of cases going through Wentworth county in respect of these matters. They have to hear them there, and they do hear them, this we know. There is no question that they are aware of their responsibilities and duties in that regard.

**Mr. Chairman:** The hon. Leader of the Opposition.

**Mr. Nixon:** I think it was in the last year that the minister's predecessor made a statement on the functioning of the courts during the summer season, which is normally a fairly lengthy recess. Can the Attorney General report to the House just what plans are made to overcome the problems that have been faced in the courts of Ontario in the past, in the summer season?

**Hon. A. F. Lawrence:** Yes, there is a very definite trend more and more to keep the courts active during the summer months. It is something that I will be looking at over the next period when the House is not sitting, to review the statistics on it.

**Mr. Nixon:** And if we have two-thirds of the session ahead of us and some other plans in the fall, you might be right.

**Hon. A. F. Lawrence:** I did not think you would pick that one up; glad to hear you did.

**Mr. Nixon:** We always take what you say seriously.

**Hon. A. F. Lawrence:** Yes, I notice that. Here in the county of York, for instance, Chief Judge Colin Bennett has indicated that there will be county courts sitting for two weeks in July and two weeks in August, I believe, already this year. It is not just a case of keeping the courts open, it is a case of making sure too that the bar is available to properly carry on these things. Certainly a few years ago there were all sorts of statistics bandied about respecting the great backlog of cases that were still there and not dealt with when summer vacation came along. I do not believe that there is any great backlog of cases now. In the one or two instances where there has been some delay, I do not think the summer vacation of the courts alone is the prime factor in that.

I think we are coming more and more to the time when the courts will have to be open all year round. I do not think we have reached that stage yet. I think we are going to need more judges when that happens as well. This is something that has to be an evolution and we are embarked on that evolution right now.

**Mr. Nixon:** The county and provincial courts normally are not in session for July and August, except by special appointment?

**Hon. A. F. Lawrence:** No, the provincial court is; the provincial criminal courts are. There is no question about that. There have been a few more extraordinary provisions made, I believe, this year as well for cases of appeal relating to the freedom of the individual in Supreme Court hearings. I am just being reminded that the Ontario court of appeal is sitting to hear appeals in that same aspect this summer.

**Mr. Chairman:** The hon. member for Lakeshore.

**Mr. P. D. Lawlor** (Lakeshore): Yes; I must agree with the Attorney General, having been up in the courthouse for the past few days on the royal commission. The halls are teeming with co-respondents slinking around. Apparently you can get divorced as quickly

in the summer as you can at any other season of the year.

**Mr. Nixon:** There is no duplication.

**Mr. Lawlor:** The area I want to talk about for a moment perhaps with a little indulgence, a smidgen, on your part, because I have not been here latterly to ask you about this, is that I have some grave misgivings of late with respect to what really falls under criminal procedure, the procedure of the courts, I suppose in the broad sense, touching the trial de novo. What happens is the Crown prosecutors take their cases, and bring in inadequate evidence. They do not line up their witnesses or prepare their cases adequately, they fail to obtain a conviction, then they turn right around and appeal on a trial de novo. Very often they are not adequately prepared, or they find out in the course of the actual trial what the weak points in their cases are and then they plug the thing by taking it upstairs and trying it all over again. Then, having learned by way of the defence what evidence they ought to have produced in the first instance, they succeed in the case.

I have no exception to a trial de novo proceeding on the part of the defence. But it seems to me a real abuse at the present time in the province on the part of Crown attorneys and on the part of the prosecuting auspices of the Crown to so utilize the trial de novo.

It might be very well looked at very intensely possibly with an eye to abolishing that procedure so far as the Crown is concerned. If they want to appeal, let them take their regular course of appeal and take their chances on the record. But to be given a second punch, and to regard the first trial as some kind of preliminary hearing without the full ramifications and impact that a trial ought to have is to pillory and hold up to an extent the procedures before a provincial judge, or a county court judge for that matter—a provincial court judge in this case—to make a bit of a travesty of the whole proceeding.

Have you had complaints under this head, and are you thinking of any forms of rectification?

**Hon. A. F. Lawrence:** Yes, I am glad the hon. member has introduced this subject. I think it is an abuse, all right, but it is a pinching shoe on both feet; it is not just the Crown, it is the defence as well.

**Mr. Lawlor:** But you have bigger feet.

**Hon. A. F. Lawrence:** Yes, maybe, but that still does not help the corn at all, in the end. It is an abuse of the system no matter who does it, and I am sure my hon. friend would agree that it is an abuse of the system, no matter who does it.

I am told this is a subject that has sparked some lively discussion and hopefully will produce something more than heat in the discussions of the commissioners on uniformity of law across the country. There has been a lot of discussion about abolishing the trial de novo and having an appeal on the record alone. We sometimes run into problems in the lower courts about getting the record and getting the transcript, and sometimes it is handy to proceed by trial de novo even on that basis.

There was a very valid reason for it initially, and in some cases it is still there—and that is the presence of lay judges in the lower courts. However, now that the policy is to appoint only legally trained judges to the provincial court criminal division, presumably that reason will disappear as the years go on. But it is a subject matter that there has been a lot of discussion about and I would like to have the views, either tonight or in writing or in future discussions, from the lawyer members of the House, and for that matter anyone else in the profession, about it, because the situation is one that while again I am not happy about it and we are concerned about it, I am just not too sure that the outright abolishment of the appeal by way of trial de novo is the right one.

**Mr. Chairman:** The member for Riverdale.

**Mr. J. Renwick:** Mr. Chairman, I want to question the minister very briefly on a matter that I raised with him privately a while ago, and that is the question of the backlog of cases and what can be done to eliminate, not only the backlog, but the waste of time of citizens as witnesses and the waste of time of lawyers and others, such as police officers, who have to attend in court on cases and wait their turn. Often they have to come back on other occasions because of what appears to be in substance, not just a difficulty of processing the case, but a failure of up-to-date adequate modern administrative procedures for determining the calendar in a particular court on a particular day.

I think my remarks apply particularly in the Province of Ontario in the Metropolitan Toronto area to the small claims courts and

to the provincial courts. I had suggested, as the minister will recall, that the government give consideration to retaining a firm of management consultants such as Woods-Gordon, arranging with that firm for them to be assisted by two or three lawyers who are conversant with the actual procedures of the courts from the legal point of view and from day-to-day experience with those courts, and by any other persons who might be helpful to form a task force to see what can be done to expedite the business of the court. Equally important, the business of the court could be so ordered as to reduce this waste of time on behalf of citizens, be they clients, accused persons, police officers, members of the citizenry who have to come as witnesses or the lawyers themselves.

It seems to me that in those two courts, the small claims courts and the provincial courts—both the criminal courts and those dealing with traffic violations—this is an area which requires a very clear and careful study of the procedural and modern mechanisms which can be introduced and which I think would add a great deal to the efficient functioning of the courts and remove a tremendous source of irritation for the ordinary citizen who is involved in their processes.

**Hon. A. F. Lawrence:** The root of the matter really is whether the legal profession is ready yet for a system in which they are told when their case is coming on, no ifs, ands or buts about it. That is the bare-bones, simplistic view of the matter. I do not really believe, in spite of what I said this afternoon, that the situation has yet reached the crisis proportions that that type of regulation restriction or statute law is needed here as yet.

Certainly, it must be an extremely frustrating matter to some of the court officials to attempt to set down matters for hearings and to try to devise new ways, and to have the whole thing frustrated, sometimes on very valid grounds but sometimes, I am afraid, more for the convenience of the law profession than any other. Certainly in the Supreme Court the certificate of readiness which was instituted—what, three years ago now? Two years ago—has not produced the remedial measures that we thought it would. It may well be that that should be abolished because it is not just producing.

There are as many delays and as many adjournments requested as before, if not more so, under the new system. It has just added another spoke to the procedural wheel, really, to my mind, although I would want to talk to the officials of the department before getting into that. Surely, before we start embarking on a large-scale reformation programme on the procedures of the court, we have to know exactly where the delays are.

As my friend knows, an internal statistical unit was set up within this department in 1968, which only now is beginning to produce the information and the statistics—it takes a few years of comparison—where we think we can sit back and say that the system is not working here, it is working there, before we can start coming up with some meaningful suggestions to the House for reform. It may well be that this is the year for it.

Certainly, just the geographical judicial districts of this province are sadly in need of reformation. Certainly the various divisions within the districts need to be looked after. Otherwise, I think we have, in view of the statistics that are forthcoming, been able to put out the brush fires in those areas where obviously the backlog of delays was starting to build up in one field or another. My belief is that right now there are no great areas where this backlog is in existence.

You do touch upon a little bit of an Achilles' heel, I think, when you start talking about the small claims court. This really is one area which is going to be one of the roughest to try to regulate, simply because of the nature of it. It is almost like the tide coming in and out, except that it is not that regular. As far as claims coming before that court are concerned, it is going to be pretty hard to regularize that with any degree of efficiency.

I am told that the department has never employed outside consultants in respect of a study such as that. As I say, until 1968 they did not even have their own statistical unit recording these things and keeping track of them.

I would think that, for a while anyway, until we ourselves believe that we are incapable of digesting the statistics that are now flowing in and comparing them with the previous couple of years, unless we find there that we are unable to come up with sensible conclusions ourselves based on the statistics, I am not too sure that any firm of management consultants would be able to advise us properly there.

But I am certainly happy to look at it and certainly I would not be averse to calling a number of them in and asking them, without prejudice, what they think they could do for

us in this field. But at the moment I really do not think that there are any great areas where we have a backlog of delays.

**Mr. Chairman:** Vote 904?

**Mr. J. Renwick:** Mr. Chairman, this—

**Hon. A. F. Lawrence:** Mr. Chairman, I am sorry, I unintentionally misled the House there and I am now told that on the Law Reform Commission study which is taking place—I did not mention that because I knew my friend realized it—there are consultants who are advising the Law Reform Commission on their study. I was not aware of that.

**Mr. J. Renwick:** Well, one never has the time to do all the research work that one wants to do in order to make an absolute air-tight case for the government.

But I am saying to the minister that in the small claims courts in the city of Toronto, in the metropolitan area, there are decided inefficiencies. There are the backlog of cases, frustrations to the persons who endeavour to put their claims before the court, the length of time which it takes to get a trial date when a claim is put into the court, and the total inability to have any sense of assurance or respect for the result which is arrived at.

I think to a lesser extent there have been improvements in the provincial court system over the last while, the last two or three years particularly, but I think it is equally true in the Metropolitan Toronto area that the functioning of those courts from an administrative efficiency point of view to remove the frustration which the citizen feels about the operation of the courts requires a decided change in attitude by the minister's department.

I think one can go through the whole of the metropolitan corridor actually, the corridor through to Hamilton, and you will find the same thing. For example if you talk with the Crown attorney out in Halton he will tell you how many cases he has behind, how long it takes to get a trial date set—even with the total co-operation of all the parties to get the matter on and dealt with.

There are cases, for example, where remand was asked in a court in downtown Toronto yesterday or the day before and the date that was fixed for the trial to commence was October 14. There is just no excuse. The provincial courts sit during the summer. There is no reason why that matter cannot be dealt with long before that time if the courts are operating efficiently. We tried, I think, during the debate on the Law Society bill; the government moved a long way and the Law Society moved a long way to sort of open the doors and let the public look in on what was taking place in the administration and operation of the profession itself.

But I just think that this department has got to realize that there are other disciplines in the world apart from the discipline of the law and that the legal practitioners are not ones who can take a particularly objective view of those parts of the system where they seldom appear or where the great bulk of the lawyers never have any occasion to come near the court. Because if there ever were courts where a citizen is likely to have a contact with the administration of justice it is in the provincal courts system on the criminal side, it is in the provincial courts system on the family side, it is in the provincial courts system on the traffic enforcement side and in the small claims court.

And those courts, no matter what the minister says, no matter what the statistical system which was set up in 1968 may be producing, those courts require an objective appraisal by persons who are not lawyers, who are not brought up within the legal system either, and are now judges or who are persons who operate within the courts because they have been employed in the courts, either as registrars or as bailiffs, or as court dignitaries or functionaries of one kind or another.

I think that the minister's predecessor did a number of very positive things in a number of areas where there was a tremendous number of areas requiring the light of day to be thrown on them. But if one had to select an outrageous part of the legal system and say, "This is the one where the public's attention has to be directed," one would say the small claims courts and the provincial courts.

Of course, I can only speak for the Metropolitan Toronto area, because I am not familiar with the problems elsewhere. I know, in some of the larger areas in Ontario, there is only a difference in degree.

Setting aside the proposition that there have been improvements, I just do not think that the minister can take the position that the government can continue to avoid the necessity of an objective look at the problem, because the only avenues of criticism that ever come against the department are when, say, one of the newspapers decides

to do a series on the functioning of a particular court. Or a reporter gets interested in what happens to a small claims court. No one else ever takes the time or the trouble.

We here certainly do not have the time in order to make the continuing study which is required. I do not think that the minister's department has the ability, or the staff, regardless of what systems they introduce internally, to stand back and say, "We are going to make a six-month study of the small claims court. We are going to find out what is happening in the small claims courts in Metropolitan Toronto and we are going to find out, once and for all, what can be done to improve the system."

The department is not equipped to make that kind of study. It does not have the other disciplines which are required to assist it. The Law Reform Commission has such a burden of work that it cannot deal with it. And indeed, the Law Reform Commission basically was set up to deal more or less with substantial questions of law, rather than procedural matters.

I agree in the land registry system that you get involved in procedure, but it is basically a question of substantive law. These are procedural administrative matters and it seems to me that the minister has to say to himself, "Look, we cannot do it. Now, somehow or other, I am going to set up an independent task force to deal with the problem, not from the question of the substance of the law which is administered in those courts, but the actual procedures by which the cases come on before the judges who are to make the decisions about them."

I can assure you, Mr. Chairman, that although I have not practised in those courts all that length of time, in the time in which I have—mainly since I have been a member of the Legislature and have been involved with problems of people in my own riding in those courts—I can say to the minister that from the lawyers' point of view, from the client's point of view, from the witnesses' point of view—from the point of view of those who are charged with the administration of the courts, in many cases—that it is a frustrating, depressing experience, in many instance, to sit in a court from 10 o'clock in the morning until your case is called at 3:45 in the afternoon and to have the case adjourned. To have to come back on another occasion to have your case completed and then, perhaps, to come back two weeks later in order to have the matter dealt with by way of sentencing, can only add substantial cost to the administration of justice.

I doubt if there is a lawyer practising in the provincial courts in the criminal division who will go into court today at a fee which does not take into account the fact that he is going to waste a substantial portion of one day, two days or three days, while his case is being processed. I would hazard a guess that if a lawyer knew the day he walked into that court that sometime in the course of that day, at a reasonable time, give or take whatever leeway is required, he could feel his case was going to be called, that he could marshal his witnesses, that the Crown could marshal their witnesses, that the case could be tried—well everyone cannot figure how long it is going to take, but my guess is that you would come close to cutting the fee charged by lawyers in the provincial courts, criminal division, at least by one-quarter, and in many cases, by one-third.

The minister must know that for a person charged under The Criminal Code today, it is practically impossible to get a lawyer, a first-rate lawyer, and most of the lawyers, of course, are first-rate. Everybody assumes that they are.

Mr. S. J. Randall (Don Mills): Want to bet?

Mr. J. Renwick: The chances are that if you can get a lawyer to take on a case for under $300 you are very lucky. A good part of the cost of that appearance, or some portion of the cost, I would say on a $300 quoted fee, $100 of it is a discount or an added increment to that bill for the time which that lawyer is going to lose in the court.

I am saying to the minister, I am going to say it once more by way of repetition—he chided us for having to repeat these things across the floor, but when you have tried year after year to get something done about them he can bear with a little repetition, particularly in his own department—I am saying that the small claims courts, the provincial courts, the traffic courts, and the provincial courts, family division are the courts that require an outside objective appraisal of their administrative procedures to see if they can come up with some method which will cut the costs in terms of the fees which are charged by those lawyers who take on those cases.

Many lawyers have got to the point where they simply say: "No, we will not take those cases." Why? "Because we cannot get the

fees that the time which will be consumed warrants." And where you can also have the sensation that the whole of the citizenry who are involved in those courts come out of them relieved of the sense of complete frustration.

If the minister would do that, then I would say that that is the major defect in the administration of justice in the city of Toronto at the present time.

**Hon. A. F. Lawrence:** Mr. Chairman, I merely repeat too, then—if my friend is going to indulge in repetition then I will as well—that the real heart of the matter is evolving some procedure in which people are going to be told when their case is coming up, and that is that, and no fooling about it. I really do not think that the profession yet is ready for that, and it may well be that the interest of justice and equity will not best be served by a system such as that.

We may have to be moving toward it, I do not know, but it is such a simple matter to stand up here and say:

> Is it beyond the competence of man to set down a schedule, bearing in mind that the lawyer, weeks in advance, knows who he is going to call, when he is going to call him, what question he is going to ask, how much time he is going to take, and to lay this down into some sort of a system?

I say to you that under the present system, that simply is not possible, and it is not as simple as it sounds either. My friend is not ready to do that in regard to his own practice, I will warrant. And I do not know the lawyer who appears before the courts, and especially the lower courts, who is prepared to do that yet. It is simply not possible. All sorts of things can come along to gum up the process.

And yet, I do not want to appear to be adamantly in opposition to what my friend is saying because we will certainly check the courts in Metro. I must say to him that I have not had any great flow of complaints coming in to me from the legal profession or the public at large about them. His point, of course, is that members of the legal profession are not the ones who appear in it, but certainly in other areas where the public is involved they are not backward at coming forward with their complaints to the Attorney General. But if there are complaints in this area and if the system is not working in this area, certainly we will check forthwith and see if there are these complaints and where, why and what we can do about them. If this involves hiring outside consultants, business consultants, certainly we will do it.

I must say that I really think his language in respect of my predecessor's record in this matter, using such a term as "outrageous," is hardly called for, because I think in these small claims courts and in the provincial courts, the main object involved has been to bring the courts to the litigants. By that I mean a lot of the statistical surveying that has been done has been to try to come up with the positioning of the courts in areas where we believe they will be more readily accessible than they have been in the past to the litigants.

We are not bothering about the legal profession. I should not say they are not a factor in the determination of it, but we are worrying about the public at large and the litigants. That, for instance, is why we now have here in the county of York alone 11 small claims courts, where a few years ago we did not. It is why, just a couple of weeks ago, I opened up a new family court in Willowdale. This has been the main thrust of the department's policies, as enunciated by my predecessor.

There is more than just one aspect to it in respect of these backlogs, which I do not think exist at the moment, or if they do, certainly I have not heard of it up until now. But I am gratified that my friend has brought the matter up. Certainly we are compiling these statistics manually to determine the best and most helpful reports, then we will certainly be moving to the computer techniques and we will use these reports to check on the system and react to it. And if this involves outside consultants, who are pretty expensive and sometimes not at all helpful in the governmental process, we will be glad—

**Mr. J. Renwick:** Do not prejudge it.

**Hon. A. F. Lawrence:** No, I am not. I am just saying we have set up our own people now to come up with these statistics. They are now starting to produce these statistics, and it may well be that we can rectify these complaints within the service. If we can, hopefully it will be a darn sight cheaper and just as efficient as any outside group. I do not know. But if it is apparent that it is not, then in other aspects of governmental service we have gone to outside consultants, and certainly I would have no hesitation in doing so here.

**Mr. J. Renwick:** Well, Mr. Chairman, there were one or two positive comments from the minister and what he says about these matters, but basically his thrust was negative. Let me say that in whatever experience I have had in the business and financial and commercial world, whenever the question was raised in some large corporation about bringing in outside consultants, there was always somebody in the organization who said, "Oh, well, we will not get anything worthwhile out of them and they have nothing to add to it."

**Hon. A. F. Lawrence:** I did not say that.

**Mr. J. Renwick:** All right, but the minister indicated that they are expensive and that maybe he will not get any results that are worthwhile. I am simply saying that the management consultant firm, with respect to business procedures and administrative techniques and reorganizations which are necessary, would not have survived as an independent adjunct of the business community if by and large it had not been making some positive contribution to the overall reorganization and efficiencies of businesses.

**Hon. A. F. Lawrence:** Well, as my friend knows, here in Toronto particularly and in Ontario particularly they would not have survived if it was not for government using them. So we can make all sorts of arguments about that.

**Mr. J. Renwick:** Oh, well—

**Hon. A. F. Lawrence:** We have used them.

**Mr. J. Renwick:** I understand very well. But the minister knows as well as I do that the Woods-Gordon firm with Grant Glassco and Walter Gordon would have survived without the assist that they got from either the government of Ontario or the government of Canada. The government of Canada and the government of Ontario, on the occasions when they went to those men to look into the matters, went to them because they recognized and acknowledged that they had something to contribute. All right now.

The minister will persist to the point where I am going to have to continue to speak about the topic. He has got to embrace the topic with some kind of enthusiasm. The inward-looking attitude of this profession, with respect to the way in which it conducts its business, is the poorest profession in the Province of Ontario.

Now, let me make it perfectly clear. The minister makes my argument when he speaks about my law practice, to the extent that I have one. I am a product of the system, and if there is one thing I do not know how to do, and I know very few lawyers who do, if any, it is to so organize the flow of business which they have from their clients that they can deal with it efficiently.

**Hon. A. F. Lawrence:** Right.

**Mr. J. Renwick:** And the least efficient part of it and, therefore, the part which is discarded as quickly as it can possibly be discarded by every lawyer who ascends the ladder into the legal profession—the first thing that he gives up—is appearances in the provincial court. And if there were not a legal aid scheme in the province of Ontario, you would have great difficulty finding enough lawyers to appear in the cases before those courts.

That is fundamental to what the problem is. So far as the small claims courts are concerned, you could not get a lawyer for love or money to go into the small claims courts in Metropolitan Toronto to take cases which are coming before these courts. Therefore nobody cares.

The minister is also negative when he says: "Well, nobody writes to me about these things." In the parlance of the game, if you cannot beat city hall—one of the things you cannot do if you have had a claim in the small court—the only alternative at the end of the process that you could possibly ever have, would be: "Well, that is an experience that I will never repeat in my lifetime."

It is not an experience to say: "Now, I want to write to the Minister of Justice, a nice polite letter and explain to him, so that the next time I go back into that court, it will work adequately."

**Mr. Lawlor:** What he is saying is perfectly right.

**Mr. J. Renwick:** I did not in any way take away from what your predecessor did in office about some of these matters. There have been improvements. I know that in, I guess it was 1966, in the opening remarks that I made on the Attorney General's estimates—I think it was the first time I was the critic of the department, or the second time at the very most—I devoted the whole of my opening remarks, nothing to do with justice, nothing to do with substantive matters, but solely to deal with the convenience of the courts to the citizens who have recourse to them.

Now there is a very elaborate, old and ancient ritual surrounded by rules and all sorts of decorum involving the superior courts of the province—the Supreme Court of Ontario, the county courts, even the surrogate court has a certain halo around it. Things go in a very measured and ordered way.

If anybody wants to reverse that system, I will let somebody who has greater strength than I have deal with the problems that are related to that; the delays which are involved in it; the length of time in which it takes cases to come before those courts—I do not happen to have any experience in those courts, other than what I hear about—the length of time it takes for a case from the time the writ is issued until the decision is made, and bearing in mind what the minister refers to as the inability of the legal profession to deal with the matter.

Now, I have dealt with some of the negative ways in which this minister has looked at the matter, the way I sense that he is going to drag his feet about it because it is not a matter of compelling urgency. I am saying to the minister that it is a matter of compelling urgency; it is the most urgent problem before the administration of justice at the present time. I am quite certain that if the minister would take just a simple pilot project of one of the small claims courts and take it on a small basis, retain a firm of management consultants for a limited period of time, add to it one or two people who know something about the small claims courts, and ask them to produce a report about that small claims court, he would be able to see whether it is worthwhile engaging them to do a more in-depth or larger study.

If I can, I would persuade the minister that something like that should be done about the small claims courts, or that he should take a court where, by and large, matters should be able to be dealt with relatively efficiently. Go away from the old city hall and go out to the Scarborough court and ask them to do just a study of that court as sort of a pilot project to get some grasp or grip on what is required to eliminate the frustrating delays which are involved in that court. If this minister would do this, I think he would get some idea as to whether or not objective appraisals of the operations of those courts would make sense or not. I have no reluctance in saying to the minister that it could not help but be a positive contribution to the administration of justice.

So I want the minister to drop the negative parts of his attitude toward the problem and actually embrace it and say, "Yes, this is something which we recognize requires attention; we are not making excuses for the past, but we are simply saying we are going to find out what can be done about it."

When that is done, then I think this minister will have made a contribution. Lord knows he has only a few weeks in order to initiate the programme, because he will not be there any longer.

**Hon. A. F. Lawrence:** I can assure the hon. member that it will not be done in the next couple of weeks in any event. Therefore, if he wants me to "embrace enthusiastically" the idea tonight, and if not he is going to continue to talk about it, then he is going to have to continue to talk about it because I am not going to do just that tonight.

It was the language of the hon. member that made me speak back the way I did, and I have no apology for it. The first time around I said I was not adamantly convinced one way or the other. If it is shown to me in more ways than merely the complaints of the hon. member that such a study is needed then we will certainly study it. The words that caught my ear and made me respond in the way I did were the assertion by the hon. member that the situation at the moment was outrageous and I am not yet convinced, even though he says it is outrageous, that this situation at the moment is outrageous. However, as I said before, I will certainly be checking into it forthwith and if that type of an application of outside consultants is required for us to come up with the answers, then we will certainly do it.

**Mr. Chairman:** The hon. member for Lakeshore.

**Mr. Lawlor:** I will not take a great deal of time, Mr. Chairman. I do think this is a splendid opportunity to throw what little weight I have, after a very splendid dinner, behind my colleague. We have not been in all matters on all fours of late, and if I can support him in any wise at all, I think that I have some kind of obligation so to do.

What he says about the small claims court, albeit I do not know about the outrageous one way or the other, is substantially true. This is the one court in the province which continues to have a slightly bucolic air about it; straw begins to grow out of its ears. It has a sort of hayseed character, has it not?

It is down to the root, slow, ambling, inefficient. With the business of indefinite postponements, no lawyer will appear in the courts except if it is for a very good client and you simply have to appear in order to make it up a little later on, but once in a while someone appears in the courts.

I think the hon. minister will not take exception if I mention the famous instances of Judge Denton, when I was a young lawyer appearing out in Mimico. It was the old firehall and we all trooped in and would sit down in the dead of winter and it was as cold as Hades outside. The good judge would arrive slightly late and, keeping his overcoat on, would say, "The first thing I want you to do is I want you all to open the windows." The cold blast would sweep in and the cases would be conducted.

Then he suddenly decided the windows should be closed and, having gone on for half an hour or so, he would say, "Now we are going to stop all these proceedings. I want every defendant in the assembly here to go over and shake hands with his plaintiff. I will adjourn this court for 15 minutes, and I want you all to make your peace with one another and settle the darn things in the hallway. I am warning you if you do not, I will open the windows again." In the atmosphere and the air, no one would ever appeal those decisions, it would be just ridiculous to do so. But this was the general air and way in which it was conducted.

Another really grievous element in this system is that this is the last of the entrepreneurial areas in which justice is administered. Imagine doing it according to the entrepreneurial system, where private enterprisers have at their disposition the courts of justice. They run the courts for a profit. This has been justified with your predecessor. I would ask you to put it under a spotlight. I appreciate it is going to cost more money if it is not operated that way. On the other hand, 10 years from now all of us would be appalled if such a thing ever existed.

Can you imagine such a thing? Private individuals without any particular competence, maybe having been clerks at one time or another, would be able to take over a particular court, run it according to the efficiencies that they can achieve within their own organization—which is lax enough, Lord knows!—and do it in order to maximize gain. So he tries to attract the largest clientele of people who pay the largest sum of money in order to keep his court going, so he can take his rake-off off the top.

Those people, as I have said in this House before, and will not labour it tonight, must be the collection agencies. They are in competition among the various court officers, the 10 or 11 of them in Toronto, to garner in and attract and to be serviceable to by putting them on the list, and so on, the largest number of collection agencies they can come upon in the best tradition of Horatio Alger.

That can hardly be said to lend any dignity or equilibrium or equity to the system when this is worked right into its intricacies, right into its guts. I suggest to you that that has to be severely skirted. I dare say before the next few weeks you will not be able to make a transformation as deep-rooted as we would please. But still, whether this government is in office as the fall comes in, as the leaves turn, or we are, I think either one of our parties should move in profoundly in that particular area.

The last thing I want to say is to agree again with my colleague upon the aspect of serviceability to the public. We in this Legislature are supposed to be and people holding high civil office are supposed to be in some kind of role of service or servants of the people whom they represent and what not, and it is equally true of the judges. But you would never think so to look at them, or to watch the way in which they comport themselves. The whole world stands still and attends upon them.

We have come to the time in history where these reversals are beginning to take place. The judiciary must learn to serve the public. I suggest that they can do so by setting up regular appointments for trials: The trial will start at 10:15 on a certain day, and it will start, period. Surely we can now, with the assistance of counsel and through the auspices of the clerks of the court, or maybe you will need a special time officer—you know the fellow who keeps the time—who can, looking over pleadings and discussing it with the lawyers involved, come to some determination if his case will take five and a half hours. He can leave a little margin in between.

The judge can sit in his chambers. Why should the people sit for five hours in the hallway, in the vestibule, awaiting upon his determination when he is going to finish the case in front of him. It is a ludicrous spectacle to see the legal profession, like jackrabbits, running around the corridors, saying, "Our

case is now down to third." They phone the office and say "We are at No. 3." "How long do you think the case in front of us is going to be?" "The other lawyers told me it might last three-quarters of an hour." He says, "All right, keep me posted." The case finishes within the next eight minutes because of some legal imbroglio and out he skips to the corridors and phones again!

People may like to exist in this kind of whirling dervishdom, but it hardly comports what I consider the composure, the sense of serenity and the balance that would bring an atmosphere conducive to giving just judgements. Therefore, I think that you, as Attorney General, have the power now and the disposition—and if you had the grace—you could bring in a new system. It will take a little transformation, a little change of mentality, but certainly by slow gradations, you can bring this about.

All the accoutrements and panoply of the courts I find a little silly in this day and age, you know. The business of the robes we have to wear; the business that the judge is necessarily raised up on some dais. In our courts, you know, with purple—well, the different courts have different types; some of them are scarlet for the Supreme Court, the purple ones are for the—you would think they were like bishops out of a Byzantine monument.

What is it all about? Are we such children that we stand in awe? I am told that this is to impress the criminal. He sees him swaggering in there—a little corpulent as he is but bearing the robes of majesty—and, of course, he cowers in the dock and says that he will not ever break and enter again. What nonsense! The young people are not impressed. I am sure the only people we impress are ourselves.

It is a masquerade, it is a kind of charade which we have some fun doing. We all like to get dressed up on occasion. Usually the kids wait until Hallowe'en, but the legal profession does it every day of the week and rather prides itself upon it.

Those are the kind of views—and there is a book you know, I do not have it with me today, written by two British barristers, revealing all these matters in the British courts, of course, where they wear those motheaten wigs. Thank heavens—we may not cut our hair—but at least we do not put on these wigs. You know, there are actually lice in the things! Anyway, you know what I want. If you get an opportunity next fall, put it in, otherwise I will let the member for Riverdale do it.

**Hon. A. F. Lawrence:** The hon. member never ceases to amaze me. I thought surely, if we ever got on the question of robes and ceremonies and what not, his plea to me would be why are they not all wearing wigs again! He utterly surprises me.

**Mr. Chairman:** Vote 904. The hon. member for High Park.

**Mr. M. Shulman** (High Park) Mr. Chairman, I want to bring up with the minister the problem of our traffic courts. I am sure the minister is not aware, because he has been in this office for such a short time, that a study was done of the traffic courts of Ontario in comparison with the traffic courts across the rest of North America. To the dismay of the persons doing the study, the Ontario traffic courts ranked at the bottom of the list as far as efficiency and efficacy, specifically efficacy, were concerned.

The presumption of those who are familiar with the problems of traffic courts—I am referring specifically to the numerous experts who met at Northwestern University some years ago—was that the purpose of traffic courts was to cut the number of traffic fatalities, the number of traffic accidents and the number of traffic violations. In the report which was prepared, it said that in Ontario the purpose of traffic courts appeared to be to collect as much money as possible. They made a number of specific complaints and I brought this all up with the minister's predecessor. Unfortunately, he did not think there was anything wrong with our traffic courts and said there was no reason to do anything He refused to do anything and I am going to try again with the present Attorney General.

The first and most serious complaint was that first of all the prosecuting was being done not by a Crown attorney, but by a police officer. Secondly, that the police officer doing the prosecuting had taken no course in the purpose of traffic courts and had learned what he knew by coming into traffic court and watching some predecessor, who was also a police officer, carry on his function.

They point out, regarding the judges in these traffic courts, that none of them within the previous five years, some of them never, have taken a course on the proper way to run a traffic court. And there are such courses given, as I am sure the minister is aware.

They point out that unlike more advanced traffic courts in other parts of the world, at the beginning of each court a little talk was not given by the judge, as is done in many other jurisdictions, pointing out that the purpose of the traffic court is not to punish or collect money for the area involved but to try to prevent traffic violations and so prevent traffic accidents, which is not done here.

All of this is in a very detailed report which was prepared by a number of jurists who came to Toronto. It was sent accidentally to the police department—one copy went to the police department and one copy to the Attorney General's office got lost; the copy that was sent to the police department got filed away.

However, in my last year working for the government—I think that was four years ago —I did get a copy of the report from Deputy Chief Murray and I turned it over to the Attorney General and he did not take any action. I brought it up here again last year and he again did not take any action. So I am coming to this Attorney General and I am curious as to what, if anything, he has done or is willing to do about this problem.

**Hon. A. F. Lawrence:** Mr. Chairman, first of all, I can vaguely remember the hon. member talking about it last year, although I was not that directly involved in the estimates last year. I have not seen the report. I will be glad to take a look at it. I have a lot to learn in respect of these matters and certainly, I think, we all have.

There is one matter, however, with respect to the demerit point system that we have in this province for traffic offences. Obviously, the object is not to collect money, and—I am sure the hon. member is aware of this; I am aware of this—the main fear in the mind of traffic offenders today is not the amount of fines they are going to have to pay, it is whether they are going to lose their licence or what the points are that eventually will build up to lose their licence.

But I am certainly willing to look at the forms in this particular field, and I will dig out that report and take a look at it.

**Mr. Shulman:** Well, the specific problem that interests me at the moment is what does the minister think of the business of having police officers acting as prosecutors. The people going into court are aware that these are police officers. There is no secret made of it, and I think it does not help the administration of justice to be charged by a police officer and then prosecuted by a police officer.

**Hon. A. F. Lawrence:** I am not happy about the policemen being used either as prosecutors or as attendants in the courts. I think we are paying too much for policemen today, in effect, in all sorts of ways. They have, or should have, a very particular expertise—experience, knowledge, training—and their training certainly is or should be different from that of a lawyer.

However, I gather on occasion the department has attempted to obtain the services of good counsel, to put them in traffic courts and they simply cannot keep them there. It is dull, uninteresting work; they could not even devise a system of rotating. However, I would like to see the police put back in the job of policing.

Under that general umbrella, I think this is worthy of consideration and it certainly will be given consideration. Whether, from a practical point of view, it can be done is something else. I would like to see it done. I would like to see some sort of a special prosecutor, special Crown attorney in the traffic courts instead of the policemen. I am willing to take a look to see if it can be done.

**Mr. Shulman:** Fine. I would like to make a suggestion to the minister, through you, sir. Part of the problem is getting people who are sufficiently well trained to act as prosecutors, and I would like to make a suggestion. It has been tried, I believe, in at least one other jurisdiction. It is having senior law students do this as a part of the minor remunerative part of their training, and this, in my opinion, even though they are not qualified lawyers, would be better than having policemen involved in it. Would the minister consider that?

**Hon. A. F. Lawrence:** I would not want to give any commitment. As a matter of fact, I do not even want to be taken as giving a commitment tonight other than to look into it, because I am sure that there are some very pracical barriers that have to be hurdled. But basically I am in agreement with the hon. member on it.

Whether students can be used, I do not know. It might be debatable whether a senior policeman of many years experience in the courts, would be better than a law student. I do not know, but just the very fact that as the hon. member points out, it is the policeman who grabs him in the first place and when you arrive in court, it is the

policeman that prosecutes, in uniform, yes. That should not be.

**Mr. Chairman:** Vote 904. The hon. member for Windsor-Walkerville.

**Mr. B. Newman:** Mr. Chairman, I want to ask the minister if the land on which county court buildings are located is private or public property?

**Hon. A. F. Lawrence:** It is usually Crown property. Is this something involving trespass, or what?

**Mr. B. Newman:** Yes, the matter of parking. The parking facilities at the county court building in the city of Windsor are reserved for the officials who work in the county court building. There is nothing wrong with that. But when the court does not sit on a Saturday or Sunday, especially on a Saturday in the downtown area, why should not that parking area be available to the public, rather than reserved for friends of officials in the county courts?

**Hon. A. F. Lawrence:** I think the same argument, I guess, is applicable wherever there are governmental offices. I know that lots around here are chained off when the buildings are closed. I know in downtown Toronto, the Department of Justice building lot at Queen and University is chained off at night.

I would think the problems really are of people driving on and leaving their cars there, and then, the next morning, they are not out in time. But I do not know. This is something that has never been brought to my attention.

The only reason I know about it is because one time down on the Department of Justice lot, between Richmond and Queen, off University there, late one afternoon in a hurry I drove my car in and parked it there. I came back about three hours later at 8 o'clock at night and I could not get the darn thing out because there was a chain across. I was stuck for the night.

I am sure that as you know we need somebody who will take some responsibility for getting the cars off. These things really are looked after by The Department of Public Works—I understand—not officials of The Department of Justice. If the need for some way in which we can help the local merchants or something like that? Is that the problem?

I would be glad to do it but I think there would have to be some responsibility taken by somebody that when the space is required, for or by the officials or others for whom it was designed, then someone would undertake that responsibility and make sure it is available. If you would send me over the details of what it is that you want, then I would be glad to take it up with the Minister of Public Works (Mr. Auld).

**Mr. B. Newman:** Well the area is not chained off, Mr. Minister, so you could drive in there at any time. The only thing is, why on a Saturday could the public not have the use of those facilities when they are taxpayers'? Why should that be reversed solely for officials of the county court building who are coming into the downtown area to shop?

**Mr. Chairman:** Vote 904. The hon. member for High Park.

**Mr. Shulman:** I am sorry, Mr. Chairman, I was not here earlier. Has anyone brought up the problem of Mr. Stewart McKeown, which is described in today's Daily Star?

**Hon. Mr. Lawrence:** No, not yet.

**Mr. Shulman:** Well, I would like to discuss it. What is the minister going to do about it? Surely from the articles that have been related, to refresh his memory, it is the matter of the lawyer, Mr. Stewart McKeown, certainly well-trained in his profession, who is an expert in certain fields—that is getting people off who have committed armed robbery—but because of certain—

**Mr. D. M. De Monte** (Dovercourt): He defended people—

**Mr. Shulman:** Well, there are two ways of describing it.

**Mr. De Monte:** Yes, there are. It depends—

**Mr. Shulman:** In any case, in regards to the way I described it, I think from my knowledge of the case—and all I know is what has been described in the Toronto Star in the last two editions—it is disturbing to me and something should be done by the chief law officer of our province, namely the Attornew General, to straighten this out so that in future, cases of this type, when persons do come in front of this particular judge, if they want this man—McKeown—who is apparently the best in this field—they should be entitled to have him. I wonder what the minister is going to do about it?

**Hon. A. F. Lawrence:** Well, first of all I vaguely remember some of the details of this

matter when it was a cause celebre in the legal profession some time ago. I gather there has been a series of these articles in the Toronto Star. I saw, I guess, the concluding one of three, maybe it was the concluding one of two, in tonight's paper just between 6 and 8 myself. I have not had time even to ask anybody to make any investigation. As far as I know, no request has been made of the Attorney General by the individual most directly concerned, namely McKeown himself, to do anything. I do not know. I really have not had time to consider it.

**Mr. Shulman:** The minister has not had time to consider it? What better time than now?

**Hon. A. F. Lawrence:** Shoot! You tell me what to do.

**Mr. Shulman:** I think that in these circumstances you should salve the judge's honour, and perhaps rectify the situation, by calling them both into your office and quietly, if necessary, knocking their heads together. You obviously have two stubborn men here, and the administration of justice is not being served by barring this lawyer from that court.

I am sure there is a more diplomatic way of doing it than I have just described. I am certain if the minister brought the two men together, with his great diplomatic talents he would be able to persuade them both that for the benefit of the administration of justice perhaps a solution could be found. If not publicly, at least privately, would the minister go along with that?

**Hon. A. F. Lawrence:** Well, I am certainly willing to take a look at it. I think the first thing I have got to do is refresh my memory and take a look at the articles and see what else is there, other than merely the newspaper articles.

**Mr. Chairman:** The member for Lakeshore.

**Mr. Lawlor:** I would like to say a word from a fellow lawyer that may help you to have some kind of personal opinion on the matter.

It does seem, from reading what appeared in the Star, particularly on Saturday, which is a basic outline of the case, that there was an element of high-handedness on the part of Judge Walter Martin, and he is the chief judge of the county court, disposing of its work, and has had a splendid reputation as criminal counsel in his own time. I remember fighting a case with him and I know his quality, his good quality.

It seems a great shame that McKeown, who should not be able precisely to appear on behalf of people involved in that wide range of crimes of violence that he appears on, should not have the right to appear before the chief judge who often attends upon criminal sessions of the peace and criminal cases.

That kind of arbitrary debarring of solicitors is really detrimental to the public, and somehow or other you are going to have to resolve that issue. He said that McKeown was supposed to appear on September 10 and when he did appear in the court house, landed up on a bench, I believe, up in the lawyers' lounge. There was some talk, vague and fluctuating, as to whether he was intoxicated either by drugs or by alcohol.

But lawyers appeared the following day on his behalf who said that he was under a diabetic condition and, therefore, this explained the reason he was not able to appear either that day or the next following day, although he phoned both days in the morning saying he would appear later in the morning, phoning about 10 o'clock, 10.30 that he would appear around 11.

These are some of the basic facts in the case, but there was an arbitrariness apparently in the good judge's position, insofar as he has, in effect, called himself as a witness. He called certain court attendants to testify and they were cross-examined by the lawyers representing Griner and McKeown. But when it came to the judge giving his own testimony as to what the conversation was, neither lawyer felt sufficiently strong in the face of the already existing contempt charges to bring contempt upon their own heads also simply in order to defend a fellow lawyer.

So this is the impasse that this case has reached today. Again, it is a question of bringing the law into some kind of disrepute one way or another. The former Attorney General would perhaps wave his hand a bit and say they can always lay charges before that judicial body, that review body of judges, as to complaints against the operations of other judges. How can he conceive that that is quite the form upon which this matter can be properly resolved?

I think this is going to have to be resolved by McKeown and Judge Martin coming together, whether under the Attorney General's auspices and goodwill and cover or by confrontation in the corridors, so to speak. Somewhere along the line they are going to have

to come to a resolution of the issue. Certainly McKeown ought not to be excluded from the courts, even if there were some question of contempt in that particular proceeding, which is a most moot question as things presently stand.

So it is one of those ticklish and irritating issues that crop up every once in a while in the life of the province. We have seen no proper modes of resolving this thing, and it is a great shame that we have not been able to resolve it, because men are temperamental, judges do get on high horses. Over a period of time they tend to become what we all do, flatulent and inflated and pretentious and bumptious and all the other things. He is an arbiter. Even ministers of the Crown on occasion have been known to grow a little beyond their breeches.

**Hon. A. F. Lawrence:** You had me with you there for a while.

**Mr. Lawlor:** But with that in mind, we have ways of pricking the bubbles here, and so the gas goes out the ceiling. But judges are never pricked. That is the trouble; there is no way of letting the gases emit, and they just get bigger and bigger and bigger. I suppose somewhere along the road they do explode and go to an early grave, and everybody bows his head. But I think the Attorney General has some kind of responsibility in this case that he should seize upon.

**Hon. A. F. Lawrence:** I must admit that that was not the type of thing I really felt was encompassed by the Attorney General's job when I took it on.

**Mr. Shulman:** Minister of Justice.

**Hon. A. F. Lawrence:** I am a servant of the House and if the hon. members in their considered opinion really feel that it is up to the Attorney General to settle disputes between judges and lawyers why, maybe, then I have the wrong idea of what the job entails. But if there is an injustice to the public, if there is some public interest that is being jeopardized here, as I say, I do not remember too much the circumstances of the matter. I did not read the first instalment of the serial. Just very briefly tonight between 6 and 8 I read the second one. I am told now that the case was reviewed by the court of appeal—

**Mr. Shulman:** They said they had no jurisdiction.

**Hon. A. F. Lawrence:** —and the Supreme Court, which both turned down the appeal.

**Mr. Shulman:** On the grounds they had no jurisdiction.

**Hon. A. F. Lawrence:** But in any event, it is certainly not a happy situation from anybody's point of view, and I will see what I can do.

**Mr. Chairman:** Vote 904.

The hon. member for High Park.

**Mr. Shulman:** Mr. Chairman, to the Attorney General, some two years ago I made what for me was a rather detailed study of the courts. I had a disadvantage in not being a lawyer, not having the background of members of the House who have taken their training at the bar. But, as in my other work, I had run into a number of cases where I felt there was some injustice or some improper handling in the courts. I took that opportunity to go to many courts in Ontario, particularly in Toronto. The one group of courts where I was very impressed was the family courts. I came away from there with no criticism whatsoever. I thought they were just great. However—

**Hon. A. F. Lawrence:** Our provincial family courts?

**Mr. Shulman:** Yes, I was very—

**Hon. A. F. Lawrence:** I do not share the hon. member's optimism.

**Mr. Shulman:** I was very impressed at that time.

**Hon. A. F. Lawrence:** Oh, all right.

**Mr. Shulman:** In the last few weeks, I have had two cases come up which have disturbed me mightily. These two cases, which I will give to the Attorney General at the moment without names, made me wonder what the heck is going on down there.

The first one involved a man who came to my office; he had left his wife, or his wife had left him, it is irrelevant. And an award had been given against him of so many dollars a week, which came to somewhat more than what he was earning. And he had gone down to the lady judge who was sitting in that particular court and he explained this to her. Perhaps his English was not as good as it should have been and she said: "It is not my problem how you get the money. It is your job to pay it. That is the order. I am not changing the order."

This particular case was, I guess, two months ago. The man came to my office and

he had all the statements from his employer showing how much he had earned last year and how much he had earned the year before and how much he was earning this year. He had also the order from the court showing that he had to pay more than he was earning. So I wrote a letter to the judge.

**Mr. De Monte:** That is not unusual down there.

**Mr. Shulman:** Is that not unusual? All right. I thought it was a little unusual. So I wrote a letter to the judge. He told me that he had explained this to her already. So I thought, obviously, she did not understand him. So I wrote her a letter saying, "Dear Judge C.: I think you must have made a mistake. Poor Mr. —"

**Mr. De Monte:** Is that a woman judge?

**Mr. Shulman:** Yes, it is a woman judge—"Poor Mr. So-and-so cannot pay this, he is not earning that much."

Well, she did not give me a reply at all. She never answered my letter. I sent it registered, but she did not see fit to answer me.

I was sitting wondering what to do next—I have not had too much success with the Attorneys General of this province in appealing to them in cases of this type—when a second case came in just last week, which is so similar and quite extraordinary.

Again, it is a man who is separated from his wife. There were two children. The man took the boy. The wife took the girl.

The man, unfortunately, developed a disc problem and has not been able to work in this past year. In fact, he was carried into my office because his back was so bad. He has worked, I believe, seven months out of the last 12, and an order was given against him that he was to pay so much a week. Because he was not working he was not able to pay the order. Finally, as of last week, they served a committal order on him unless $100 was paid as of last Friday—

**Mr. De Monte:** Join the club.

**Mr. Shulman:** Pardon?

**Mr. De Monte:** Join the club. It happened to me too.

**Mr. Shulman:** Oh? Well, this is fascinating. I had no idea this thing happened at all anywhere. I did not think you could be sent to jail because you could not pay money.

Anyway, the committal order said unless he paid $100 by Friday, he was going to have to go to jail for 10 days. So they carried him into my office and he did not speak a word of English, and they brought an interpreter along, and they brought in this court order.

First of all, they told me the story that he was going to have to go to jail for 10 days if he could not pay the hundred bucks, and they were thinking of trying to raise the money from all the people around.

I said, "That is ridiculous. People do not go to jail in this province if they cannot pay money." And they said, "Oh yes, what about this court order?" And they handed me the court order which said pay the hundred bucks by Friday, or else you go to jail for 10 days.

I have sort of solved the problem temporarily. I have put him in the hospital. I just do not see the minister's officers going to the hospital and dragging him out to take him to jail, although perhaps you do do that. I am not sure. Do you?

**Hon. A. F. Lawrence:** Well, committal orders, as I understand it, are normally only made when the court itself is convinced that there is an order to pay and a person is able to pay, and there is an adamant refusal to pay. It is kind of hard for me to stand here tonight and comment in respect of the detailed suggestions made by the hon. member, when I do not have the details.

Eventually, I suppose, it really boils down to a question of credibility that must be judged by the judge himself. That is, after all, why they are there and what they are getting paid for.

My meagre experience in the family court has been that normally—and most of the pressure I think on my predecessor, and certainly the pressure is on me at the moment as well—that this is not enough; that something like a third of the husband's income is usually judged, as a rule of thumb, the amount that should be paid in cases such as this.

I know that is the general rule of thumb in some of the family courts around the province, anyway. They do get together quite frequently. That is, the judges themselves, and try to work out these things so there is at least some constancy in their decisions throughout the province. But usually, of course, that is not enough for the woman who quite frequently gets loaded with the children. That is not the proper terminology either, but that is the way it works out, and

you know it is a very difficult situation. There is no question about it.

But certainly, on the face of it, it sounds patently ridiculous that it should be an award made against a man which is greater than the amount of money he is now earning, or was earning at the time the award was made. If there have been changes in the circumstances, then certainly there are many ways in which that can be brought to the attention of the court and a change can be made.

But again, it boils down to a question of credibility. There are a great many lying people in this province, no question about it, and I am not intimating that this is the case here; I do not know. But in a lot of these things, unfortunately, it is merely a case of a judge sitting there and trying to assess what is black and what is white, and there is no other avenue open.

**Mr. Shulman:** Perhaps it is of significance that both these cases came before the same judge. Is there not some responsibility on the part of the judge to do some investigation, perhaps for some documents, before making such an order? Apparently, in each case, the man came in and just was not believed by the judge.

You say it is a matter of credibility. Let us suppose that this particular judge's ability of determining credibility is not so great. Should she not have some responsibility either to adjourn the case and allow documents, income tax returns or something of this nature, to be brought in, or else make other investigation before making an order?

**Hon. A. F. Lawrence:** These are very frequently resorted to. I know, as I say, I have not practised law now in four years, and I did not do very much family court work at all. But in the few things I have been involved with over the years, I can well remember if you were acting for the husband the idea was always to have him brought in with cuffs frazzled, and a dicky front. Half way through the thing you go like this, or something, and realize there is no shirt underneath. It is part of the phoney interplay on the thing. And, of course, the wife is always prepared for that. She has indications and sworn statements of what he has been earning for the past 10 years, which usually are completely different from the evidence that he is able to produce.

Now, I am sure they are not all like that by any means, but that is the way the charade is worked out quite frequently, and unfortunately in the family courts, sometimes that is all it is, a charade.

This obviously is not the way to settle the main thing that we should be worrying about in this province, and that is, the welfare of the children. As far as the adults are concerned, nine times out of 10, they can go to purgatory twice over. They are over 21—18 now—and they are expected to know the logical results of their action. But the great worry in all of these cases is the future of the children. They are the ones who are usually caught in the middle, in something that is not of their own making.

I just cannot help but feel that the present set-up is not conducive to the settlement of their best interests. That is what we have to look at. These other things, how you go about and settle these things, I do not know. But certainly I am willing to take a look at it, and in specific instances, if the hon. member—again, this is sounding like a stock phrase from me and I do not mean it that way—but if he would send over the details we will dig out the particular court records and see what the reasons are and be in communication with him, and with the judge.

**Mr. De Monte:** I am wondering, Mr. Chairman, if I might just have a dialogue with the Attorney General in connection with this matter. I wonder what is served by committing a man to jail when he does not pay. I have seen it happen time and time again. When a man is committed, the wife is in no better position than she was before.

Perhaps some men should go to jail because they, with intent, avoid payment of their lawful and moral duties. But I wonder often what is served by committing a man to jail for not paying his maintenance, as set down by the family court. I wonder if we might not use a different technique.

For instance, if an order is made, maybe it should be a system of garnishee where the employer is notified and so much of his salary is sent to the court.

Because certainly some men do grab the salary and neglect to send it in. When a show-cause summons is issued there is then the question of whether to send him to jail or not, or to commit him for contempt for not paying the amount.

I am wondering if there is not some other type of system which could be worked through the family courts in order to collect the money that is due and owing. In some

cases, Mr. Chairman, men have been committed because for good reason they have not been able to pay. I do wonder how you define and how you investigate.

I guess it is up to the court to ascertain whether it believes the witness or not. But I simply cannot see where committal is the answer to the payment of funds that are due to the wife and the children, And I ask the Attorney General to look into the whole aspect of collecting funds for women and children through the family courts.

**Hon. A. F. Lawrence:** This is something that I certainly very much intend to do. The enforcement of these orders, particularly, is not satisfactory, I think, from anybody's point of view. It is one thing to know the problem and another thing to know the solution, however.

Certainly, I have had threats made to me in, as I say, some of the few cases that I have been involved with on behalf of the deserted wife. Those threats have merely been on the part of the departing spouse. They say, "If you get too rough about it Lawrence, you just will not find me. I am working in Hamilton today, but if you get too rough with me, I will be off to some other place." This happens, and therefore, there has got to be some way, otherwise the whole thing will go up the flue.

All right. Suppose there is a garnishee thing; suppose there is some garnishee system.

**Mr. De Monte:** Not garnishee, I was using that for want of a better term.

**Hon. A. F. Lawrence:** All right, some system in which the employer has to pay a certain percentage then, eh? All right. Supposing again, in the case of what you are talking about, here is an individual, who in the face of a court order and the threat of committal, will not pay. So instead we go after the other way; we go after the employer. What are you going to do to the individual—there are many of them today—what are you going to do to the individual who says: "You are not going to do that. I will quit if you do that"?

Then what is your final remedy all down the line? What do you want me to do? Bring back the lash or something? I mean come on, come up with something constructive then.

**Mr. De Monte:** I can appreciate the hon. minister's position, but I am merely saying, Mr. Chairman, that there must be some other way. Committing them is no answer either. I appreciate the position of a husband telling a lawyer, "You push me a little too far and you will not see me any more."

I have had the same experience myself. I even had a man tell that to the judge, but the point is that there has got to be a system wherein we do collect the funds for the wife and the children. Committing them is not the answer, in my respectful opinion. That also enrages the husband to such a degree that he might take off and go to Vancouver, or go to join the Foreign Legion or something like that.

**Hon. A. F. Lawrence:** This whole matter of collection of moneys owing in respect of court orders is one that is of very great worry and concern to me. I do not know that it has been settled satisfactorily in any jurisdiction in the western world that I have heard of. Nevertheless I am certainly willing to attempt to break new ground, but I do not know enough about it myself to figure out where to go.

Certainly the record here of the family division of the provincial court over the last few years has been a very improving one. Now whether this is just the affiuent society that we live in and people perhaps having a little more money these days than they used to have, I do not know. Certainly, the amount of money collected by the family division courts of Ontario during 1969 in respect to maintenance restitution fines and costs shows an extremely substantial increase over the year before. I will not go through the figures to you.

**Mr. De Monte:** What percentage of the amount?

**Hon. A. F. Lawrence:** The maintenance orders collected for instance in 1968 were just under $5.6 million.

**Mr. Shulman:** Out of how much ordered?

**Hon. A. F. Lawrence:** Out of how much ordered I do not know. The next year, however, in 1969, it was just under $8.5 million.

**Mr. Shulman:** More people running away perhaps.

**Hon. A. F. Lawrence:** That may be. Restitution orders collected show an increase; fines collected show an increase; costs collected show a decrease, I do not know how that works.

Anyway, 1969 was the last year we had the first full statistics. It is a very worrysome

situation. All I can undertake to the House is that it will certainly receive a lot of attention in the next year.

**Mr. Chairman:** Vote 904.

The hon. member for Riverdale.

**Mr. J. Renwick:** Would the minister care to comment on this question in the family court where an order is made for custody? I do not want to resurrect the case that my colleague, the hon. member for High Park, had raised on other occasions, but a definitive decision is now available that if an order for custody is made under The Deserted Wives' and Children's Maintenance Act, a breach of that order for custody is not a criminal offence, and an information cannot be laid under The Criminal Code for breach of a custody order, and that, therefore, if the child is taken out of the jurisdiction by the parent who did not receive custody of the child that it is not an extraditable offence.

Is the minister prepared to comment about whether or not there is some procedure by which the status of a custody order of the juvenile and family court could be raised to the equivalent of an order for custody made in surrogate order, or in the county court, or the Supreme Court, and whether, if that is possible, it is advisable to do so? Or whether persons appearing in the juvenile and family court, receiving an award of custody, are given a false sense of security as to the meaning and enforceability of the order which has been made?

**Hon. A. F. Lawrence:** I think I know what the hon. member is referring to, but I am not too sure. If it is what I think it is, again this has not been a matter, to be frank, that I have been able to turn my attention to since I have been in this office.

**Mr. Shulman:** What has the minister been doing?

**Hon. A. F. Lawrence:** That is a good question, too.

**Mr. Lawlor:** It has been a great educational experience. He has learned more law since he has been appointed than in all the years he was in law school.

**Hon. A. F. Lawrence:** The member is so right.

**Mr. J. R. Breithaupt** (Kitchener): It is hardly even fair.

**Mr. Shulman:** He will make a great lawyer next year.

**Hon. A. F. Lawrence:** I am not so sure about that either. I cannot see any connection with what I am doing or learning now that could stand me in good stead once I get bounced out of the job.

**Mr. Lawlor:** The minister will just have to walk around and he will scare them to death.

**Mr. T. P. Reid** (Rainy River): That will be next election from now. That will be next election.

**Hon. A. F. Lawrence:** It could be. In any event, I have no answer for the hon. member. I think I know what he is referring to, but even then I am not too sure. It is the question of the validity in other courts, other jurisdictions, of a custody order here, and my understanding—

**Mr. J. Renwick:** Or indeed, under The Criminal Code for the evidence of abduction.

**Hon. A. F. Lawrence:** As far as I know we have no real determination of that, and I do not think we have made any real representations—I hope somebody will correct me if I am wrong—to the federal authorities about it. But this certainly would be a matter that hopefully would be discussed by the federal Law Reform Commission in their discussions relating to the reform of The Criminal Code.

Even that is only a very partial answer to the question as far as other jurisdictions are concerned, I would suspect. Our experience normally is that any order of any court in our jurisdiction will be an offence to an abduction charge.

**Mr. J. Renwick:** Pardon?

**Hon. A. F. Lawrence:** I am told that it has been the experience of the counsel within the department that ordinarily—that word is one of these weaselly words that worries me—ordinarily any order of any court in our jurisdiction relating to custody will be a defence of an abduction charge. Is that the aspect of it that is worrying my friend?

**Mr. J. Renwick:** Well, the factual situation that I am concerned about is where an order is made awarding custody of the child to one of the parents to the exclusion of the other one, apart from access. The parent who has not received the order takes the child and leaves the country.

**Hon. A. F. Lawrence:** Yes.

**Mr. J. Renwick:** If I could just break it down into two stages. If the parent just takes

the child and stays within Canada, then my understanding is it is not possible for the parent who was offended by the order to lay an information and have the persons charged under The Criminal Code with the offence of abduction or kidnapping, or whatever the appropriate offence is.

The consequence of that is that if the parent against whom the order is made takes the child out of the jurisdiction, since it is not subject to an information under The Criminal Code, therefore it is not an extraditable offence for the purpose of extraditing the parents back to within the jurisdiction.

And I understand from what the minister's predecessor told me—I think he was the one who drew my attention to the case—there was a case in the early part of 1970 which clearly stated that a custody order of the juvenile and family court in the Province of Ontario does not have that status—either for the purpose of laying an information under The Criminal Code and, as a consequence of that, for the purpose of extradition proceedings?

**Hon. A. F. Lawrence:** This is a matter I really know nothing about, but I will make myself conversant about it. I cannot be any more helpful than that.

**Mr. Chairman:** The member for High Park.

**Mr. Shulman:** I just wonder if the minister has solved the problems of psychiatric services of the juvenile and family court in Toronto?

**Hon. A. F. Lawrence:** Not completely, but they are a lot better off now than they were, as the hon. member is aware. The hon. member knows we have made an agreement with the Clarke Institute for the provision of services. They seem to be very happy down there about it.

I have been down there talking to them. I am sure, as in all of these matters, it is not everything that everyone would want—and by that I am not deprecating the ability of the people in the Clarke Institute by any means. It is simply again, that you do not get as much of these services available as you would like to have, but certainly the situation now is a lot better than it used to be.

As far as I know the situation is reasonably satisfactory, anyway. There is always room for improvement and hopefully it will be improved as we go along, but as far as I know, it is all right at the moment.

**Mr. Shulman:** I saw that the agreement had been made some weeks ago, but I understand that there was a problem in getting personnel. Is there a psychiatist available full time, or is there a psychiatrist available when a judge makes an order or requires such help?

**Hon. A. F. Lawrence:** There are certain services available. I am not too sure whether there is a full-time psychiatrist—Yes, I am told there is a full-time psychiatrist available. I was not too sure whether there was one actually physically available full time or whether we utilize the services, but I am told there is.

**Mr. Chairman:** Vote 904?

Vote 904 agreed to.

On vote 905.

**Mr. Chairman:** Probation services; the member for High Park.

**Mr. Shulman:** I would like to ask the minister if he looked into the problem which he promised he would look into a few weeks ago—two weeks ago I believe—of one of the probation officers who resigned, sending a rather detailed letter of the faults of the probation system to the department. And if the minister will recall, he promised he would investigate all these complaints and report back to the House; and I guess this is a good time for it.

**Hon. Mr. Lawrence:** I am trying my darndest to remember it.

**Mr. Shulman:** The minister will recall two weeks ago in the question period, I quoted to him from the letter from his probationary officer who said that there was no heart in his department—probation services were run "abominably"—I believe that was the word—

**Hon. A. F. Lawrence:** Oh yes, yes. I remember now—Forbes or something?

**Mr. Shulman:** Yes.

**Hon. A. F. Lawrence:** And the first three paragraphs or so of the letter indicated that this was not—the attitude within the department and the morale within the department, and the overiding motivation of the department—was not the real cause of the resignation?

**Mr. Shulman:** No, but that was the point I was asking about. Regardless of the cause of the resignation, as a part of her resignation she wrote the minister explaining all the things that were wrong with the department. If she is correct, and all those things are

wrong with the department, there is a lot wrong with the department.

**Hon. A. F. Lawrence:** We do not believe that there is that much that is wrong with the department. Her motive for leaving was—have you got the full letter there, because I have not?

**Mr. Shulman:** It is down at the office, unfortunately.

**Hon. A. F. Lawrence:** We are in the same boat then, but her main motive for leaving was more personal than anything else. It was other than the so-called departmental attitude or lack of it.

I do not know what else to say about it than that.

**Mr. Shulman:** Let us leave that lady for a moment and go to perhaps a better source. The minister may recall that last summer a group of public-spirited citizens did a study on the probation services and one of the things that came out of the study was that the number of cases per probation officer is far higher than all experts say it should be. I would like to know what the minister is doing about that problem.

**Hon. A. F. Lawrence:** We are in the midst right now of the reorganization of the whole probation services of the province to break them down so that there is more control over the individual officers, to sift out better the type of cases that they have, and to spread the load a little more evenly. This has to be done by a regional officer set-up we believe. That is in the process of being implemented at the moment. From number of cases that they have, the workload is pretty high. There is no question about it.

Again, it is a question of time to match efficiency of service with funds available. There is an increase, I believe, in the amount we are requesting of the House for probation services. This will require a slight increase in staff.

**Mr. Shulman:** Practically non-existent.

**Hon. A. F. Lawrence:** It is not much. But I am not convinced that the probation officers are that overworked.

**Mr. Shulman:** I am going to have to give you some facts and figures. I am going to go down and get them from my office. According to the figures given by the probation service, by the Salvation Army, by the Americans who have had experience in this—I am talking from memory now; my figures may not be exactly right—but as I understand it, the average caseload should be 35 and at the present time it is 50. My figures may be out slightly, but the percentages are correct.

**Hon. A. F. Lawrence:** That roughly corresponds with my memory of the same.

**Mr. Shulman:** If that is so, the Attorney General should take a look at it.

**Hon. A. F. Lawrence:** There are many of those cases that certainly do not require week-to-week calling or anything of that sort. I think it boils down to an average of five pre-case reports—something like that. It does not convince me that we are overworking them. I think that what we do require is a better control and better supervision over them. This is what we are trying to accomplish with the reorganization that is now taking place.

**Mr. Shulman:** I shall leave the floor to someone else, and try and get the facts and figures so that I can give the minister a little more on that.

**Mr. Chairman:** The hon. member for Riverdale.

**Mr. J. Renwick:** Mr. Chairman, under the probation services programme, I am concerned—and perhaps the minister covered it or perhaps his review is going to deal with it—about the situations in which a provincial court judge in the exercise of his criminal jurisdiction decides as a matter of sentence that a person will be placed on suspended sentence and an order for probation made against him. The order is made for probation and often the provincial court judge will give a considerable amount of time and thought to the matter, in detailing the conditions which will apply to the probation. The accused person is then taken out of the court—downstairs there is no sentence imposed—and before long he signs the necessary surety bond for his good behaviour and other matters. He is assigned a probation officer and he goes out on probation.

I just do not know what the system is, but I question whether or not the actual specifics of what the judge has said in passing sentence is in fact transcribed and ever finds its way into the hands of the probation officer. I am concerned about that aspect of it. I would like the assurance of the minister that when a judge itemizes the conditions, other

than the standard conditions to be of good behaviour and to keep the peace and not to breach any other law—such are standard ones —but that additional conditions which are imposed find their way to the probation officer who ultimately has the responsibility for the obedience of the probation order by the person.

Secondly, I am very interested in the procedure by which, and the time at which, the probation officer makes up his mind there has been a breach so that the matter again comes back before the court. I am not asking that the system be so rigid that any minor breach of the probation order is considered—in the sense that failure to abide tonight by a curfew order made against a young person to be in at a certain hour is a breach. But there comes a point in time where the probation officer has an obligation to indicate to the court that there has been a breach of the probation order and that the matter should come back before the judge who is seised of the matter for his determination with respect to suspension of the sentence.

Those are two aspects of the obligation of the probation services branch and the obligation of the probation officer that I am not at all clear about. I wonder whether the minister could enlighten me?

**Hon A. F. Lawrence:** No, I really could not. Certainly I do not know enough about it myself, to be frank about it. The conditions have no validity unless they are in the probation recognizance. I am just not too clear on what aspect of it it is that is bothering the hon. member. I mean—

**Mr. J. Renwick:** Do those two points ever get into the recognizance? A judge will often orally give the conditions in the court.

**Hon. A. F. Lawrence:** Yes.

**Mr. J. Renwick:** The person is taken out of the court and downstairs, signs the recognizance, and I know of no procedure by which what the judge has said in the court in itemizing the conditions gets down to the probation officer who takes the bond recognizance.

**Hon. A. F. Lawrence:** I would agree with the hon. member that there is a very great defect in the system if it is not. I had always assumed that there was some communication between the two. It just never occurred to me that there was not. We will check into it.

**Mr. J. Renwick:** Would the minister please do so?

**Hon. A. F. Lawrence:** Have you grounds for believing there is not? Again, I am not trying to trap you; I just want to know if you have any cases or instances that you can show me in where obviously there was no communication between the two.

**Mr. J. Renwick:** As a matter of fact, I believe it would not be difficult for me to do so. It seems to me such an obvious—

**Hon. A. F. Lawrence:** It has never occurred to me.

**Mr. J. Renwick:** Such an obvious thing to take place that I rather think it does not take place. I had it in the particular instance with which I could provide the minister, where the judge gave considerable amount of thought and listed about 10 or 12 conditions of the probation order, but I doubt if I went now and looked at the recognizance for probation that in fact those conditions appear in it. Therefore the probation officer is not cognizant of it, otherwise than by the fact that in this particular instance I had communication with the probation officer out of my own particular notes made at the time of the trial about what those conditions were.

**Hon. A. F. Lawrence:** Well, as I have always assumed, the ideal circumstances of course is where the probation officer is right in the court at the time.

**Mr. J. Renwick:** He is not.

**Hon. A. F. Lawrence:** He is there to give a pre-sentence report if it is required or asked for; therefore, he is there at that time. I have always assumed that there was a flow of communication back and forth—no difficulty at all. As I say, it is so obvious that I assumed it was there; maybe if it is not, I had better find out about it. The member is right.

**Mr. J. Renwick:** Would the minister also make a note to perhaps let me know at some point when he has found out whether or not this particular system helps.

**Hon. A. F. Lawrence:** And point number two is what?

**Mr. J. Renwick:** The second point is the other end of it: that is—

**Hon. A. F. Lawrence:** Oh, the reporting back.

**Mr. J. Renwick:** The discretion of the probation officer. What are the limits within which the probation officer has some kind of

discretion on the one hand, and on the other hand is not so overburdened with work, or is so lenient in his attitude, that in fact a probation order is in a sense disregarded, and that therefore the person is never brought back before the judge who sentenced him, even though there might be what the minister and I might term relatively flagrant breaches of the conditions of the order?

**Hon. A. F. Lawrence:** Again, I have to make myself far more conversant than I am tonight in respect to that matter. I will get the information and pass it along to the member.

**Mr. Chairman:** The hon. member for High Park.

**Mr. Shulman:** On the matter which I was discussing with the minister earlier, the shortage of probation officers and the large number of children or offenders that they have to counsel, I found the quote I wanted. It is from Mr. George McGrath; he is head of the New York City prison system. He said —and I quote:

> You do not really have probation when the officer is stuck with caseloads of 50 or 60 or 70 kids. All you can do is paperwork. You are not counselling. You are not getting kids back to school. You are not getting young men jobs.

That is the end of the quotation.

It says here that 30 cases is the preferred number for a probation officer, with 50 cases the maximum. But Mr. Nokes, in Toronto, supervisor of aftercare officers, states that his workers each have between 55 and 60 cases.

**Hon. A. F. Lawrence:** Well, as I say, I will be glad to look at the matter. Whether we can get the funds to increase the number of the probation service staff in any event, even if I am convinced that they are overloaded with work, which I am not admitting at this stage, all I can say to the hon. member is that I will certainly look into it.

The other matter that has now been placed in my hands. I am sorry I mentioned the name of Forbes; that was not the name at all. It was Trimmer.

**Mr. Shulman:** Trimmer; that is right.

**Hon. A. F. Lawrence:** Was that the case?

**Mr. Shulman:** Yes.

**Hon. A. F. Lawrence:** Well, in her letter of resignation—by the way it was Miss Trimmer—I will not go into it all, except for the first three paragraphs, which are very brief:

> Dear Dr. Mitchell:
>
> This letter is to inform you that I am resigning from my position as a probation officer, to be effective May 31, 1971.
>
> The major reason for my resignation is my personal need to re-evaluate my life in terms of vocation and goals.
>
> Also, I have come to believe that social and individual problems can best be dealt with through a more personal, community-oriented approach. This is difficult, if not impossible to achieve, within the structure of a professional agency.

Then she goes on—

**Mr. Shulman:** Yes, but the next part is the part that is important.

**Hon. A. F. Lawrence:** Well, I mean, probation services is a professional agency. You know, I mean, here she is already admitting that anything she wants to achieve cannot be done in that in any event.

**Mr. Shulman:** Well, that does not make her other criticisms invalid, though.

**Hon. A. F. Lawrence:** By no means do we reject criticisms such as that out of hand, but I think in fairness to Miss Trimmer, at this stage anyway, the best that can be said for her is that she was an extremely disturbed young woman.

**Mr. Shulman:** Disturbed at the department setup, I would say.

Vote 905 agreed to.

Vote 906 agreed to.

On vote 907:

**Mr. Chairman:** Property rights registration assistance programme; the hon. member for Riverdale.

**Mr. J. Renwick:** I would just like to ask the minister if he would give us some progress report on the introduction of the personal property security statute?

**Hon. A. F. Lawrence:** Yes, I have a report here somewhere.

**Mr. J. Renwick:** I thought you might have.

**Hon. A. F. Lawrence:** You are moving too quickly for me.

**Mr. Shulman:** We are trying to get the thing over.

**Hon. A. F. Lawrence:** The proclamation date for the new Act should be no later than March 1, 1974. We are considering an earlier date if we can possibly reach it.

The Act, of course, as my friend is aware, received royal assent on June 15, 1967, but the substantive sections of the Act do not come into force until proclamation. This is because, the approval of the amendments to the Act required to accommodate the registration system obviously is of very great import.

Two, the amendments to the Act should bring the Act into line with the uniform Act proposed by the Canadian Bar Association.

Three, the approval of the regulations required to accommodate the system.

Four, the creation of the file of information in respect of registrations under the old system and the introduction of the inquiry system.

The system was introduced under existing legislation. That is, The Bills of Sale and Chattel Mortgages Act, The Conditional Sales Act and The Assignment of Book Debts Act, all as amended last year. Regulations under those three Acts were filed last year Registration under the new system was optional until January and February of this year and became mandatory on March 1 of this year.

The computer file of information for the central office of the registration system is being created now by converting the information from the financing statements which are prepared by the credit granters and submitted with the security agreements when tendered for registration. A financing statement must now also accompany a renewal statement when it is submitted for registration, when renewing a registration period of a registration under the old system.

It will be three years before there is a complete file of information in the central office—that is March 1, 1974—because the existing registration period for some security agreements is three years. I would think that most of them are three years, and it is going to take that long to work it out.

**Mr. Chairman:** Vote 907?

The hon. member for Lakeshore.

**Mr. Lawlor:** Mr. Chairman, I would like to take this occasion to remind the minister of a somewhat intolerable condition that exists at the land titles registry system—that business we talked about briefly, a week or a fortnight ago, about part lot control.

Now you do not have to be subjected to the slings and arrows of outrageous fortune, as do we poor practitioners. Having been lifted to your lofty eminence, you are outside the pale. But I was in there last Friday and spoke to many lawyers. There were massive registrations going through.

Everyone, as you know, has to have this cursed affidavit to say that it does not fall within section 26, or whatever section it is of the part lot control. I think you brought the law in. At least, the Minister of Municipal Affairs (Mr. Bales) brought the law in on a blue Tuesday when his mind was somewhat disordered.

In the dog days, let us say, that we are suffering from now, you are likely to do anything in your legislation, particularly if you have such a frenetic face at the moment. I daresay you have mixed up one Act completely with another. That is what happened to the minister and he has despoiled the profession, causing all kinds of difficulties. If you want to keep that on, you have a role to play in this. I think your design was to take designated areas of the province, the Whiterock Estates kind of situation, and make sure that the subdivision took a form that was regimented, in some sense controlled, by this government.

What you have done now, you have blanketed it across the province. You should remove it from the major urban centres where it certainly was never meant to apply. Or if it ever was meant to apply, which I doubt, it had its fruitful and beneficial effect along with its hornets' nest of nuisance that was bred by it. You should place it on designated areas where you think it is valuable, particularly in northern Ontario—Muskoka, north of that. My feeling is that the minister does desire to extinguish it in the metropolitan areas. If so, why not give us some assurance that he will move on it, and among all the plethora of legislation we are getting, why not in this little bill too?

**Hon. A. F. Lawrence:** Well, I might as well admit that there have been some heated words passed between the Minister of Municipal Affairs and one or two officials of The Department of Justice about this matter, and I would hope that alleviating remedial measures are on the way.

Vote 907 agreed to.

On vote 908:

**Mr. Chairman:** If there is going to be debate on this particular vote I must point out that in order for the House to adjourn at 10:30 we should now have a motion to rise and report.

Hon. Mr. Wishart moves that the committee rise and report progress and ask for leave to sit again.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of supply begs to report that it has come to certain resolutions and asks for leave to sit again.

Report agreed to.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, tomorrow at 10 o'clock we will go to the order paper directly, item 4, Committee of the Whole—that is item 4 on today's order paper, at least—

**Mr. P. D. Lawlor** (Lakeshore): Begin the marathon.

**Hon. Mr. Wishart:** —Committee of the Whole and attempt to deal with as many of those items as we can in the period between 10 and 12 o'clock.

I think the hon. members understand that in the afternoon there will be the usual routine proceedings between 2 and 3 o'clock. Then I think perhaps we shall do some second readings, and those second readings will be, as I propose now, on your present order paper, items 17 to 21 inclusive, which are bills of the Minister of Education (Mr. Welch) in matters relating to education, possibly items 22 to 25 inclusive, which are to do with health generally.

Mr. Speaker, I promised that I would give the House some intimation as to whether it would be possible to change our present proceedings under the present rules with respect to sittings of committees and the carrying on of this House. I have examined the matter and consulted with my colleagues. I note, Mr. Speaker, that on the estimates committee there are three members of the New Democratic Party and on the human resources committee there are three members of the New Democratic Party. These are not, I believe, substitutional committees, so that I believe that would be 15 members to attend the business of the House. There are four members of the Liberal Party on each of these committees.

I conclude that we should not be able to do the business of the House and continue what work is left for committees without change.

I appreciate that it is difficult for all members to be—there are some matters in which they might be very interested, especially if they are serving conscientiously on committees. But I point out that members of the New Democratic Party, those 15 members, while they have a right to attend and take part in discussion of matters being dealt with in committee, do not vote and are not required to attend there. There should be, I think, a sufficient body of members in both the opposition parties to give reasonably good attention to matters that are going forward in the House.

I mention again that those rules were arrived at by the members of the House. I did not make the rules, I merely try to operate within them. I trust the other members would do likewise and I am sure they will.

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker, before the hon. minister moves the adjournment, I would just point out to him that the statistics that he has given to you and the House are correct, but the committee on human resources dealing with the University of Toronto bill has been in session now for a number of days. It has not concluded its work as at 10:30, and as a matter of fact I understand that there is a session continuing beyond 10:30 on a more private basis. Yet you would call the education bills tomorrow when surely you are aware that we, of course, would have as membership on the human resources committee those people who would also primarily speak for us on matters educational.

I think that is rather typical of what we mean when we say that the responsibility of the House leader is to order the business in such a way as to be as accommodating as possible. We do not ask the impossible; but we might well expect that that university bill would not be reported even tomorrow. We can make do and we can debate these bills if you insist, but surely the hon. member for Peterborough (Mr. Pitman) and the hon. member for Scarborough East (Mr. T. Reid) should not be expected to be in both locations at the same time with the ordering of business that you have just announced?

**Mr. J. Renwick** (Riverdale): Mr. Speaker, we would like to associate ourselves with the

remarks of the Leader of the Opposition. The leader of this party (Mr. Lewis) made the position clear last week. We debated the matter at some length on Friday.

From our point of view the decision of the House leader is just totally unacceptable. Not only is he calling the education bills, he is also purporting to call for second readings bills which deal with other areas of human resources, when the members who are selected from this caucus to be members of that committee will be in attendance.

In addition, of course, I think it is quite specious to indicate that because the composition of the committees is limited to a particular number that there are not other members who, in fact, are interested in the proceedings of those committees. For example, my colleague, the member for Lakeshore, has been the critic of The Department of University Affairs, and he is vitally interested in the progress of the University of Toronto bill and has been in attendance on many occasions throughout that time.

I may say, as an additional ancillary matter that, of course, there is a royal commission arising directly out of the proceedings of this House which requires the attendance, also, of members of this particular caucus.

I am simply saying, Mr. Speaker, that the arguments which we made last week stand. The leader of this party made the same points today in endeavouring to persuade the House leader to consider it favourably from the point of view of the arguments which have been made. I just wish at this point to register our opposition to the decision of the House leader to force this matter in this way.

**Mr. Speaker:** Unless the House leader is prepared to move that the House continue to sit, the motion for adjournment must now be made.

**Mr. J. Renwick:** Mr. Speaker, may I ask before the motion is put, whether following the indicated second readings it is the intention of the House leader that the House will return to the consideration of the estimates of the department of the Minister of Justice, or will it continue with items of legislation on the order paper?

**Hon. Mr. Wishart:** Mr. Speaker, there are 17 items under item 4 of the order paper, in Committee of the Whole. I would doubt very much that we would conclude all those tomorrow morning. I did indicate that we would continue with just a number of bills, probably in the latter part of the day if we are fortunate enough to reach them. Then, I think, we should return to the estimates of The Department of Justice.

Hon. Mr. Wishart moves the adjournment of the House.

Motion agreed to.

The House adjourned at 10:35 o'clock, p.m.

# CONTENTS

**Monday, July 12, 1971**

**Estimates, Department of Justice,** Mr. A. F. Lawrence, continued ..... 3815

**Motion to adjourn,** Mr. Wishart, agreed to ..... 3843

No. 93

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Tuesday, July 13, 1971

Morning Session

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

5

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

## CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JULY 13, 1971

The House met at 10 o'clock, a.m.

Prayers.

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** The fourth order—Committee of the Whole House; Mr. A. E. Reuter in the chair.

## EXERCISE OF STATUTORY POWER GRANTED TO TRIBUNALS

House in committee on Bill 53, An Act to provide the Exercise of Statutory Power granted to Tribunals by the Legislature wherein the Rights, Duties or Privileges of Persons are to be decided at or following a Hearing.

**Mr. Chairman:** Are there any comments, questions, amendments to any section of this bill? The hon. member for Riverdale—on which section?

**Hon. A. F. Lawrence** (Minister of Justice): Let me point out to the House that this matter has gone through clause-by-clause consideration in the committee. As a result of the consideration of the committee there were amendments made and the bill has been reprinted. I trust members here this morning will be looking at the reprinted bill.

**Mr. Chairman:** The hon. member for Riverdale—would he indicate the section, please?

**Mr. J. Renwick** (Riverdale): Mr. Chairman, I am delighted to see all the people who are anxious to attend to the business of the province present this morning on the government benches.

**Mr. J. Jessiman** (Fort William): That is a pretty thin line the hon. member is representing.

**Mr. J. Renwick:** We did not make an issue of it. The hon. member did. Unctuous self-serving issue—

**Mr. Chairman:** Order, order. What section of the bill?

**Mr. J. Renwick:** On clause 1, Mr. Chairman.

**Mr. Chairman:** Right.

**Mr. J. Renwick:** I have not had an opportunity of writing it out in longhand at the moment, but I think I can give the substance of the amendment and then with your forbearance provide for it.

My concern about clause 1 is the lack of a definition in subclause 1 of the term "statutory power." The definition which is included in item (d) of subclause 1 of clause 1 is a definition of a term "statutory power of decision", but there is no definition in subclause 1 of clause 1 of the term "statutory power" itself.

There is, however, in the companion bill, Bill 54, a definition of "statutory power" as well as a definition of "statutory power of decision" and it would appear to me to be essential in respect of the substantial provision of this bill—namely, clause 3 of the bill—that there be a provision in clause 1 providing for the incorporation of the definition of statutory power as it appears in item (g) of clause 1 of Bill 54.

Item (g) of clause 1 of Bill 54 defines "statutory power" as meaning "a power or right conferred by or under a statute", and then lists four specifics which are included under the term "statutory power," of which one only is the statutory power of decision.

In order to make my point, Mr. Chairman, I would therefore wish to refer specifically to the language in Bill 54. In item (g) it defines statutory power as meaning:

> a power or right conferred by or under a statute,
>
> (i) to make any regulation, rule, bylaw or order, or to give any other direction having force as subordinate legislation;
>
> (ii) to exercise a statutory power of decision;
>
> (iii) to require any person or party to do or to refrain from doing any act or thing that, but for such requirement, such person or party would not be required by law to do or to refrain from doing;
>
> (iv) to do any act or thing that would, but for such power or right, be a breach of the legal rights of any person or party.

I understand the distinction that Mr. McRuer made in his report, and that this is in fact a faithful reproduction of what Mr. McRuer recommended, but I draw the attention of the House to the fact that people's rights are affected. Their position is altered by other statutory powers, other than the expression "statutory power of decision" as included as one of the four items under the heading of statutory power. The bill which is before us, by the omission of a definition of statutory power and by a limitation of the appeal procedure provided in clause 3 of the bill, in fact eliminates or omits from the purview of appeal matters under items 1, 3 and 4 of the definition of statutory power where a person's position is affected by the action of the executive or other agencies of the government.

It would appear to me that if we are going to make a provision to provide procedures governing the exercise of statutory power granted to tribunals by the Legislature, wherein the rights, duties or privileges of persons are to be decided at or following a hearing, we should not restrict it only to matters which fall within that area of the definition referred to as a statutory power of decision. Indeed, the heading of the bill is misleading.

The heading of the bill in my judgement is misleading in the way it stands, because excluded from the purview of Bill 53 are those definitions of statutory power which state, for example, a power or right conferred by or under a statute to do any act or thing that would, but for such power or right, be a breach of the legal rights of any person or party. Now if the statute condones or authorizes a breach of a legal right of any person or party then it is my submission, Mr. Chairman, that there should be an appeal permitted in accordance with the provision of Bill 53, and no such appeal is provided.

Similarly, item 3 in the other portion of the definition of statutory power, states,

> A power or right conferred by or under a statute to require any person or party to do or to refrain from doing any act or thing that, but for such requirements, such person or party would not be required by law to do or to refrain from doing.

If a statute has a requirement that a person do or refrain from doing something which he would otherwise be able to do or refrain from doing, then it would appear to me that there should be an appeal from the exercise by the executive or other agency of government of any such change or alteration in his rights, so that he can have the assurance, by way of appeal, that by the action of the executive or any other agency of the government he is, in fact, required to do or refrain from doing the thing which is required.

Thirdly, the other item of the definition of statutory power which is excluded from Bill 53 is

> A statutory power or right conferred by or under a statute to make any regulation, rule, bylaw or order, or to give any other direction having force as subordinate legislation.

Any such order or regulation or direction or rule or bylaw which is given under such subordinate legislation cannot in many instances help but have an effect upon the position of individuals in the society, which would alter their position because of that direction or requirement.

Therefore, I think that the government is extremely unwise to limit the ambit of Bill 53 by the omission of the definition of the term statutory power and by limiting the operative clause of the bill, clause 3, simply to those matters which are contained within one portion only of the definition of statutory power; mainly a statutory power of decision which is defined.

Therefore, Mr. Chairman, I propose in this instance to ask the forbearance of the Chair while I repeat in writing, so that I may submit it to the Chair, the definition of statutory power unless the Chair is prepared to accept a shortened form of that amendment such as, that subclause 1 of clause 1 of Bill 53 be amended by adding thereto item (f) to incorporate the definition of statutory power as set out in clause 1 of Bill 54.

**Mr. Chairman:** I shall accept that.

**Mr. J. Renwick:** Thank you, Mr. Chairman, if I may just complete this, then I would like to speak briefly further on the amendment, Mr. Chairman, when you have put it.

**Mr. Chairman:** Mr. Renwick moves that subclause 1 of clause 1 of Bill 53 be amended by adding thereto item (b)—

**Mr. J. Renwick:** I think it is item (f).

**Mr. Chairman:** Item (f)—I am sorry—to incorporate the definition of statutory power in clause 1 of Bill 54—as in clause 1.

**Mr. J. Renwick:** Now, Mr. Chairman, I think this is the appropriate time—the points could equally well be made under clause 3, but I do not intend to submit, under clause 3 of the bill when we come to it, a formal amendment. I think that the point which I want to get across can be equally well made here and indeed, it would not be meaningful in clause 3 unless this proposed amendment were carried. If, of course, the amendment carries, then we can add the appropriate change in wording in clause 3, the operative clause of the bill, to give effect to the point which I make.

But in very brief summary, what the government has done is to select only those actions of the executive or other governmental agencies which come within the definition of the term "statutory power of decision." It has excluded from the operation of this bill the other three areas which come within the definition of "statutory power" and therefore by so doing the government has effectively prevented citizens of the province from having a procedure by which they can have an appeal against many decisions of the executive. It is the submission of this party that there should be no such curtailment.

The obvious answer which the minister is going to make will be that you cannot have every decision of the government subject to an appeal. My answer to that is that every decision of the government will not be subject to an appeal.

But you are correcting the imbalance of many, many years—the imbalance between the slow growth, as Topsy, of the power of government to intrude upon individuals and their rights which they otherwise would have by statutory powers exercised mainly under subordinate legislation. Then I think we have got to go to the extent of making certain that every citizen recognizes that if his position is altered by any rule, order, direction, bylaw, regulation, or if he is required to do, or refrain from doing, something that he would otherwise not be required to do or to refrain from doing, or if there is a breach of his legal rights, then there should be an appeal in addition to the right of appeal under section 53, with respect to statutory power of decision, which is a more restricted term. I think we have to take that step. If it did then turn out that the balance was too much in favour of the individual and that the rights of government effectively to carry out the wishes of the people through executive action had been destroyed, we could easily make that amendment. But, certainly, we are not going to buy the proposition in this party that the government assume, that by giving people the full benefit of confidence they will misuse a power of appeal against executive decision. We will not buy the argument that there will be such a misuse or abuse of such a power if it is granted.

I say if, indeed, it will provide for the government an ambit of security and confidence which would not otherwise be available, because as it is it will become a matter of pettifogging distinction to determine whether or not there is, in fact, a statutory power of decision or whether, in fact, it falls under one of the other three heads of the definition of statutory power.

I submit, Mr. Chairman, that if we are going to take this hesitant step by this government that we should take the full step and give and grant to the individual citizen of the province that sense of assurance and confidence that, should he be in any way affected by decisions of government passed under subordinate legislation or by legislation which affects the position which he would otherwise be in, then we should make that grant.

I would submit to the minister that if this amendment passes, then the wording of clause 3 of the bill which provides the limitation to give effect to what the minister proposes, where "the tribunal is required by or under such Act or otherwise by law to hold or to afford to the parties to the proceedings an opportunity for a hearing before making a decision," can be appropriately amended to make certain that it includes the wider ambit which I recommend in the amendment. Our party proposes to divide the House on this issue, unless the government agrees with the submissions which have been made.

**Mr. Chairman:** The hon. minister. Or does any other member wish to speak to the amending motion?

**Mr. R. F. Nixon** (Leader of the Opposition): I would like to hear what the minister has to say.

**Mr. Chairman:** The hon. minister.

**Hon. A. F. Lawrence:** With much of what the hon. member for Riverdale has said, if not completely, I agree as far as it pertains to the total package of the bills that are being presented to the House in committee here this morning. I agree completely that our purpose is to ensure in the long run a judicial review of all of the decisions made

by judicial boards and commissions within the total jurisdiction of this Legislature.

It has got to be done, we have felt, by means of a number of statutes. The two most important ones are Bill 53, and Bill 54 which is the next bill and which hopefully will be coming before this committee. Bill 54 deals with all statutory powers as defined in respect of the judicial review of those powers.

I am more than nonplussed at the lack of understanding of the real purpose of Bill 53 as enunciated by the hon. member for Riverdale. There is no definition in Bill 53—

**Mr. J. Renwick:** No misunderstanding.

**Hon. A. F. Lawrence:** —of statutory powers—

**Mr. J. Renwick:** That is right.

**Hon. A. F. Lawrence:** —simply and solely because that definition is in Bill 54 where we deal with the right of the citizen to call for a judicial review of those statutory powers. Nowhere in Bill 53 is the term, statutory power, ever utilized and, therefore, there is no need for a definition of it in the definition section.

**Mr. J. Renwick:** But that is precisely—

**Hon. A. F. Lawrence:** Bill 53 deals with the procedures involved. It does not deal with the definition of what those statutory powers are—they are in Bill 54— and therefore I think that the hon. member for Riverdale has completely missed the point and the purpose of Bill 53.

Let me simply regurgitate it for him. Bill 53 does not provide for appeals, The bill before the House here this morning does not provide for appeals. Bill 53 provides only for the procedure of the appeals. The appeals are provided for in the particular statute dealing with the matter in question. This is a procedural bill only. It deals with the statutory powers already granted to tribunals. There is simply no need for it to include a definition of statutory powers, really.

I suppose the easiest way out for me here this morning would be to say, all right, knowing full well that it is completely inapplicable in any event, all we are doing is cluttering up a statute with an unnecessary definition. The definition of the statutory power as distinct from the statutory power of decision is in the right bill, it is in Bill 54. There is no need for it in Bill 53. This is a procedural bill only, and therefore I would plead with the hon. member to withdraw the amendment because it is unnecessary and redundant.

**Mr. J. Renwick:** Mr. Chairman, I would like to comment on what the minister says. The minister refers to the bills as a package and we have to deal with them in that terminology. Let me deal with the last point first. What the bill provides, in substance, is that if the statute requires an appeal to be heard, then Bill 53 will govern the procedures by which that hearing will take place.

What I am saying is that it is not only in those cases where the enabling statute or the basic statute provides the right of appeal that we should be providing for an appeal procedure. The minister cannot say that his bill is limited to that kind of situation because the operative provision of the bill provides that this part—that is, part 1 of this bill—applies to proceedings by a tribunal in the exercise of a statutory power of decision, conferred by or under any Act of the Legislature where the tribunal is required by or under such Act. I would agree with the minister if—I would not agree with the substance of his remarks but I would say that his argument was correct—if, in fact, it stopped there.

But it goes on to say, "or otherwise by law" and may I go back—"where the tribunal is required by or under such Act". In other words you have to search out an Act which requires a tribunal to have a hearing. "Where the tribunal is required by or under such Act or otherwise by law to hold or to afford to the parties to the proceedings, an opportunity for a hearing before making a decision."

The term "or otherwise by law to hold or to afford the parties to the proceedings an opportunity for a hearing" is something which I want to see enlarged and explained so that a person would, by law, have the right to a hearing when there is any action under any statute, regardless of whether or not a tribunal is provided for which would have the effect of altering or changing what a citizen should or should not do or whatever legal rights he may have.

Now the minister alluded to and referred to Bill 54 as the companion piece of legislation, and would have us believe that in some way or other the point which I make is covered by that statute. I am simply saying that in Bill 54 there are two operative provisions, only one of which applies to statutory power as defined in Bill 54, in its extended sense. That is, that there may be a notice of application for a judicial review by the court,

and that states that on an application by way of originating notice, "the court may, notwithstanding any right of appeal by order, grant any relief that the applicant would be entitled to in any one or more of the following," and then it uses:

> Proceedings by way of application for an order in the nature of mandamus, prohibition or certiorari; proceedings by way of an action for a declaration or for an injunction, or both, in relation to the exercise, refusal to exercise or proposed or purported exercise of a statutory power.

Now; that is the limit the government wants to place upon the citizen of the province with respect to matters that fall outside the narrow definition of statutory power of decision but are covered by the more extended definition of statutory power.

The limitation, in my view, is not an adequate, modern limitation. I do not mean that this procedure should be taken away, but I say that in addition the person should have, by appropriate amendments to Bill 53, if this amendment is passed, the right to the statutory form of appeal procedure as set out in part 1 of Bill 53. As I say, under the operative parts of clause 2 of Bill 54, as I see it, the only place where statutory power can be exercised is in connection with these traditional methods of application to the court for mandamus, prohibition, certiorari, a declaration or an injunction, or both.

And that is the limitation which Bill 54 provides, because the power of a court to set aside a decision for error of law on the face of the record on an application for an order in the nature of certiori is extended so as to apply to an application for judicial review in relation to any decision made in the exercise of any statutory power of decision. Again, in that case, the minister, in the second part of the operative section of clause 2 of Bill 54, has used the more restricted term, "statutory power of decision."

Mr. Chairman, with the greatest respect, I have not either misread or misunderstood or failed to understand the package which the government put forward. What I have failed to understand is why the government had to limit the definition of statutory power only to those instances where there is a statutory power of decision which, in the cases that the minister wants to put forward, will provide an appeal only where the basic or enabling statute, under which the right is refused or the obligation is imposed, carries with it a provision for an appeal to a tribunal. I do not think that is a sufficient ambit for bills of this importance.

I read, with a considerable amount of care, those portions which I thought were relevant in the McRuer report. I read the Prime Minister's (Mr. Davis) statement when he introduced these bills into the Legislature. I read the press reports of their interpretation of what was being carried forward. I heard the grandiloquent rhetorical language that was used to indicate what a tremendous advance this was.

**Hon. A. F. Lawrence:** It is. It is.

**Mr. J. Renwick:** I simply point out, Mr. Chairman, that it does not restore the balance that has been eroded over the years, not by any malicious intent of government but by simply the gradual enlargement of the operations of government to meet the needs of its society.

But, to say to me the only right I would have if I were subjected to regulation, rule, bylaw or order or any other direction having the force of subordinate legislation, if I were affected by it, or if I was required to do or refrained from doing something which, but for such action, I would not be required to refrain from doing or to do, or to say that there would be a breach of my legal rights because without the exercise of that power it would not be a breach of my legal rights, and then to restrict me to being able to get a lawyer to take a case under subclause 1 of 2 of Bill 54 to take proceedings by way of an application for an order in the nature of mandamus, prohibition or certiorari, or by way of a declaration or an injunction, is elaborate, difficult and subject to very restricted applications, as the minister well knows.

To restrict me to that instance seems to me in fact to provide that in such instances most citizens will not bother to take the step because (a) it will be expensive and (b) it is a matter of difficulty for a court in the operations of those very restricted ancient prerogative writs.

What I am saying to the minister is if you leave Bill 54 the way it is that is all right, I do not mind that, but you add to it the initial and preceding step of saying to any citizens of this province, "The balance has been wrong for so long. To correct the balance we are going to make provision that whether the enabling or basic statute sets up a tribunal to have such a hearing, if you as Mr. Citizen feel you are required to do or refrain from doing something you

would not be otherwise be required to do; or if on the other hand you feel that there has been a breach of your rights that you would otherwise have had, or if you are affected by any regulation, rule or order, if the enabling statute does not provide in itself for a special type of tribunal to hear the matter, then we are going to say that in all other instances you can look to Bill 53."

You can say to them, "In the absence of a special provision for a tribunal in the enabling of basic statute, then in those instances, with the necessary amendments and recasting of the bill, you can rely on part 1 to provide the minimum rules for proceedings of a tribunal which can be set up to hear these more generalized appeals." Now the extension of the ambit of this bill is, I think, fundamental; fundamental to the government in fact being in a position to say that they have done what they stated when the introductory statement was made when the bill was introduced.

Mr. Chairman, when I spoke on second reading, I came very close to thinking that it was simply a drafting omission. I thought that it would be amended in committee. I indicated at that time if it was not amended we would consider it to be a flaw—a basic and fundamental flaw—in the bill and that the bill was not entitled to support.

I therefore urge the government to give consideration to what I have said to support the proposed amendment and to have confidence in the citizens of the province that they will not be engaged individually, collectively or otherwise in hamstringing the legitimate operations of government; but that individuals will have an opportunity and an assurance to know that their government cares enough to say to them:

"Look, if you are affected in this broad sense by an action of the executive or other agency of government, many of which we cannot foresee when we pass legislation, let alone cannot be foreseen when voluminous statutory regulations are passed, we have enough confidence to know that we want you to feel that you have got a basic minimum appeal procedure available to you for that purpose."

We are saying to you that the people of this province at this particular time are deserving of nothing less than the extension of that sense of confidence by the government so that citizens will have a sense of assurance, and in turn of confidence, in their government. I ask the government to accept this amendment and to make the necessary changes by withdrawing the bill if that is necessary and bringing it back later this afternoon, or referring it back to the committee if that is necessary, simply to make the few changes which would be required to incorporate the point which I have endeavoured, overly and at great length, to make to the minister. Thank you, Mr. Chairman.

**Mr. Nixon:** Mr. Chairman, we have listened to the hon. member from Riverdale for 40 minutes on this amendment. He has indicated that it is of prime importance and that from the first he saw it as a basic flaw in the bill. Nevertheless, a copy of the amendment is not available. We got what he wrote and put before the Chairman, which looks like a bunch of chicken tracks and, try as I might, listening to him very carefully, I can only accept—in my opinion of him as being an excellent lawyer and a good mind—that there must be some kernel in that 40 minutes of words, which, in fact, would benefit the civil liberties of the people of this province. So that is the kind of confidence I have in the man.

Mr. Chairman, the matter was fully discussed on second reading. If the bill had been deeply flawed, surely the hon. member should have indicated to his party that they should have opposed it at that time? He did not do that.

The bill was then discussed in committee at some length. Some disappointment was expressed to the House, I think, from all sides that not all of the lawyers who might have been deeply concerned with this matter had attended under the circumstances so that their views would be made known. I presume that the hon. member for Riverdale put his views there and either the committee was divided or there was no reason for it to be divided.

**Mr. J. Renwick:** I did not put it there—

**Mr. Nixon:** But now this morning, when of course we have ample time—

**Mr. V. M. Singer** (Downsview): That would not have stopped the member putting it there if he wanted.

**Mr. Nixon:** —to discuss these matters, he presents us with a 40-minute speech which I presume is an argument in favour of an amendment which is not before us. He believes it is of basic primary concern to the province and it is very difficult to determine just what it would be.

I am prepared, Mr. Chairman, to say that, having followed as closely as I can what he said, there was only one sentence in the whole speech, as closely as I could tell, that showed he is in favour of increasing the civil liberties of the people in this province. I have got to agree with that, but for him to get up and say that he intends to divide the House on the basis of that amendment and that argument, surely is a presumption upon his own position in the House.

If he is going to proceed with the division, then we will support it because we, too, favour civil liberties but the argument put forward is surely not one—

**Hon. A. F. Lawrence:** We do, too!

**Mr. Nixon:** —which adds any lustre to the gentleman's reputation.

**Mr. D. C. MacDonald** (York South): If his case is so flawed, why is the Liberal Party going to support it? They are inconsistent from the word go. Typically Liberal. If they do not understand it, do not blame others.

**Mr. Chairman:** Order. The hon. member for Lakeshore.

**Mr. P. D. Lawlor** (Lakeshore): Mr. Chairman, I would like to speak on this matter, too. My colleague has a point. What he is seeking—if I may re-interpret and he can corect me if I am wrong—as I see it—

**Hon. A. F. Lawrence:** The member does not understand him, that is all.

**Mr. Lawlor:** —is caught within the ambit really of section 3 which has been quoted in full.

**Mr. T. Reid** (Scarborough East): The member can stand for 45 minutes correcting him and he will stand for 45 minutes correcting the member.

**Mr. Lawlor:** May I just say, Mr. Chairman, that my colleague had other exigencies and duties to attend to on the morning in question; that we did discuss this matter between us and I suppose in caucus. I have not been to caucus for so long—so many other things to do—I do not know what they discuss any more.

**Hon. C. S. MacNaughton** (Minister of Transportation and Communications): The member could learn quite a bit in caucus.

**Mr. Lawlor:** But leaving a little thing like that aside, with royal commissions and various things going on, a three-ring circus, we did discuss it. He felt that the matter had considerable merit.

In the discussion, I pointed out that it was internal procedural matters that were involved in terms of hearings, within the ambit of the hearings involved; that certain designated types of hearings were caught within the net, other kinds were omitted.

As I understand my colleague's position, it is the kinds that are omitted that are exercising him very greatly this morning when he has real time to deliberate upon them—and he has a point. I had written in the margin, for the purpose of the whole House, on section 3: "Why does it not go further and make a hearing mandatory?"

By that, I think I mean the same thing as he does; namely, that you have designated certain forms of hearings but with other certain fundamental rights, we require a person or a party to do or refrain from doing a certain act. There is not provided the internal form and all the panoply of protections that are provided by McRuer. In other words, what my colleague has done has ranged out beyond McRuer's somewhat narrow terms—he is out-McRuering McRuer this morning—in the direction of civil liberty and surely he has a point.

It is a shame; I admit that the point could have been made more forcefully at an earlier time. At the same time, I mean, you could take the half loaf or the three-quarter loaf and be content, which was the basic position.

We had a number of very tricky things to deal with in the committee, which I felt took us well past 1 o'clock that particular day; even the weekends. Then we had to complete our own hearings on the basis of section 56. In the circumstances, with my colleague feeling as strongly about civil liberties—the Liberals, you know, do not have so profound a rapport with those problems these days; we have noticed that in this country and in this province—I think we would support a division on the matter.

**Hon. A. F. Lawrence:** Mr. Chairman, I can merely reiterate that the government's intention here is that there be no restriction, no limitation whatsoever, and his is borne out by the actual language in the pertinent statute—which hopefully will be a statute—which is now before us as Bill 54.

Let me just recoup again, in as simplistic terms as I can, the purposes of the three bills, which have to be looked at as a package. Bill 53, the one before us this morning, does not provide for appeal; it deals only with

procedures. Bill 53 really deals with the statutory powers granted to tribunals. There is no need for a definition of statutory powers in the bill. There is a definition of statutory powers of decision. The statutory power definition is in the bill where it is pertinent, Bill 54.

I can only reiterate that we would be cluttering up this statute with that definition. Appeals are provided for in the particular statutes dealing with the matters particularly in question. Bill 54 deals with all of the statutory powers as defined for judicial review.

Bill 56, which is the third one coming up, amends the various Acts providing for appeals and hearings. When the remainder of the Acts referred to by Mr. McRuer are revised, similar provisions will be made in those appropriate Acts. They are not before us at the moment. They will be when these Acts are revised, whether it is The Ontario Labour Relations Board Act, The Workmen's Compensation Board Act or others. The words in section 3(1) of Bill 53 are designed to give the Legislature the right—and no one else should have it but the Legislature—to decide where these procedures apply, and it does so, hopefully, by requiring a hearing, and those are the key words.

If those words come out, everything is covered. The right of appeal is a substantive right, not a procedural matter; an appeal should be given in those statutes and not in the procedural statute, which is this one. The procedural statute establishes uniform procedures with the ancillary rights.

The words, "otherwise by law," in 3(1), which my friend referred to, were to include judicial decisions and common law where it is decided that a hearing is essential for the natural justice concept. In other words, what I am getting at is that the worries concerning the hon. member are already dealt with in the proper statute, which is the next one, not this one. This one deals with the procedures only. The next one deals with the actual appeal.

**Mr. Lawlor:** I must insist upon this. We are convinced that our point is not being thoroughly made. As a matter of fact, it is Mr. McRuer who claims that civil liberties lie precisely in the procedures; he is one of those who does not think they are such substantive matters but that they get lost in the shifts of governmental administration unless the proper procedures are set up.

What we are saying is that, taking section 3, what the minister is doing is going through Act by Act, statute by statute of this House, adapting them to the particular purposes, because there is a wide diversity of different modes in which they ought to be approached. The minister has done it partially in this large bill, Bill 56. There is more to come in order to clear up the situation, particularly in volume 5 of McRuer.

**Hon. A. F. Lawrence:** Right.

**Mr. Lawlor:** But what the minister is doing is pinpointing along the way, one by one, the embodiment of the liberties brought forward in this legislation.

What my colleague is saying, I think, is that as one usually does in legislation, he wants to blanket all possibilities; nothing must be excluded. In the particular section, what the minister is covering here is pinpointing along the way, one by one, by one, the embodiment of the liberties brought forward in this legislation.

What my colleague is saying, I think, is that as you usually do in legislation, he wants to blanket all possibilities. Nothing must be excluded. In the particular section which you are covering here now, is the proceedings of a tribunal in the exercise of a statutory power of decision conferred by or under an Act of the Legislature where the tribunal is required by and under such Act. There may be others. We will come to it in a moment, as in the definition of statutory power, secondly, or otherwise by law, to hold or afford to the parties of the proceedings an opportunity for a hearing before making a decision. That first of all must go deeper. Hearings in all matters involving civil liberties we say, must be mandatory. And many procedures are left out. There is a hiatus, perhaps, and if there is one then you must provide for it. They are precisely as contained in item (g).

There are types of proceedings, not necessarily under statute and not necessarily which would give rise to a hearing, where a statute confers the power to do any act or thing that would, but for such power, be a breach of the legal rights or duties of a person. Or, secondly, to require a person or a party to do or to refrain from doing any act which, but for that requirement, would be perfectly legal.

These are the situations which, by way of an omnibus coverage, you ought to provide for in your omnibus legislation where

you are covering the waterfront. What you are saying is that you want to take a total package and where anything is left out, or is not spelled out, or whether or not a hearing is required, it may be that in a particular statute that you are putting through here, or in the future, that a person is being required to do or being required to refrain from doing something where, within the designated terms of the statute, no procedures—either with respect to the internal notices, hearings, cross-examinations, et cetera —take place as provided for in this statute. It does not apply to the next statute; you will have the right of appeal in those particular contexts. But what you have not got is the full protection supported by Bill 53 in a range of possible cases which you very well could do in this legislation, and which you are failing to do at this time by restricting the range of application of your legislation.

As far as your legislation goes, it is extremely good stuff. It just does not go far enough.

**Mr. Chairman:** Those in favour of Mr.—

**Hon. A. F. Lawrence:** May I, Mr. Chairman, make one further plea to the House?

This is a pretty technical, complicated series of bills which everyone agrees is a very valid attempt to cure many matters that have been bedevilling us in the western world. The forerunners of these bills were introduced in 1969, I believe. They have had very wide dispersal and disposal and comment from all sorts of people—not only in Ontario, either, I may say, but right across this country and right across North America, really.

This matter has been considered by people within the government and by me and my predecessor, and by officials within the government, and, also by others within the profession and civil libertarians. To attempt to come along now and change this bill in this fashion, when we believe we have the consent and wholehearted approval of everyone who, with all due respect, pays more attention to these matters on a day-to-day basis than does my hon. friend who cannot even convince his colleague in his own party of the real purpose and need of this, leads me to suspect that, at this late date, there are other purposes—

**Mr. Nixon:** That was certainly not designed to help the situation.

**Hon. A. F. Lawrence:** —in the mind of the hon. member than attempting to clarify the statute.

**Mr. T. Reid:** The minister sounds like a university professor. Arrogant.

**Mr. J. Renwick:** Mr. Chairman, one could almost sit and listen to a minister of the Crown make that kind of a statement. If there is one invalid form of argument it is the argument *ad hominem,* and the minister knows it. Frankly I do not give a damn what the minister thinks about the attention I pay to his bills or otherwise; nor do I care what the members of his department think until such time as we are the government; nor do I care what other representations he has received.

I say to my friend, the Leader of the Opposition, unfortunately it is an extremely technical legal matter of subordinate legislation and of how people are affected under it. What I am saying to the minister is that the public by and large believes the rhetoric of the statement made by the Prime Minister of the province. What I am saying is that the statement made by the Prime Minister of the province misled—I am not saying intentionally or otherwise, because his advisers think they have accomplished something.

But what I am saying, Mr. Chairman, very simply is that if a citizen of the province is affected by decisions of the executive or other agencies of this government, quite properly because the authority comes from this legislation, then the citizens is entitled to say, "All right, I do not have to look at the enabling statutes to see whether I have got a right of appeal. If I have to have a specialized appeal because of the special nature of the statute under which the authority is given, that is fine." But in all other instances, namely the instances covered by the broad language of the definition of statutory power other than the phrase "statutory power of decision," I want, as my colleague from Lakeshore has said, to have a mandatory statement about it.

**Hon. A. F. Lawrence:** Does the member appreciate what that would do to the Workmen's Compensation Board, let us say?

**Mr. J. Renwick:** I am simply saying that the minister knows full well that he has already withdrawn the Workmen's Compensation Board, and that is going to be the subject

of a separate and distinct question that is going to come before us. That is not what I am talking about, and the minister full well knows it.

What I am saying to the House is I do not accept the proposition that it is only where there happens to be a tribunal set up under the statutes, that this is the only instance in which a person is going to have the minimum right of an administrative appeal from a decision which is made by government.

I am saying to the minister if he will not accept it now, I can guarantee to him that the time will come when he will accept it, because the fact of the matter, Mr. Chairman, is that because of its detailed complexity with respect to the kinds of things which are dealt with in this matter, I do not think that either the press, the media or the public, let alone persons who should be professionally concerned about it, are aware of the limited ambit of the power of appeal which the minister is granting under this bill and indeed under the companion bill.

**Hon. A. F. Lawrence:** It is not a limited ambit! There is no limited ambit!

**Mr. J. Renwick:** I therefore ask, Mr. Chairman, that the amendment be accepted on its value, not on the value of who puts it forward or the lack of value of the person who puts it forward, but because it is a matter of basic and fundamental substance to the way in which the citizen is treated by this government of this province.

**Hon. A. F. Lawrence:** The member is wrong.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Chairman, I wonder if perhaps I might be permitted a word. Perhaps I could briefly clarify the question here.

There is a very clear and definite reason why the definition of statutory powers should not be in Bill 53 but should be in Bill 54. Bill 53, as my colleague, the Minister of Justice has said, is a procedure for persons to have their rights reviewed after a hearing by a tribunal, where that tribunal has the statutory powers of making a decision respecting the rights of that person.

If we look at the definition of statutory power in Bill 54—and we must look at that, because these bills do form a package; they must be read and considered together—we will find that "statutory power" is, as the hon. member for Riverdale says, a wider area affecting individuals' rights, the rights of the citizens. But if you look at that definition I think it becomes clear. I read in Bill 54, section 1(g) the definition of statutory power: "A power or right conferred by or under a statute . . . to make any regulation, rule, bylaw or order." I do not need to read further.

If you were to give a right to the citizen —and I am not trying to denigrate the rights of the citizen—to review the responsibility and obligation of a government making a regulation, and have to go through all the procedures of notice, hearing, review which you provided in Bill 53 you would destroy the right to govern. It becomes just that simple.

I think I am as great an advocate of individual rights as any person, but there are some things which government must do. I am just going to put it on that simple basis. Read the rest of the definition of statutory power if you like—you should—but to put this procedure of review of that power of decision in Bill 53 and to require all that procedural requirement would bring government to a standstill. You would destroy government. You would destroy the right to get business done; the right to do things which must be done if government is to operate. What Bill 53 rightly and deliberately and with great consideration provides is a right to certain procedures with respect to a hearing by tribunal, as they are defined, whether they are persons, ministers, boards, commissions, agencies of government—

**Mr. Lawlor:** May I ask the hon. minister a question?

**Hon. Mr. Wishart:** Let me just say one word more. Agencies of government or whatever, when they are dealing with the rights of individuals in that field in which they have been allocated powers, it was a great concern of government—of Mr. McRuer, whose recommendations we followed—to see that they had a right of review, a right of hearing. But to make every regulation which our statute provided—and there are many of them, I agree—to make every regulation, every act of government subject to that procedure would, as I say, in simple language, simply destroy government. I will take the question.

**Mr. Lawlor:** Suppose we concede that what you have to say on subclause 1 is

perfectly right, how about 3 and 4, though? Do you think that that type of reasoning has any application to those rather broad terms of depriving people of their rights, whether they are designated within a statute or outside a statute? Ought they not to be protected in the same way?

**Hon. Mr. Wishart:** I think, Mr. Chairman, and I do not want to get into a technical debate; we did go through this at great length, though. If we are going to get into the technicalities again which we went through—and which we went through in second reading; and which we went through in committee—I think the principle here is clear that if you accept this amendment proposed by the hon. member for Riverdale, and put all those requirements in Bill 53, which are spelled out in the definition of statutory power, you will just destroy government. It is just that simple. You just cannot govern if you accept this amendment.

**Mr. J. Renwick:** No. You just do not. You extend confidence to the people—

**Hon. Mr. Wishart:** It is just that simple. It is just that clear. If you want to vote on that, that is the decision you make. Accept that amendment and you bring government to a halt. You can do nothing.

**Mr. Chairman:** Mr. J. Renwick moved that subclause 1 of clause 1 of Bill 53 be amended by adding thereto item (f) to incorporate the definition of statutory power as in clause 1 of Bill 54.

The committee divided on Mr. J. Renwick's amendment which was negatived on the following vote:

**Clerk of the House:** Mr. Chairman, the "ayes" are 39, the "nays" 54.

**Mr. Chairman:** I declare the motion lost and section 1 of the bill shall stand.

Are there any comments, questions or amendments to any other section of this bill? The hon. member for Lakeshore, on which section?

**Mr. Lawlor:** Section 5.

**Mr. Chairman:** Section 5. Any comments or questions before section 5?

**Mr. J. Renwick:** Mr. Chairman, I have a comment on section 3.

**Mr. Chairman:** Anything for section 2? Then the hon. member for Riverdale on section 3.

**Mr. J. Renwick:** Mr. Chairman, on section 3, particularly clause 1 of section 3, I simply want to point out that this is the operative provision of the bill. This is where the limitation is to a tribunal which is required by an Act of the Legislature to hold or to afford to the parties to the proceedings an opportunity for a hearing before making a decision and makes the limited point which the Minister of Justice attempted to make on the prior amendment when it was under discussion.

I would point out to the House that it is not only limited to where there is a tribunal set up under a statute but where a hearing is required to be held "otherwise by law," and I assume that means it will provide lawyers with an ample ambit to exercise their ingenuity to widen the scope of the statute.

**Hon. A. F. Lawrence:** This is a point covered by our previous discussion.

**Mr. Chairman:** Anything further on section 3? The hon. member for Dovercourt.

**Mr. D. M. De Monte** (Dovercourt): I would like to ask the hon. minister if the Workmen's Compensation Board comes within the ambit of section 3.

**Hon. A. F. Lawrence:** Well, again this is merely the general procedural statute. The amendment respecting the Workmen's Compensation Board will be made in the next bill that will be coming before the House.

**Mr. Chairman:** Anything further on section 3? Anything on section 4? The hon. member for Lakeshore on section 5.

**Mr. Lawlor:** Thank you, Mr. Chairman. We discussed this a bit in committee; this is the section which says that the proper parties before the tribunal are either designated specifically in the statute, or if they are not so set out, then by law. We had a discussion about such wording as "substantial," about people having a substantial interest in the matter before the tribunal or a direct and immediate interest before it.

I do not recall how we solved that issue. Is the minister thoroughly satisfied, with regard to those who by law would otherwise be entitled to make an appearance, that the wording does adequately give representation to many induividuals before the tribunals? May I put it this way: It seems to me that by and large the law is fairly amorphous on this; it is sort of flexible. Some tribunals using

discretion will grant people the opportunity to appear before them, because they have what is obviously an immediate interest in the hearings and a right to voice their position and defend their state, whereas other tribunals will not. There is an enormous flexibility.

Would it not be better, therefore, to have that clause widened out beyond "those whom by law," and use more colloquial language, saying, "those who have a direct and substantial interest"?

**Hon. A. F. Lawrence:** No, it is our belief—and I believe instructions have gone out to the legislative counsel in the future to particularly pay attention to this—it is our belief that in the future the relevant statute itself should specify the parties wherever possible. Of course, where a statute specifies the parties, that statute governs. If a statute unfortunately does not specify the parties, the present law as to who the parties are would be retained in the practice.

But our hope is, not only in respect of this, but in respect of the matters that we were discussing earlier, that the individual statutes will be, are being, should be amended in the future to specify with more particularity than some of them have in the past, just who the parties are.

The phrase "entitled by law" will permit a person to apply under Bill 54 and the court may then decide if the right of that person merits his being a party as well.

**Mr. Lawlor:** If the court decides.

**Hon. A. F. Lawrence:** But there is that extra guarantee if you want to—that is not the proper word—but there is that extra specification or area where parties can apply as well, which is being added in respect of the next bill that we will be considering.

**Mr. Chairman:** Any other comments, questions or amendment to any section of this bill? If not shall the bill—which section?

**Mr. J. Renwick:** Mr. Chairman, I wanted to make a brief comment with respect to clause 9 of the bill.

**Mr. Chairman:** Anything prior to section 9? The hon. member for Riverdale on section 9.

**Mr. J. Renwick:** It is simply to draw the attention of the House to the open-ended nature of the circumstances under which a tribunal may hold a hearing or, I assume, part of a hearing, in camera.

I am not going to propose an amendment because I do not know how to solve the problem, and it may well be that only the workings of the statute in particular instances will indicate whether or not a tendency is developing to close hearings which should otherwise be open.

I do not think any of us in this party would disagree with the situation that a hearing or a portion of a hearing be closed, where intimate financial or personal matters are disclosed which, having regard to the circumstances of the particular hearing, outweigh the desirability of having the hearing in public.

But there is the addition in that clause of the open-ended phrase "or other matters" which is not limited under any *ejusdem generis* rule to intimate financial or personal matters, but is entirely disjunctive and leaves other matters in the opinion of the tribunal for them to come to the decision that it may be desirable to hold the hearing in public.

I think we will just have to watch and see whether or not in the course of working out the procedures set forth in the bill, there is any tendency unnecessarily to close hearings to the public.

**Mr. Chairman:** Any further comments or questions to any section of this bill? If not, shall the bill be reported?

Bill 53 reported.

## JUDICIAL REVIEW PROCEDURE ACT

House in committee on Bill 54, An Act to provide a Single Procedure for the Judicial Review of the Exercise or the Failure to exercise a Statutory Power.

**Mr. Chairman:** Are there any comments, questions or amendments to any section of this bill?

**Mr. Lawlor:** Just a comment on section 1 on the definition. Under the old draft that the minister presented some years ago, he went to the trouble of defining the term tribunal, but omitted it in this particular bill. Was there a reason for doing that?

**Mr. Chairman:** Does the hon. minister have any comments?

**Hon. A. F. Lawrence:** Yes, just a minute. I am still lost in a mass of paper over here.

**Mr. Lawlor:** The definition section of the January 28, 1969, bill contains the definition.

**Hon. A. F. Lawrence:** I am sorry. My friend says that in the old Bill 129 we had a definition of what?

**Mr. Lawlor:** Of tribunal. In the old bill you had three definitions only, you see, and in this one you have many more definitions.

**Hon. A. F. Lawrence:** Yes.

**Mr. Lawlor:** But in that case there is a magnificent definition of tribunal, which has been wholly omitted for some reason.

**Hon. A. F. Lawrence:** I will need some help on this one. I am sure that the only explanation can be that the word tribunal is really not significant for the relief sought. This is a review of a decision wherever it is made—by a board, a commission, a tribunal, any group that has a statutory power of decision. There is no need for a definition of a tribunal. To indicate that this would relate only to tribunals really would be restrictive.

**Mr. Chairman:** Are there any further comments, or questions to any section of this bill?

**Mr. Lawlor:** Just one thing. In the former definition—you are right up to a point, you know. The former definition excluded deliberately a court of record, which now you are including, of course, within the ambit of this; or a coroner's inquest. Just a small question. Does this legislation, Bill 54, cover coroners' inquests too or is that special?

**Hon. A. F. Lawrence:** No, it is not special.

**Mr. Lawlor:** But you do not deliberately exclude it, do you?

**Hon. A. F. Lawrence:** It is excluded. Yes, it is excluded. If not in this one—

**Mr. Lawlor:** It was excluded in the earlier one.

**Hon. A. F. Lawrence:** It is excluded somewhere along the line. If not in this one then by virtue of the next, Bill 56.

**Mr. Lawlor:** We will look at it when we get to Bill 56 then.

**Mr. Chairman:** The hon. member for Riverdale, on what section?

**Mr. J. Renwick:** Mr. Chairman, on clause 2 of the bill. I want the House to understand that insofar as the extended definition of statutory power, which is contained in clause 1 of the bill—it appears in clause 1 of section 2—the only relief that a citizen has against those exercises of statutory power, other than statutory power of decision, is by way of this judicial review. That, in itself, is a fairly formal legal procedue.

It is so formal, in fact, that it can only be heard by the divisional court which was set up when legislation was passed during the last session of the Legislature. As I understand it, it still has not been proclaimed and the divisional court is a court of more than one judge. Therefore, in order that a citizen may have the exercise of a statutory power, subject to judicial review, in fact, he has to go to a court composed of more than one judge under the divisional court procedure. He is not permitted to go to the county court. The divisional court is a division of the—it is a court set up within the framework of the Supreme Court of Ontario. He can only go to a single judge of the high court if, in fact, he can show that there is some urgency or that any delay would result in a denial of justice.

My point, therefore, is that it is an extremely limited application of review and one which a citizen would only take if he was certain, either that he was eligible for legal aid or that he could afford the costs which he would incur in making the application for the judicial review. In that sense, it is the restricted grant of such a power to the extent that it is an extension of powers which the citizen may already have.

The second point I would like to make is that it may well be at the present time that clause 1 of section 2 is nothing but an enactment into statute of the right to judicial review which a citizens already has under the existing rules of the courts and under the existing procedures by way of the prerogative writs. I think it is an improvement to rephrase it but I would not want anyone to think—

**Mr. Singer:** It was not intended to create any new rights. It was for clarification and simplification.

**Mr. J. Renwick:** I would not want anyone to think that there was any creation of new rights by the inclusion of that judicial review in this bill. I am glad that the member for Downsview agrees with me—

**Hon. A. F. Lawrence:** I do, too.

**Mr. J. Renwick:** Because therefore, the only reference in this bill to anything new is the reference in subclause 2 of clause 2 which extends an order in the nature of certiorari to matters which come under the operation of the more limited definition of statutory power of decision which occupied us in debate so much, at a time earlier this morning.

**Mr. Chairman:** Any further questions, comments, amendments to any section of this bill? If not, shall the bill be reported?

Bill 54 reported.

## PUBLIC INQUIRIES ACT

House in committee on Bill 55, The Public Inquiries Act, 1971.

**Mr. Chairman:** Bill 55, The Public Inquiries Act, 1971. Are there any comments, questions or amendments to any section of this bill? If not, shall the bill be reported?

Bill 55 reported.

## CIVIL RIGHTS STATUTE LAW AMENDMENT ACT

House in committee on Bill 56, The Civil Rights Statute Law Amendment Act, 1971.

**Hon. A. F. Lawrence:** This one, Mr. Chairman, was amended in committee. I understand the amendments, because of the printing problems relating to this rather massive bill, are being distributed in a different form than is normal.

**Mr. Chairman:** Bill 56, The Civil Rights Statute Law Amendment Act, 1971. The hon. member for Lakeshore.

**Mr. Lawlor:** I have a query touching section 29.

**Mr. Chairman:** All right. Are there any comments or questions to any section up to section 29?

**Mr. De Monte:** Mr. Chairman.

**Mr. Chairman:** The hon. member for Dovercourt, on which section?

**Mr. De Monte:** I asked the minister on Bill 53—

**Mr. Chairman:** Which section of this bill?

**Mr. De Monte:** No, I just want to query the minister, Mr. Chairman, on a point of information. The minister told me, when I asked what parts of these bills affect the Workmen's Compensation Board, that it was in the next bill. Is he referring to The Civil Rights Statute Law Amendment Act? Because that certainly is a tribunal that comes within the definition of the section 2 of Bill 53, and I just wanted to clear that point up.

**Hon. A. F. Lawrence:** It was Bill 53 that was amended to give the Lieutenant-Governor-in-Council the power to make an exception for one year only. That was to clarify the intent of the Workmen's Compensation Board people themselves to come in with an amendment over the next year. The exception is only applicable for one year following the date of proclamation, I guess it is, of that bill. We passed that bill—

**Mr. De Monte:** I appreciate that, Mr. Chairman. Does the Lieutenant-Governor-in-Council intend to except the Workmen's Compensation Board from the application of this bill?

**Hon. A. F. Lawrence:** For one year only.

**Mr. De Monte:** For one year? I see. Are they going to reconsider or are they just going to use that as an interim term and then allow the bill to apply after the year?

**Hon. A. F. Lawrence:** No, it is a transitional thing only. There will be amendments to the Workmen's Compensation Board statute itself brought before the House.

**Mr. De Monte:** So the exception of the bill will provide for legislation to exempt any further appeal outside the board?

**Hon. A. F. Lawrence:** Yes.

**Mr. De Monte:** Thank you.

**Mr. Chairman:** Are there any questions, comments or amendments prior to section 29? I believe the hon. member for Lakeshore had some on 29?

**Mr. Lawlor:** Yes, just to comment on 29.

**Mr. Singer:** I have not got past the first amendment about the orchard.

**Mr. Chairman:** Which happens to be on page 83 of the bill.

**Mr. Lawlor:** Did the hon. member indicate his willingness or desire to participate in the debate?

**Mr. Chairman:** The hon. member for Lakeshore has the floor.

**Mr. Lawlor:** Then would you cease carrying on a colloquy with him?

**Mr. Singer:** Oh, testy, testy!

**Mr. Lawlor:** That is a fine fat fellow of a bill, this one here. We did not—and I think it should be on the record—spend half enough time in committee within the confines of the time we had to scapple it and go over it inch by inch, but we brought up many points.

What is contained in here is a whole series of statutes, the beginning of a revamping process which the government is carrying forward arising out of McRuer. I think 99 statutes are being revamped inside the covers of this particular bill; it covers everything under the sun in a diversity of ways. There must be six or seven different modes of appeal or ways in which things may go up and levels in which one may go up there—in some cases there are three, even four review powers within levels, re-appeal within a particular level and all this sort of thing. The permutations and combinations of possibilities are fairly dizzying as one goes through the matter, but there are certain patterns of behaviour which on the whole seem to make fairly good sense in the legislation.

One question I had forgotten to ask: In that section 29, under The Department of Labour Act the inspector could issue a stop order where in his opinion the work is being carried on in such a manner as to be dangerous to life and property, and there is an appeal from the inspector to his immediate superior. What I would like to know is, when we get that sort of thing in this statute, does it mean that is the end of the appeal process? When we do not spell out or define any further steps to be taken, is that as far as one can go and is his immediate superior the final authority in the matter so far as this law is concerned?

**Hon. A. F. Lawrence:** No, there are still other methods of appeal in relation to some of these matters in any event which are already in the statutes. In some ways we are merely clarifying the appeal procedures; in some ways, we are simplifying them. In some ways, we are instituting new ones, or in some ways instituting by this bill only a partial method of appeal because there may be others already in there.

**Mr. Chairman:** Are there any other questions, comments or amendments to any section of this bill?

**Mr. J. Renwick:** Mr. Chairman—

**Mr. Chairman:** Will the hon. member indicate the section please?

**Mr. J. Renwick:** I have some comments. I do not purport to have tried to make certain of each and every section of the bill. I have comments on two or three sections. The first one is clause 45 of the bill.

**Mr. Chairman:** If the hon. member has any comments of any considerable length, then I should point out that we should now have a motion to rise and report in view of the hour, so that the committee may report to the House.

**Mr. J. Renwick:** They will not be lengthy but I do not think I can make them—

**Mr. Chairman:** I doubt very much whether the bill will be reported in the next minute anyway, so—

**Hon. A. F. Lawrence:** It is my understanding that we will be starting with 55 when we sit again—and it has gone through committee up to section 45?

**Mr. Chairman:** The member for Riverdale had indicated section 45. Up to section 45, there are no other comments?

**Mr. J. Renwick:** I have no comments.

**Hon. A. F. Lawrence:** For the purposes of the Committee of the Whole House, we may assume that—

**Mr. Chairman:** Up to 44 has been covered.

**Hon. A. F. Lawrence:** Right.

**Mr. Chairman:** Section 44.

Hon. Mr. Lawrence moves that the committee rise and report that it has come to certain resolutions and ask for leave to sit again.

Motion agreed to.

**Mr. Chairman:** Mr. Speaker, the Committee of the Whole House begs to report certain bills without amendment and asks for leave to sit again.

Report agreed to.

**Mr. Speaker:** In accordance with the motion passed the other day, the House will now recess and resume at 2 o'clock when we shall proceed with the normal proceedings of the House.

It being 12 o'clock, noon, the House took recess.

# CONTENTS

Tuesday, July 13, 1971

**Exercise of statutory power granted to tribunals by the Legislature wherein the rights, duties or privileges of persons are to be decided at or following a hearing,** bill to provide, reported ..... 3847

**A single procedure for the judicial review of the exercise or the failure to exercise a statutory power,** bill to provide, reported ..... 3858

**Public Inquiries Act, 1971,** bill intituled, reported ..... 3860

**Civil Rights Statute Law Amendment Act, 1971,** bill intituled, in committee ..... 3860

**Recess,** 12 o'clock noon ..... 3861

# Legislature of Ontario Debates

No. 94

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Tuesday, July 13, 1971

**Afternoon Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**

**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

5

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JULY 13, 1971

The House resumed at 2 o'clock, p.m.

**Mr. Speaker:** Statements by the ministry.

Oral questions.

## FARM MARKETING LEGISLATION

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker, now that the Minister of Agriculture and Food has returned from the conference in Quebec, I would like to ask him what changes in the egg marketing procedures he envisages, which will mean that Ontario will support the position taken in Quebec that egg production will be curtailed?

**Hon. W. A. Stewart** (Minister of Agriculture and Food): Mr. Speaker, I can only assume my hon. friend is referring to newspaper reports.

**Mr. Nixon:** No other report.

**Hon. Mr. Stewart:** Some that I have seen faintly resemble—

**Mr. Nixon:** Only faintly resemble?

**Hon. Mr. Stewart:** —what happened in Quebec.

**Mr. Nixon:** I want to repeat that in case anybody in the press gallery missed it.

**Hon. Mr. Stewart:** I think that it was unfortunate that the headlines of one paper at least described—

**Mr. D. C. MacDonald** (York South): Can the minister tell us what happened? Capsulize it!

**Hon. Mr. Stewart:** —skyrocketing prices as the result of the conference in Quebec yesterday. Particularly when egg producers in Canada face absolute disaster as the result of the low prices that we have today, I think that we should—

**Mr. R. F. Ruston** (Essex-Kent): That is right.

**Mr. M. Gaunt** (Huron-Bruce): Hear, hear!

**Hon. Mr. Stewart:** I think that we should—

**Mr. Ruston:** One hundred per cent below the cost of production.

**Hon. Mr. Stewart:** —not be at all concerned about some increase in price that might at least reflect the cost of production of eggs in Canada—

**Mr. H. Peacock** (Windsor West): This government never tackles the middleman!

**Hon. Mr. Stewart:** With regard to the conference, Mr. Speaker, the Minister of Agriculture for the Province of Quebec invited the minister from Nova Scotia, the egg-marketing officials there and the marketing board officials, as well as from Manitoba and from the Province of Ontario, and officials from the federal government as well. We discussed the situation as it relates to the marketing of eggs in Canada, particularly in light of the Supreme Court decision.

The result of the discussion was the appointment of a technical committee that would be charged, in the terms of reference, to come up with a type of market-sharing formula which might be applicable across Canada and which would in some way gear supply management to the known market within Canada.

There is virtually no market known in the world today for eggs outside of Canada that will return even the price that eggs are selling at in Canada today. Those people who suggest—and there are those who do, as I have witnessed by television—that we should be producing to the full capacity of Canada's ability to produce without any regard as to where that product may be sold, just simply do not understand the facts of life or are deliberately misleading the public.

I am inclined to think the latter is the case, for the simple reason that even with the price of eggs as it is today, at disastrous prices, the federal government has stepped in and bought considerable numbers of cases of eggs. They have no place to market them and will have to break them and put them into either powder or melange.

I think it is a clear indication, Mr. Speaker, of the incredible over-production of eggs in this country when one recognizes that there

are almost 300 per cent more powdered or melange eggs in storage stocks in Canada today than there were a year ago, with virtually no market.

So I believe it is incumbent on all of us interested in the agricultural industry, particularly interested in the egg industry, to try to resolve this matter within our own country and to recognize that the charts clearly indicate that when we market about 10,000 to 15,000 cases of eggs per week more than what the market requires—and that is about what is happening now—the price structure just simply deteriorates to the place where there is virtually nothing at all in the production of eggs. They are not even returning the price of feed costs.

So I feel very hopeful, Mr. Speaker, that the recognition of these facts will lead to a very serious look being taken at what can be done. We are hopeful that the committee commencing its hearings in Ottawa on Thursday morning this week, charged with the responsibility of reporting to the federal minister and the provincial ministers and their deputies' conference in Edmonton next Wednesday—that is if we can get there, Mr. Speaker—we hope they will have some formula for us.

**Mr. Nixon:** A supplementary, will the minister explain why the Farm Products Marketing Board has gone back on its plan to have a vote among the egg producers which in fact would have given the Egg Marketing Board agency powers?

**Hon. Mr. Stewart:** Mr. Speaker, I would like to clarify this—perhaps it was a misstatement of the Leader of the Opposition—the Farm Products Marketing Board did not go back on its plan.

**Mr. Nixon:** There was no plan to have a vote?

**Hon. Mr. Stewart:** Oh, indeed. The egg—

**Mr. Nixon:** And there is not a plan now?

**Hon. Mr. Stewart:** May I answer the question, Mr. Speaker? The Egg and Fowl Producers Marketing Board requested that there be a delay in the vote plan for later this month. The Farm Products Marketing Board agreed to that delay.

**Mr. S. Lewis** (Scarborough West): Why?

**Mr. Nixon:** A supplementary, does the minister know why the request for delay came forward? And would he not also agree that agency powers by the Egg and Fowl Producers Marketing Board would be the best way to control production?

**Hon. Mr. Stewart:** Well, there is little use—Mr. Speaker, with great respect, I do not think it is necessary to go into a debate on this matter, but it is a matter of current issue. There is little use in the egg producers of Ontario being asked to control production within Ontario if Manitoba is going to be allowed to produce eggs in the abundance that it is producing them—and has been over the last two or three years—and dumping them into the Province of Ontario or Quebec or wherever it can sell them.

There is little use in our producers limiting their production in this circumstance. We all recognize egg production should be limited, but it should be limited on a national basis so that all producers across Canada share in the market in Canada today. That is the point I think we have to make.

Now the vote that had been called was called before the delay was based on the premise that the same kind of application of provincial control would exist as existed prior to the Supreme Court's decision. In view of that decision, to my mind the Egg and Fowl Board was very wise in asking for a delay in the vote until the situation had been clarified. This was the purpose of the meeting yesterday.

**Mr. Nixon:** Mr. Speaker, subject to your ruling, there are a number of questions that have arisen from the minister's statement. As a supplementary, does he now believe that the Supreme Court decision does effect Ontario's legislation and that we have got to plan for that effect?

**Hon. Mr. Stewart:** Oh, yes, I feel that there is an effect here. I feel there is an effect. It has not been tried yet in the courts. I do not think that it should be, quite frankly. I would like to see the matter resolved by mutual agreement among the provinces across Canada, and it can be done under The Agricultural Products Marketing Act of Canada. We have that determination now.

We have been to Ottawa. We have discussed it carefully with the law officers of our government. We have discussed it with the federal government and it in turn has now advised us that under The Agricultural Products Marketing Act of Canada there is a way we can make an agreement among the provinces for supply management geared to the national market. This will apply to

all provinces of Canada, and not be in violation, we believe, of any Supreme Court decision.

**Mr. Nixon:** Mr. Speaker, a supplementary: How can the minister inject the urgency into the hearings and the solution which must come from it when it is simply at the technical level?

Additional to that supplementary: Why did he not take the initiative and have this meeting of ministers of agriculture here weeks ago instead of waiting for Quebec?

**Hon. Mr. Stewart:** I made the suggestion myself in Ottawa last week that we have this meeting. It was I who originated the thing but I felt it should be Ottawa.

**Mr. Nixon:** I suggested it to the minister two months ago.

**Mr. Speaker:** Order! The hon. Leader of the Opposition is quite out of order.

**Mr. Nixon:** It is the truth.

**Hon. Mr. Stewart:** Of course we did. But at that time this was the proposal we were following through. We felt that the federal government's Bill C-176 would come in and fill the void. We found that it did not come in and fill the void.

In the meantime the Supreme Court decision was made and I think we have to govern ourselves accordingly. Now we are exploring the possibilities of doing this under The Agriculture Products Marketing Act of Canada. Perhaps that is where it should have been done in the first place.

But that was not the approach taken by the federal government and it was not until this week—yesterday in Montreal—that the federal government said that under The Agriculture Products Marketing Act it felt that the powers were available to us.

Even as late as last Tuesday when we met in Ottawa, there was not general agreement at the Ottawa level that The Agriculture Products Marketing Act did contain the statutory authority for the provinces and the federal government to work toward this market sharing in products other than in milk and grain products.

**Mr. Speaker:** The member for York South has a supplementary?

**Mr. MacDonald:** Yes, Mr. Speaker, one and perhaps two: May I ask the minister what relationship, if any, is there to the postponement of the egg vote and the efforts to resolve this problem at the national level through interprovincial action?

To put it more specifically—is the egg vote postponed indefinitely in the hope that the resolution at the interprovincial level will either solve the problem or at least provide an up-to-date context within which it can be solved?

**Hon. Mr. Stewart:** Yes, Mr. Speaker, I would say that is the main reason, and I tried to convey that in my reply to the hon. Leader of the Opposition.

**Mr. MacDonald:** A supplementary question: What is the minister's view, or would the minister comment, on what appears to be one of the main objectives in postponement, namely that the regulation should be changed to exclude all producers below perhaps 500?

**Hon. Mr. Stewart:** I cannot answer that, Mr. Speaker. I do not know what the position of the egg and fowl board nor the Farm Products Marketing Board may be in that regard.

I was given to understand that all egg producers who have hens below 500 in number would be excluded in the terms and conditions of the plan, and if they are it would seem to me only logical that those people could be excluded from the requirement of voting on the plan since they are to be completely excluded from the plan itself.

It seems to make sense to me.

**Mr. MacDonald:** A further supplementary question: How can the minister countenance a proposition to bring order into marketing when he excludes a very significant proposition of the producers—admittedly with a smaller proportion of the production, because they are the small producers—but how can he cope with an overall problem by what at least appears to be a calculated effort to exclude a significant proportion of the producers?

**Hon. Mr. Stewart:** I do not think that it is so significant. It may be a significant number of producers, but related to the total production they represent about 2½ per cent of the total production of eggs in Ontario.

**Mr. I. Deans** (Wentworth): In other words, the little guy supports—

**Mr. MacDonald:** Has the Tory party ceased to be a champion of the little man—

**Hon. Mr. Stewart:** Oh of course. That is fine for my friend, the hon. leader of—

**Mr. Deans:** That is why it does not—

**Mr. Lewis:** It is like the cheese factory.

Interjections by hon. members.

**Mr. Speaker:** Order! Order! Order! Order!

Interjections by hon. members.

**Mr. S. J. Randall** (Don Mills): Consider the strain on the hens.

**Mr. Speaker:** May I have the consent of the House to revert to statements? The Prime Minister has a statement and perhaps there would be questions on it afterwards.

Agreed?

The Prime Minister.

**Hon. W. G. Davis** (Prime Minister): Mr. Speaker, a very brief statement: As members are well aware, the subject of foreign ownership of the Canadian economy has occupied a considerable proportion of debate in the House during the current session.

**Mr. Nixon:** Let us have a conference.

**Hon. Mr. Davis:** We may sometime—on what?

Discussion of this complex subject has been very wide. Indeed in recent months, including the examination of the subject at the Ontario Conference on Economic and Cultural Nationalism. A good deal of the discussion has been associated with the development of our natural resources and the creation of secondary industry, as well as such specific areas as the publishing and book distribution industries.

In the view of the government, one very large and critical area to the firm establishment of Canadian determination is the investment community.

This government shares the concern of the federal government about foreign ownership of essential Canadian financial institutions. The nature and extent of foreign investment in the Canadian investment community and its implications were examined with some care by the industry's own committee headed by Trevor Moore. In parallel areas of concern, in particular loan and trust companies, we enacted legislation restricting foreign ownership.

We believe it to be essential that ownership of investment companies remain substantially Canadian.

Therefore, we are now taking steps through the Ontario Securities Commission to ensure that all new entrants into the Ontario investment community meet these standards, with the capital owned or controlled by non-Canadians not exceeding 25 per cent, and no more than 10 per cent being owned or controlled by a single person or associated group of persons who are non-Canadians. These limitations would apply to all classes of securities dealers. They would also apply where there is a material change in the control of an existing registrant.

The government has requested the Ontario Securities Commission to examine this problem further, concentrating on several matters dealt with in the Moore report, including the question of public participation in investment companies and the continuing status of existing registrants which are foreign controlled.

Mr. Speaker, this policy of using a 25-10 formula for non-Canadian ownership is consistent with that now in effect in the loan and trust field and which we used in connection with the distributors of paperback books. It is a sound yardstick for use in most areas involving foreign ownership, enabling the encouragement of foreign investment and funds while protecting our own Canadian interests.

**Mr. Lewis:** So much for Merrill Lynch.

**Hon. A. Grossman** (Minister of Trade and Development): No response from the opposition?

**Mr. Speaker:** The Leader of the Opposition has a question?

## FOREIGN OWNERSHIP OF INVESTMENT COMMUNITY

**Mr. Nixon:** Mr. Speaker, further to the Premier's statement, can he tell the House if the companies that come under federal jurisdiction are going to be treated the same way? Has there been any communication with the government of Canada so that there will be an even approach to a regulation similar to this with those financial houses which have federal jurisdiction?

**Hon. Mr. Davis:** Mr. Speaker, there has been communication, and I would think that generally speaking this would be the case.

**Mr. Lewis:** By way of supplementary Mr. Speaker, if according to the Premier this is

a good formula, applicable as he indicated in areas beyond book publishing and the investment houses, might we expect that he would see it as appropriate for secondary manufacturing industry in Ontario and primary resource industry?

**Hon. Mr. Davis:** Not necessarily, Mr. Speaker.

**Mr. J. Renwick** (Riverdale): Mr. Speaker, by way of—

**Mr. Speaker:** The member for Grey-Bruce has a supplementary?

**Mr. E. Sargent** (Grey-Bruce): Mr. Prime Minister, will this then affect the grant formula for American companies coming in here?

**Hon. Mr. Davis:** Mr. Speaker, there is no logical connection, with great respect, between the statement I just made and the grant formula.

**Mr. Sargent:** Supplementary then: With regard to the Bookprint-Rapide grant for $500,000 in Kingston. Fifty per cent control, and they have a $1 million loan from the United States on that deal, so the fund would be all gone right there.

**Hon. Mr. Davis:** Mr. Speaker, this relates to the financial investment business here. I really do not quite yet see the connection with the matter raised by the member for Grey-Bruce. I do not quite follow it.

**Mr. Lewis:** This relates to Merrill Lynch.

**Mr. Speaker:** The member for Riverdale.

**Mr. J. Renwick:** Mr. Speaker, by way of supplementary question, would the Prime Minister indicate whether there was any specific instance in his mind which triggered this announcement today? And would he also advise the House whether he considers insurance companies carrying on insurance business in the Province of Ontario to be financial institutions to which in due course a similar degree of Canadian ownership will be required?

**Hon. Mr. Davis:** Mr. Speaker, the statement refers to the investment industry not to the insurance industry. At this precise moment there is not a specific situation that led to the statement by the government, although of course the Moore report is part of the genesis of it.

**Mr. Speaker:** The member for Downsview.

**Mr. V. M. Singer** (Downsview): Mr. Speaker, I wonder if the Premier could explain to us how this policy is going to be brought into play retroactively against those investment companies that now exceed these percentages of control outlined by him?

**Hon. Mr. Davis:** Mr. Speaker, the 25 per cent aspect carries forward over a period of time; it is not retroactive per se.

**Mr. Singer:** Well does the Premier then mean that those companies that exceed the norms he just set out will be allowed to stay as they are?

**Hon. Mr. Davis:** For a period of time, Mr. Speaker, yes.

**Mr. Singer:** Beyond what period of time? How then does he intend to control them, and are they going to be permitted to expand?

**Hon. Mr. Davis:** Mr. Speaker, this is something that will be determined over a period of time. This is the beginning of the policy of this government as it relates to the investment community; it is something the Securities Commission itself obviously will be dealing with, and I would assume the exchange as well.

**Mr. Singer:** By way of further supplementary: Does the Premier anticipate that action so far as existing companies is concerned might involve compensation for them in the event that he wants to bring them up to the norms that he has laid out?

**Hon. Mr. Davis:** No, Mr. Speaker.

**Mr. Speaker:** The member for Scarborough West.

**Mr. Lewis:** By way of supplementary, I heard nothing in the Premier's announcement that related to existing companies. I heard only remarks relating to new entrants in the investment business. Am I right about that?

**Hon. Mr. Davis:** That is quite correct.

**Mr. Lewis:** Right. By way of further supplementary, has the Premier any knowledge which he might share with the House of even one investment house contemplating an entry at the moment to whom these regulations can apply, when in faot they should obviously apply to all of those now dealing in Ontario?

**Hon. Mr. Davis:** Mr. Speaker, I have no specific knowledge of any responsibility, but in that the possibility exists—

**Mr. Deans:** More window dressing!

**Hon. Mr. Davis:** —this is the determination we are making, that in future it will have to be this way.

**Mr. Lewis:** It means nothing and there is another—no, nothing!

**Hon. Mr. Davis:** It does so!

**Mr. Speaker:** Supplementary?

**Mr. Lewis:** The Premier keeps waiting to the last minute, then he—

**Mr. MacDonald:** He always operates in a vacuum.

**Hon. Mr. Davis:** We act in advance of situations and then the members opposite do not like it.

**Mr. Speaker:** Order!

Interjections by hon. members.

**Mr. Speaker:** Order! The member for High Park has the floor.

**Mr. M. Shulman** (High Park): May I ask if there is anything in the new policy that will prevent the expansion of American firms already here?

**Mr. Singer:** I asked that.

**Hon. Mr. Davis:** Yes, I answered the member for Downsview in the affirmative.

**Mr. Lewis:** Over a period of time! No time, no specific about what it means—only what the House leader can whisper in the Premier's ear.

**Mr. Deans:** Window dressing stuff!

**Mr. Speaker:** The Leader of the Opposition has further questions.

## NORTHERN AIR SERVICE

**Mr. Nixon:** Mr. Speaker, I would like to ask the Premier whether the award of the contract in the new concept of northern Ontario air transportation to White River Air Services was on a basis of a tender, and what will be the financial relationship between White River Air Services and the ownership and the costs of operation of the planes concerned?

**Hon. Mr. Davis:** Mr. Speaker, this would be more properly addressed to the Minister of Transportation and Communications (Mr. MacNaughton) as it relates to the second part of the question. As far as the first part of the question is concerned, I do not have my statement here but I do recall reference to the fact that there were a number of proposals made to the government and the most favourable tender or submission was made by White River Air Services.

**Mr. Nixon:** A supplementary: Were the proposals made in advance of the public announcement of the policy, and if so would there not be a conflict of interest as far as the public interest is concerned in getting the best possible rates for an experimental programme?

**Hon. Mr. Davis:** I cannot see this at all, Mr. Speaker. The government made a determination to get into this type of experimental programme for a three-year period and discussed it with a number of people or firms which might have some interest. I do not see any conflict here whatsoever.

**Mr. Nixon:** It was an invitational tender, was it?

**Mr. Sargent:** They can experiment up our way, if they want to.

**Mr. Speaker:** The member for Rainy River has a supplementary?

**Mr. T. P. Reid** (Rainy River): Does the Premier contemplate running a like programme in northwestern Ontario?

**Hon. Mr. Davis:** Mr. Speaker, of course we are contemplating many things; specifically whether we are contemplating one in northwestern Ontario at this precise moment, the answer to that would be not in the immediate future; but in the long-range plans for the province, obviously if this is successful yes.

**Mr. Sargent:** What else will you promise before the election?

**Hon. Mr. Davis:** Who knows before the election?

**Mr. Speaker:** The hon. member for Cochrane South.

**Mr. W. Ferrier** (Cochrane South): A supplementary, Mr. Speaker: What studies were made to indicate that there is a greater demand for service between Timmins and Earlton, and Timmins and Sudbury than

exists with the present service that we receive from Air Canada, especially from Timmins to Sudbury?

**Hon. Mr. Davis:** Mr. Speaker, of course a lot is determined by the involvement of Air Canada over specified periods of time. If the hon. member is suggesting that perhaps there is not sufficient traffic to warrant it and that the government should not be involved in this kind of programme, I would be delighted to have that observation from him. But in that I sense most of the northern members are in support of it, I find it very intriguing that the member for Cochrane South is not enthusiastic about the programme.

Interjections by hon. members.

**Mr. Speaker:** The member for Cochrane South.

**Mr. Ferrier:** As a further supplementary, is the Prime Minister indicating that there was a great extra demand for service?

Secondly, is the Prime Minister prepared to let Nordair come in and take that service between Timmins and Toronto without objections from his government?

**Hon. Mr. Davis:** Mr. Speaker, we do not determine Nordair's operations. It is done under franchise or licensing from the federal government, but if the hon. member for Cochrane South is not interested in the government of this province getting into this kind of programme, let him say so. We think it will be very helpful in northern Ontario. This is what we are attempting to do. If the member does not like it, let him say so.

**Mr. Ferrier:** The government did not do a study, that is the whole thing.

**Hon. Mr. Davis:** The member does not like it. He does not like it.

**Mr. Singer:** Mr. Speaker, by way of supplementary could the Premier explain—

**Hon. Mr. Davis:** No, we are not taking it into Downsview at the moment!

**An hon. member:** There are good facilities.

**Mr. Singer:** It might be a reasonable alternative to the Spadina if nothing else. The government has got nothing else.

Interjections by hon. members.

**Mr. Speaker:** A supplementary?

**Mr. Singer:** Mr. Speaker, could the Premier explain how White River knew the basis on which it should make its proposal in advance of the government's policy decision? And the number of other people besides the White River company who were advised, apparently privately, that the government would be interested in such proposals? And further, why there was not a public call for proposals rather than an invitational call?

**Hon. Mr. Davis:** Mr. Speaker, these are matters that could be discussed with great amplification by the Minister of Transportation and Communications who would be delighted to do so.

**Mr. Speaker:** The member for Timiskaming.

**Mr. D. Jackson** (Timiskaming): A supplementary question, Mr. Speaker: my colleague has already asked whether a study was done. Would the minister table that study of the transportation needs for northern Ontario?

**Hon. Mr. Davis:** I do not have that study. I am sure the Minister of Transportation and Communications will be delighted to give the member all the relevant information.

**Mr. Speaker:** Any further supplementaries?

**Mr. Jackson:** At the same time, Mr. Speaker—

**Mr. Ferrier:** The government did not make a study. That is the whole thing.

**Mr. Jackson:** In what way will this service provide services in excess of that provided by Air Canada at this time?

**Hon. Mr. Davis:** Mr. Speaker, my answer to the hon. member is exactly the same as to his colleague. If he wants to have greater detail certainly he can ask the Minister of Transportation and Communications. If he is reluctant, if he is being critical of this government programme to help the transportation services of the north, let him have the courage to stand up and say so.

**Mr. Speaker:** The member for Grey-Bruce.

**Mr. Sargent:** A supplementary: Would the Prime Minister advise me how the Minister of Trade and Development did not know about this two days ago and how many aircraft does the government plan to use in the whole caper?

**Hon. Mr. Grossman:** How does the member know I did not know about it?

**Hon. Mr. Davis:** Mr. Speaker, I am delighted to see or hear the aviation critic of the Liberal Party refer to this great programme for the development of the north, to improve the transportation in the north, as a caper.

I am really intrigued to think that he feels that this is a caper! To me this is very indicative of the whole approach to policy on the part of the Liberal Party—that this great programme has now become a caper.

Mr. Speaker, through you, I would inform the aviation expert of the Liberal Party that in my announcement yesterday I referred to two Twin Otters, 300 series.

**Mr. Ferrier:** Two?

**Hon. Mr. Davis:** Two and standby aircraft.

**An hon. member:** What a great programme for 10,000 square miles!

**Mr. M. Makarchuk:** (Brantford): By way of supplementary question of the Prime Minister: Can he reconcile his statement yesterday, when he indicated that new jobs would be created at de Havilland, with the statement by the Minister of Trade and Development in committee saying that no matter how many aircraft they bought from de Havilland no new jobs would be created because the aircraft have already been built?

**Hon. Mr. Davis:** I did not hear the observation made by the Minister of Trade and Development, but if the hon. member was listening to my statement carefully—

**Mr. Makarchuk:** He was telling the truth.

Interjections by hon. members.

**Hon. Mr. Davis:** —if he listened to my statement carefully I did not state that new jobs would be created at de Havilland.

**Mr. Lewis:** But the Premier did say it would preserve—

**Hon. Mr. Davis:** I never said any such thing. I did say in the statement, Mr. Speaker—

Interjections by hon. members.

**Hon. Mr. Davis:** —and I think it is abundantly clear (a), the purchase will help the economy of de Havilland—

**Mr. Makarchuk:** He said it will not.

Interjections by hon. members.

**Hon. Mr. Davis:** —and (b), that if this programme proves successful and if it is established that STOL aircraft in this kind of transportation and communication makes sense—

**Mr. Makarchuk:** Three years hence!

**Hon. Mr. Davis:** Listen, there will be some evidence of it prior to that time! The member knows it and I know it.

**Mr. Makarchuk:** Not that the government will recognize!

**Hon. Mr. Davis:** Obviously it will have an impact on the STOL aircraft industry, no question.

Interjections by hon. members.

**Mr. Sargent:** Why does the government not make a big order and do it properly?

**Mr. Lewis:** By way of supplementary, Mr. Speaker.

Interjections by hon. members.

**Hon. Mr. Davis:** The opposition does not want it to succeed.

**Mr. Lewis:** How will it help, Mr. Speaker, in view of the Minister of Trade and Development's remarks from Instant Hansard, which I have before me? Talking apparently to de Havilland, he said he asked them would it create more jobs; they said, "We have them ready now because they are being made for stock. We have no orders for the ones we are making." The minister then said "So that does not do anything for the people who are being laid off at the present time" in answer to the hon. member—

**Hon. A. F. Lawrence** (Minister of Justice): It will help the economy.

**Hon. Mr. Davis:** Mr. Speaker, the Leader of the New Democratic Party can attempt to sort of—

**Mr. Lewis:** It is not going to help.

**Hon. Mr. Davis:** —dig out his back-benchers from what I think is a ridiculous situation with the questions they have asked here this afternoon and their negative approach to what we are trying to do in the north.

**Mr. Makarchuk:** The Premier was not telling the truth yesterday. That is not what he said.

**Hon. Mr. Davis:** My statement refers specifically to the general economy of de Havilland and the very real potential that exists for the use of STOL aircraft in the transportation system.

**Mr. Lewis:** That has nothing to do with STOL aircraft.

**Hon. Mr. Davis:** Certainly, and the member knows it.

Interjections by hon. members.

**Mr. Lewis:** The Premier goes from bad to worse, day in and day out.

**Mr. Speaker:** The hon. member for Scarborough West has the floor.

**Mr. Lewis:** Mr. Speaker, a question of the—

**Mr. Randall:** Write off northern Ontario for the NDP!

**Hon. Mr. Davis:** The opposition members are not interested in the north! I am amazed.

**Mr. Lewis:** Mr. Speaker, the Tories will have one seat left in the north next time and we will not tell you which one.

**Mr. Randall:** Questions like that will get the member nowhere.

**Mr. Lewis:** A question of the Minister of Health, Mr. Speaker.

**Hon. Mr. Davis:** The member for High Park is so embarrassed he has to leave!

**Hon. A. F. Lawrence:** Now he is so embarrassed he has to come back to the rescue.

**Mr. Lewis:** Nothing embarrasses the hon. member for High Park!

Interjections by hon. members.

**Hon. A. F. Lawrence:** Now he does not know what to do!

**Hon. Mr. Grossman:** This is a bad day for the NDP.

**Mr. Lewis:** Not in my experience in any event.

**Hon. Mr. Davis:** That was certainly very unkind.

## CLOSING OF WHITBY SCHOOL OF NURSING

**Mr. Lewis:** Mr. Speaker, a question of the Minister of Health: Why has his department today somewhat arbitrarily announced the closing of the school of nursing associated with the Whitby psychiatric hospital, thereby resulting in considerable uproar and anxiety on the part of students and staff alike?

**Hon. A. B. R. Lawrence** (Minister of Health): Mr. Speaker, I do not know why and I am finding out.

**Mr. MacDonald:** Confession is good for the soul, anyway.

**Mr. Lewis:** Mr. Speaker, by way of supplementary: How is it that the minister's department would, in effect, directly contravene undertakings he took in two successive meetings with representatives of the Whitby school of nursing on an issue like this? I fail to understand.

**Hon. A. B. R. Lawrence:** There were no undertakings by me that are being contravened. The question is baldly this—

**Mr. J. R. Breithaupt** (Kitchener): That is a good answer!

**Hon. A. B. R. Lawrence:** What the department purports to do, purports to be doing—all right nakedly if members like—

**Mr. Lewis:** We all have our fig leaves.

**Hon. A. B. R. Lawrence:** I am very surprised that some of my staff figure this to be an administrative decision. I find it highly political.

**Mr. Lewis:** So do we, Mr. Minister, so do we.

**Mr. Shulman:** A supplementary: Is there a possibility that in vew of the circumstances the minister could at least temporarily rescind the order until a proper investigation has been made?

**Hon. A. B. R. Lawrence:** Yes, Mr. Speaker.

**Mr. Shulman:** Thank you.

**Mr. Lewis:** By way of a supplementary to this matter: Am I right that the superintendent of Whitby is being moved to Thunder Bay?

**Mr. MacDonald:** Is that Siberia?

Interjections by hon. members.

**Mr. Lewis:** I assume that the member for Fort William (Mr. Jessiman) needs treatment. I know of no other reason for—

**An hon. member:** Lakehead papers please note.

**Hon. A. B. R. Lawrence:** No, Mr. Speaker.

**Mr. Lewis:** Curiously enough, the question was innocent, Mr. Speaker, and I was wondering is that so?

**Hon. A. B. R. Lawrence:** No, it is not, Mr. Speaker.

**Mr. Lewis:** All right, fine.

## LAYOFFS AT DE HAVILLAND

**Mr. Lewis:** May I ask a question of the Minister of Labour. Is the—I will phrase it differently—what part is the minister's department playing in the application of The Employment Standards Act, particularly the termination of notice provisions, to the layoffs at de Havilland?

**Hon. G. Carton** (Minister of Labour): Mr. Speaker, we entered into this particular problem on June 2. Notwithstanding the fact that we had not received official notice, my department had meetings with the CMCS people, and at that particular time with the company. Three committees were set up, one with each of the unions that is involved in de Havilland.

**Mr. MacDonald:** Mr. Speaker, by way of supplementary question—if that is the case, if the minister has been involved since June 2, how come one employee—whose name I will give to the minister privately—with 21 years' experience, has been given one week's notice of layoff?

**Hon. Mr. Carton:** Mr. Speaker, I mentioned the fact and I still have not received official notice—I understand official notice is on the way—because they do not know what group of employees at this particular moment is being laid off, and it was until that determination was made that they relayed the official notice to my department. Now in the event that any transgression of official notices is involved, my department has certain avenues that they may take, one being that the employee would get his money in lieu of notice; there is a 10 per cent penalty and there are prosecution provisions. So we do watch these, Mr. Speaker.

**Mr. MacDonald:** Is the minister aware of the fact that notice of layoffs have been given to men in the plant but not to people in the office?

**Hon. Mr. Carton:** No, Mr. Speaker, I am not aware of that. But as I say, I had a verbal call through to my department over the telephone that the official notices are on their way and will be received by my department tomorrow.

**Mr. MacDonald:** A final supplementary, if I may: I understand there was a commitment that there would be no layoffs until a committee made up of government, union and management had an opportunity to study the situation and to facilitate the transition. Is this provincial government involved or is the government restricted to the federal government through Manpower?

**Hon. Mr. Carton:** I am not aware of this commitment, sir, and it could be through the government of Canada through CMCS. I might mention that—

**Mr. MacDonald:** Why is this government not involved?

**Hon. Mr. Carton:** I am not saying we are not involved, I have simply said that I am not aware of that commitment. It may have been through the Minister of Trade and Development that it was made.

**Mr. MacDonald:** Again, a final supplementary: How can the minister's department be involved if the financial arrangements of the committee have been split 50 per cent to the federal government, 40 per cent to the company and 10 per cent to the union? Where does the provincial government come into that picture?

**Hon. Mr. Carton:** Mr. Speaker, my department is the instrument through which the notices are given under The Employment Standards Act, part 1(a).

**Mr. MacDonald:** No, I am talking about the committee that was set up, the joint committee that was set up to study the situation to facilitate re-employment.

**Hon. Mr. Carton:** Our involvement, Mr. Speaker, is through CMCS. We are in contact with CMCS and at that juncture the committees are set up. I might mention that some two weeks ago I attended at Ottawa with the Minister of Labour, Mr. Mackasey, and had a discussion with a view to the CMCS participation. And it may well be, Mr. Speaker, that my department will perhaps set up a committee that may dovetail or add, as the staff of CMCS in the Toronto area is not that strong in numbers.

**Mr. Lewis:** By way of supplementary, Mr. Speaker: If I can understand, these discussions of layoffs and the present pattern of layoffs and the public debate about them which has occurred over the last several weeks has not been accompanied to this day by an official letter from de Havilland to the Minister of Labour indicating what consequences there will be for the work force?

**Hon. Mr. Carton:** There has been no official notice received by the employment standards branch to date, sir.

**Mr. Lewis:** By way of supplementary, does the minister not consider this as a sort of thumbing of the nose of government on—

**Mr. MacDonald:** If not a violation of the Act.

**Mr. Lewis:** —the part of a company? Is it not, in fact, a violation of The Employment Standards Act?

**Hon. Mr. Carton:** Mr. Speaker, I mentioned at the outset that there are certain provisions. Until they know whom they are laying off, or what particular group of employees, then they cannot send our department notice.

**Mr. MacDonald:** They have laid them off.

**Hon. Mr. Carton:** When the notices are received we have a look at them, and this is our main function, to determine whether valid notice was given. We obviously cannot check the notices until we have received them through my department.

**Mr. Deans:** The company does not send them.

**Mr. Lewis:** I take it, by way of supplementary, that there is a loophole in The Employment Standards Act big enough to drive 40 or 50 men through who are in the process of being laid off without notification to the minister's department?

**Hon. Mr. Carton:** Mr. Speaker, there is no loophole allowing this, as the hon. leader of the New Democratic Party is aware. The notice provisions, other than those that are given individually, the mass termination notices come into play where there are 50 or more employees laid off in a four-week period.

**Mr. Lewis:** And if they lay them off in groups of 49 they do not have to tell the minister?

**Hon. Mr. Carton:** This might be possible.

**Mr. MacDonald:** That is the loophole.

**Mr. Lewis:** That is what de Havilland is doing, very obviously.

**Mr. Speaker:** Has the member for Scarborough West any further questions?

## PROVINCIAL PREMIERS' CONFERENCE

**Mr. Lewis:** I have one final question, Mr. Speaker, of the Premier.

Has the Premier any agenda for the provincial premiers' conference in Victoria in early August that he could indicate to the House?

**Hon. Mr. Davis:** Mr. Speaker, I have not as yet. I have communicated to the Prime Minister of British Columbia, with copies to the other first ministers, several items that Ontario is suggesting might be on the agenda. The formal agenda has not been established. When that is done I shall be delighted to inform the hon. member. Mr. Speaker, I might also state that there will be no observers invited to this particular conference.

**Mr. Lewis:** Some might decline the invitation.

No more questions.

**Hon. Mr. Davis:** Some might not.

**Mr. Speaker:** The member for Grey-Bruce.

## TESTS OF COOLING SYSTEMS IN NUCLEAR POWER PLANTS

**Mr. Sargent:** I have a question of the Minister of Energy and Resources Management.

In view of the fact that we, on this side, do not think the minister knows where he is going on the nuclear programme—

**Hon. Mr. Davis:** Is the member the only one who knows where he is going?

**Mr. Sargent:** I am trying to find out.

**Hon. Mr. Davis:** I see. That is fair.

**Mr. Sargent:** Has the minister received a report on the high level task force of the US Atomic Energy Commission insofar as their tests are concerned, to ensure that plants do not melt or explode if the cooling systems fail, which is the result of the sharp reduction in power in 22 nuclear plants in the United States? Has the minister ordered, or

has there been a reduction in power ordered in our nuclear plants here?

**Hon. G. A. Kerr** (Minister of Energy and Resources Management): No, Mr. Speaker, there is no reduction in power ordered at Douglas Point and the one unit at Pickering. From time to time we have planned shutdowns. We had one at Pickering, for example, just a couple of months ago. These are in line with our continuous experimentation at these plants—and in the event that we have any trouble of any kind, which in some cases could involve fuel. But otherwise we are still generating power and we do not shut down because of some exterior reason.

**Mr. Sargent:** A supplementary, Mr. Speaker: Is the minister aware that in the six straight tests of the AEC simulators, called a blowdown period, in every test the emergency coolant failed to respond? Does the minister know if in Canada we have a simulated test system like that, the same as in the United States?

**Hon. Mr. Kerr:** We have a different type of cooling system from the one in the US because mainly we are using a different type of fuel.

**Mr. Speaker:** The member for Timiskaming.

## COMMITMENT TO DETOXIFICATION CENTRE

**Mr. Jackson:** A question of the Minister of Justice, Mr. Speaker: In view of the fact that a person apprehended by the police for an alcoholic infraction can be committed under Bill 101 to a detoxification centre, is it possible for that person himself to elect commitment to the detoxification centre rather than being jailed if the policeman decides on his own not to commit him?

**Hon. A. F. Lawrence:** This obviously would depend on the area and the facilities that are available. Our hope is that once the programme is fully implemented and growing, then of course anybody who wants to commit himself voluntarily will be able to do so. It would be ideal, of course, to indicate at the very beginning that this will be the situation. Unfortunately it may not be the situation until we have enough facilities.

**Mr. Jackson:** A supplementary question, Mr. Speaker. In view of the fact that under the proposal people in some areas will still be committed to jail if they are apprehended for alcoholic infractions, how does the minister justify such an uneven application of the law?

**Hon. A. F. Lawrence:** Our hope is, as I say, that once the plan gets rolling these facilities will be available all over, not just the 11 counties referred to in my statement. As well, we are hopeful—and I really thought that we would discuss these matters not in the question period but when the bill is before the House—that the smaller community hospitals themselves would voluntarily come into the programme. We want to encourage the hospitals in the smaller areas to come into the programme.

The ones that we are primarily concerned about in the initial instance in respect of direct government assistance will be the ones where the need and the demand is the greatest, namely, in the 11 counties I referred to in my statement.

**Mr. Jackson:** Mr. Speaker, a further supplementary: Will the minister consider a moratorium on the laying of charges until the programme comes into full effect and therefore takes in all of the Province of Ontario and all of the outlying community?

**Hon. A. F. Lawrence:** That would be highly ridiculous. Think about it for a minute.

**Mr. Jackson:** I am thinking about it.

**Mr. Speaker:** The member for Essex South.

## COMPLAINTS BY WORKERS AT FREEDLAND INDUSTRIES

**Mr. D. A. Paterson** (Essex South): A question of the Minister of Labour Mr. Speaker: Has the minister's department concluded the investigation into complaints lodged by the works staff at Freedland Industries of Kingsville, Ontario, I believe about April 17? Why was there such a lengthy delay in this particular investigation? And if this investigation is in fact concluded, has the minister's staff determined whether there have been infringements on the rights of the workers in that plant, and have there been any infringements in relation to the keeping of records within our own country at this particular plant?

**Hon. Mr. Carton:** Mr. Speaker, the investigation took place last week. I do not have the results of it. I will get the results for the hon. member.

The reason for the delay, as I understand it, is the ordinary normal delay in processing

some 1,400 or 1,500 complaints in that particular region.

**Mr. Paterson:** For the purpose of clarification, is the minister stating there are 1,400 to 1,500 complaints in the Windsor area office that—

**Hon. Mr. Carton:** In the region that is serviced by London-Windsor area; that is my understanding.

**Mr. Paterson:** As a supplementary: In the minister's investigation, is he determining whether this company is living up to the framework in which it received an EIO loan in relation to the labour force in that particular plant?

**Hon. Mr. Carton:** I was not aware they had received a loan, but I will check into that along with the other matters.

**Mr. Paterson:** Yes, it is my question 35 on the order paper.

**Mr. Speaker:** The question period, as extended, has expired.

Petitions.

Presenting reports.

Motions.

Introduction of bills.

## ELECTION ACT

Hon. Mr. Dunlop moves first reading of bill intituled, An Act to amend The Election Act, 1968-1969.

Motion agreed to; first reading of the bill.

**Hon. E. Dunlop** (Minister without Portfolio): Mr. Speaker, this Act is designed to amend The Election Act, 1968-1969, so as to render us a more complete electoral code by providing newer substituted parts dealing with penalties, offences, enforcement, corrupt practises and controverted elections.

**Mr. Nixon:** And put the election machinery in the hands of the Tories.

**Mr. Singer:** Yes, back again.

**Hon. Mr. Dunlop:** It also makes clear the interrelationship between corrupt practices in this Act and the election offences under The Criminal Code of Canada.

**Mr. Singer:** The dinosaurs won again. Oh, that certainly is the new wave!

**Hon. C. S. MacNaughton** (Minister of Transportation and Communications): It is better than being the old wave.

**Hon. Mr. Dunlop:** I wonder, Mr. Speaker, if the member for Downsview is introducing this bill or wishes to hear what—

Interjections by hon. members.

**Hon. Mr. Dunlop:** It makes clear the relationships between corrupt practices under The Election Act and the election offences under The Criminal Code of Canada. It repeals The Controverted Election Act and The Personation Act.

In addition, it provides that the voting age will be the legal age of majority, which will be 18. It also provides that students will vote at their ordinary place of residence, and, if absent from that place by reason of attending an educational institution, they may vote by proxy.

**Some hon. members:** No!

**Hon. Mr. Dunlop:** It also improves the access of disabled persons to proxy voting provisions. It also makes possible or provides that deputy returning officers will appoint their own poll clerks.

Interjections by hon. members.

**Hon. Mr. Dunlop:** Mr. Speaker—

**Mr. MacDonald:** Back in the Tory pattern!

**Mr. J. E. Stokes** (Thunder Bay): How low can you get?

**Mr. Nixon:** We are back 30 years!

**Mr. Pilkey:** The new wave!

Interjections by hon. members.

**Hon. Mr. Dunlop:** Mr. Speaker, I think I should take a few more moments to explain this obviously popular provision.

Interjections by hon. members.

**Hon. A. F. Lawrence:** The members opposite certainly are getting jittery.

**Mr. Nixon:** The Attorney General should hang his head.

**Hon. A. F. Lawrence:** I am.

**Mr. MacDonald:** Thatcher tried this kind of legislation and look what happened to him.

**Mr. Lewis:** The new wave!

**Mr. Makarchuk:** It is not the new wave, It is the flushing of the sewer over there.

**Hon. Mr. Dunlop:** Mr. Speaker, in light of the obvious interest which members opposite do not take in this section, I should take a moment to explain it. It is quite clear that in the special circumstances of election day, in which a team must work efficiently to the point of completing the poll—

**Mr. Singer:** Oh, come off it!

**Mr. MacDonald:** He means he wants a completely Tory team.

Interjections by hon. members.

**Hon. Mr. Dunlop:** —the deputy returning officer and the poll clerk should be compatible persons. The interests of the candidates are entirely protected by their ability and opportunity to appoint scrutineers.

Interjections by hon. members.

**Mr. Speaker:** Order!

**Hon. Mr. Dunlop:** Mr. Speaker, there are two other provisions of importance; one is to establish the vouching in those subdivisions determined to be rural by the chief election officer.

**Mr. Singer:** The theory being that rural voters are more honest.

**Mr. Speaker:** Will the hon. member for Downsview please allow the minister to complete his explanation?

**Mr. Lewis:** We can see the results of the Liberal poll in rural Ontario.

**Hon. Mr. Dunlop:** Finally, Mr. Speaker, this provides for the appointment of assistant revising officers in electoral districts to the extent approved by the chief election officer.

**Mr. Lewis:** Who appoints them?

**Hon. Mr. Dunlop:** The returning officer.

Interjections by hon. members.

**Mr. T. Reid** (Scarborough East): The minister should have resigned before he brought in that bill.

**Mr. Gaunt:** He just lost all his 18-year-olds.

**Mr. Lewis:** I did not hear that last remark of the Minister without Portfolio. Did he say that the assistant revising officers are also appointed by the returning officer?

**Hon. Mr. Dunlop:** Yes.

**Mr. Singer:** Oh, yes!

**Mr. J. B. Trotter** (Parkdale): More patronage!

**Mr. Singer:** The voting in rural areas. Do not forget about the vouching bit.

**Mr. MacDonald:** Thatcher tried it and he went down. So will this government.

## LEGISLATIVE ASSEMBLY ACT

Hon. Mr. Dunlop moves first reading of bill intituled, An Act to amend The Legislative Assembly Act.

Motion agreed to; first reading of the bill.

Interjections by hon. members.

**Mr. T. Reid:** Are they going to abolish the opposition parties?

**Hon. Mr. Grossman:** The opposition will do a good job of that themselves.

**Mr. Lewis:** Why are they implicating the Minister of Labour by name?

**Mr. Speaker:** Perhaps we could have order for first reading of the bill.

**Mr. Deans:** It does not deserve first reading.

**Hon. Mr. Dunlop:** Mr. Speaker, this bill provides that where a vacancy occurs in the assembly, the writs for a by-election will issue within six months. This gives statutory recognition to what was the practice in the past when The Election Act was differently cast. It also provides that this provision will not apply during the last year of the statutory life of the assembly.

**Mr. Lewis:** Equal progressiveness.

**Mr. Deans:** Why does the minister not allow the returning officer to appoint the candidates?

**Mr. Speaker:** Introduction of bills.

**Mr. MacDonald:** Mr. Speaker, if I may, does "the last year" mean the fourth to fifth year?

**Hon. Mr. Dunlop:** The last statutory year.

**Mr. MacDonald:** That is the fifth year.

**Hon. Mr. Dunlop:** Yes, I think it is from four years and 55 days, to five years and 55

days, if the member would consult the Act.

**Mr. Lewis:** The Prime Minister's time is running out. It is getting closer and closer.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, before the orders of the day, and in order that members might know as far as possible the sitting arrangements for the House, I would advise them that the House will not sit tomorrow evening. I have said this, Mr. Speaker, I think twice at the close of the sittings, yesterday and Monday, but very few members were in the House to hear me and I have been getting a lot of inquiries.

Interjections by hon. members.

**Hon. Mr. Wishart:** So we shall not sit tomorrow evening.

Also Mr. Speaker, in order that members may make their travel arrangements as early as possible, the House will not sit on this Friday afternoon or evening.

**Mr. MacDonald:** But the next one it might?

**Hon. Mr. Wishart:** The House will sit as usual on Friday, unless members would like to sit Friday afternoon. Do I find some objection?

**Mr. J. Renwick:** We want to get on with the business of the House.

**Hon. Mr. Wishart:** I hear a change of tune across there. Perhaps next week members will prefer to sit; maybe next week I could announce we sit Wednesday night and perhaps Friday afternoon.

**Mr. Lewis:** Oh, perhaps and maybe the week after.

Interjections by hon. members.

**Hon. Mr. Wishart:** Mr. Speaker, perhaps, just so that the hon. members may even know this afternoon, I will reiterate what I said yesterday. We will now start the orders of the day, Mr. Speaker, with the second readings, and I would hope to return, after certain of the second readings—the bills which I numbered yesterday—to Committee of the Whole House for a time, and as time permits continue with the estimates of The Department of Justice, perhaps this evening.

**Mr. Speaker:** Did the member for Windsor West have a question?

**Mr. Peacock:** Question of the House leader, Mr. Speaker. Does the order passed by the House last Friday not require it to sit from 10 a.m. to 10:30 p.m. this Friday?

**Hon. Mr. Wishart:** The motion that I moved?

**Mr. Peacock:** Right.

**Hon. Mr. Wishart:** No.

**Mr. Peacock:** It says each day in the motion of last Friday, which presumably includes this Friday.

**Mr. Lewis:** The House leader has not thought of Friday as a full day for a long time, I think.

**An hon. member:** He has not thought for a long time.

**Mr. Sargent:** Mr. Speaker, are the pages paid overtime? I am serious. In that they have to lose part of their summer holidays because of this House, I think there should be some consideration given to the pages being paid extra for it.

**Mr. Speaker:** Mr. Speaker will look after the pages.

Orders of the day.

## SECONDARY SCHOOLS AND BOARDS OF EDUCATION ACT

Hon. Mr. Welch moves second reading of Bill 102, An Act to amend The Secondary Schools and Boards of Education Act.

**Mr. Speaker:** The member for Riverdale?

**Mr. J. Renwick** (Riverdale): Mr. Speaker, on a point of order addressed to the House leader, would he consider standing this bill down for a few minutes and starting with the bill standing in the name of the Minister of Health (Mr. A. B. R. Lawrence) in order to enable the critic of The Department of Education, who is meeting with the committee on the University of Toronto bill, to come into the House and speak briefly on these matters?

Interjections by hon. members.

**Mr. T. Reid** (Scarborough East): If the NDP education critic wants to have a private luncheon with the minister, he is welcome to do so, but let us get on with the business of the House.

**Mr. S. Lewis** (Scarborough West): Oh well!

**Mr. C. G. Pilkey** (Oshawa): He is just a little sore.

**Mr. Lewis:** On a point of order, Mr. Speaker, the member for Scarborough East is still a little miffed from last evening. He has not cooled down yet.

**Mr. R. F. Nixon** (Leader of the Opposition): Is that so?

**Mr. Lewis:** Mr. Speaker, the member for Peterborough (Mr. Pitman) is meeting with the Minister of University Affairs (Mr. White) at the moment on something. He can be here, I would think in 10 or 12 minutes or less, if it could be held off just that long. Is that possible?

**Mr. T. Reid:** Mr. Speaker, on that point of order—

**Mr. Speaker:** The hon. member has already spoken on that point of order.

**Mr. Pilkey:** Right; sit down!

**Mr. Lewis:** It is a question of whether the House leader can accommodate that, that is all.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, could I have the part of the proposal of the member for Riverdale that related to the bill he wanted to deal with in the interim, if we would consider it?

**Mr. J. Renwick:** Mr. Speaker, we are prepared to go ahead with Bills 107, 108, 109 and 110, which I understand the minister proposed to call for second readings, in order to enable the member for Peterborough to come back and speak to Bills 102 to 106 inclusive, which are bills standing in the name of the Minister of Education; or, on his appearance here, to complete the bill which is then before us and go to the Minister of Education's bills at that time.

**Hon. Mr. Wishart:** I take it then—if I may get this clear—that the reason for the requested adverting to other legislation is so that one member may be here?

**Mr. J. Renwick:** Perhaps, Mr. Speaker, I could just clarify that. The member for Peterborough, along with other members, is, as I understand it, in an informal gathering of the human resources committee, meeting with the Minister of University Affairs at the Westbury Hotel over a matter related to the University of Toronto bill.

I know where the member for Peterborough can be located in that hotel and the whip of the party has gone to locate him so that he could come back and speak to the bill standing in the name of the Minister of Education. I therefore ask that we proceed with the bills standing in the name of the Minister of Social and Family Services (Mr. Wells), which I understand are three bills, and then one bill standing in the name of the Minister of Health before returning to the bill standing in the name of the Minister of Education.

**Mr. Speaker:** Perhaps we might have this matter settled, because we will have the 12 minutes used up.

The Leader of the Opposition?

**Mr. Nixon:** On a point of order, I do not think it should go without question that this is an informal meeting of a committee. There are some people gathered for lunch to discuss a special problem that the Minister of University Affairs has and we are prepared to accept whatever order the House leader dictates.

**Hon. Mr. Wishart:** Mr. Speaker, I appreciate the reason for the request. I think it is a sensible one and as no time will be lost to the House I see no reason why I should not accede and we can spend our time very well on other legislation.

I would put this stipulation on, that if the day wears on and the member for Peterborough does not appear in a reasonable time we will get to The Department of Education legislation in his absence.

**Mr. Lewis:** The minister will be surprised how quickly he is here.

**Hon. Mr. Wishart:** Right, Mr. Speaker, I would accept the proposal and I would call order number 23.

**Mr. Nixon:** Mr. Speaker, on a point of order, I just point out to you, sir, that the House leader indicated the order the bills would be called. The member for Etobicoke (Mr. Braithwaite), who is our critic in this matter, is detained on some other business and does not happen to be here at the moment, so when the House leader reversed the order—

**An hon. member:** Does the Leader of the Opposition know where he is?

**Mr. Nixon:** He was here a moment ago and sitting in his place when the House leader called the order for the education bill. He was right here.

**Hon. Mr. Wishart:** Mr. Speaker, on the point of order. If the hon. member for Etobicoke was here a minute ago, I have just this moment agreed to accept the suggestion. Why is he not here now?

**Mr. Nixon:** That is correct, Mr. Speaker, on the point that the hon. House leader raises. It was our understanding that we would do the education bill.

**Hon. Mr. Wishart:** Why is he not here?

**Mr. Nixon:** He is not the education critic.

**Hon. Mr. Wishart:** Why is he not here? Mr. Speaker—

Interjections by hon. members.

**Hon. Mr. Wishart:** Mr. Speaker, further to the point of order, I said we would deal with certain bills and I gave their numbers, of which order 23 is one. I did not by any stretch of the imagination suggest that they be called in actual numerical order. No. 23 is the order of the day.

## MATERNITY BOARDING HOUSES ACT

Hon. A. B. R. Lawrence moves second reading of Bill 108, An Act to repeal The Maternity Boarding Houses Act.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** We must now dispose of the bill. Shall this bill be ordered for third reading?

Agreed to.

## CHILDREN'S BOARDING HOMES ACT

Hon. Mr. Wells moves second reading of Bill 107, An Act to amend The Children's Boarding Homes Act.

**Mr. Speaker:** The member for—

**Mr. J. Renwick:** Mr. Speaker, we can reserve any comments until the bill comes through the House in committee.

**Mr. M. Gaunt** (Huron-Bruce): Mr. Speaker, I just want to make a brief comment with respect to this bill. The minister and I have had some communication with respect to the problem of a lady in Stratford, and it was indicated to me that this series of bills which the minister has introduced would resolve at least in part the problem which she was experiencing.

Now I am told that is not so. The problem still remains and the bills which have been introduced do nothing to resolve the matter. Perhaps, Mr. Speaker, this could be dealt with when one gets into section by section dealing of the various bills in committee. The matter could be raised and perhaps dealt with more adequately at that time.

But I raised—

**Mr. Speaker:** Of course, if the hon. member is not going to speak to the principle of the bill, he is out of order on second reading. These instances are not principles of the bill unless he relates it to the bill.

**Mr. Gaunt:** The principle of the bill under discussion, Mr. Speaker, is really what I wanted to get around to. I just wanted to say that the problem is the principle of Bill 107 does not really encompass the problems which were faced by the one person in question.

**Mr. Speaker:** Is there any other member who wishes to speak to the bill?

**Mr. G. Ben** (Humber): Yes, Mr. Speaker, I am rather lost as to the import of it. It reduces the number of children which it would bring into the scope of this Act from five to three. It refers here to lodging, boarding or care, but the wording is so nebulous that daycare could be brought into this. A person who has four children brought into the home temporarily and offers them so much as a lunch would be brought into the scope of this Act.

On the other hand, the fine is rather light—$25 is the maximum fine for every day that such premises are used. But it is the practice in courts, as Mr. Speaker well knows, for the government to ask for only one day's fine. It is similar to the penalties imposed under The Income Tax Act and The Excise Tax Act and other similar legislation where there is a per diem fine.

For example, the House leader knows well from his previous portfolio—as a matter of fact from his present portfolio—that under The Corporations Act, The Companies Information Return Act, is a per diem fine. But seldom does the department ask for anything other than perhaps a fine for one day.

Under the circumstances, it is my submission that if people contravene the Act, there ought to be a larger fine than the $25 which it is a practice for the magistrate to impose, being one day's fine.

I am sure that the minister may take the attitude that it is $25 for each day. But I am sure he also knows that it is still the practice, at least in the Metropolitan Toronto jurisdiction, for magistrates to impose a one-day fine. So, in essence, they would be imposing a $25 fine which is just nothing more than a licence fee with reference thereto.

I would welcome the minister's comment as to why the number is being reduced from five to three. It is going to cut out very many local babysitting services. I was under the impression that we were going to try to encourage babysitting services of that type by in some way subsidizing them. I appreciate that by bringing a lot of these homes within the scope of this Act, the government is going to be able to legislate as to the type of surroundings.

I think, however, in many instances that is not the prime criteria. The prime criteria should be the nature of the care that would be given by the person giving this daycare service, that is the woman of the house in most instances.

Is she an understanding and capable woman? Does she know how to act towards children? Does she know how to extract from children the proper response to their surroundings? Is the daycare more than simply a custodial service? Are the children learning something?

These to me are much more important criteria than the ones that are surely going to be brought in by ancillary legislation, dealing with the type of a washroom, how high the sink may be above the ground for children to wash their hands and the like. For this reason I would ask that the minister do give us his viewpoints. Why is he reducing the number to three and why is the fine so small?

**Mr. Speaker:** Is there any other member who wishes to speak to the bill?

Does the minister wish to speak?

**Hon. T. L. Wells** (Minister of Social and Family Services): Mr. Speaker, I think perhaps the questions that have been asked are more fittingly those that should be asked in committee. But I can just quickly say this is The Children's Boarding Homes Act; this is not The Day Nursery Act. This is an Act that covers residences or places where children are permanently boarded for 24 hours a day. The reduction in the number from five to three is to bring more of these in, because the Act to which the House just gave second reading, An Act to repeal The Maternity Boarding Homes Act, wipes out the concern that The Department of Health had with these particular homes.

In that Act there was no definition of how many children had to be in a home which would come under the purview of that Act, so we assume that it meant that anybody who called a home a maternity boarding home was covered. In our Act, in order to mesh now and to take over the gap left by the repeal of that Act, we have reduced the number from five to three. I feel in the matter of fines, I guess we cannot base our legislation on what a magistrate might or might not do in his interpretation of our legislation. We think that $25 per day for a violation is a fitting fine for an offence under this Act.

**Mr. Ben:** If I may, Mr. Speaker—

**Mr. Speaker:** This is debate on second reading and a member may only speak on it once. If he has a question to ask of the minister, however, it will be in order.

**Mr. Ben:** Yes. May I rephrase it? If the minister is suggesting that the import of this Act is to govern those situations where lodging or boarding is involved, may I ask the reason for the inclusion of the words "or care", which would appear to obviate the necessity of there being either lodging or boarding and thus include a simple day-care babysitting service?

**Hon. Mr. Wells:** Mr. Speaker, there is an Act that covers the daycare services, and the amendments to the Act are being dealt with in a few minutes. This Act deals with children's boarding houses, not daycare facilities.

**Mr. Ben:** Could the minister—

**Mr. Speaker:** The hon. member is out of order because he had his opportunity to debate the bill, and he apparently will have one in committee because it would appear this bill is going to committee.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

**Mr. Nixon:** Committee.

**Mr. Speaker:** Committee of the Whole House?

Agreed to.

## FAMILY BENEFITS ACT

Hon. Mr. Wells moves second reading of Bill 109, An Act to amend The Family Benefits Act, 1966.

**Mr. Nixon:** Mr. Speaker, just briefly, the bill, as so many other bills do, gives the director and the deputy the power to delegate their authority in family benefit matters. It has occurred to me that there seems to be perhaps an undue emphasis on the reference to applications for family benefits away from county social service organizations to the head office here in Toronto.

Frequently, as far as members are concerned, it is convenient to have the decisions made here, as the minister well knows—to be able to phone to the appropriate office under his jurisdiction here in Toronto and have the full file and be able to talk to someone with the authority to make the decision.

The other side of the argument is that it seems that most of the decisions, if not all, for family benefits are arrived at on a centralized basis. There may be some delay; there also may be the removal of authority from the local employees of the department to the extent that their usefulness in serving the community is, to some extent at least, impaired. I would like to know what the policy is on this.

It seems to me that while there is always the right of appeal, I suppose to a person's superior in the departmental hierarchy, that there is a tendency for most decisions, if not all, to be made on a centralized basis. To some extent this undermines those people working for the department in the local community.

I would like to have the minister's views on that.

**Mr. Speaker:** Does any other member wish to participate in the debate? The hon. member for Humber.

**Mr. Ben:** Yes, I should like to ask the hon. minister, considering The Family Benefits Act, whether in his opinion he does not feel that section 1, which makes this Act apply to anyone who is under 21 years of age, who is a person residing in Ontario, who is supported by his mother, dependent father or the person who stands *in loco parentis* to him, and who may be over 18 years of age, is not inconsistent with The Age of Majority and Accountability Act, which provides that on attaining the age of 18 every person in Ontario will cease to be a minor, will attain the age of majority and will be treated as an adult?

**Mr. Speaker:** Do any other members wish to participate?

**Mr. J. Renwick:** Mr. Speaker, any comments which we have will be made in Committee of the Whole House.

**Mr. Speaker:** If no other member wishes to participate, then the hon. minister might reply to the questions raised.

**Hon. Mr. Wells:** Mr. Speaker, I welcome the concern and the ideas expressed by the Leader of the Opposition. I think that we want as much input as possible from the regional people who work for our department in about 22 regional offices and some 30 subregional branch offices. These people do play a part. They are the ones who make the contacts, make the initial assessments, get the forms and the information filled out and in effect, I guess one would say, write the reports and submit them here.

He is quite right that at the present time all of this information comes in here for the actual setting of the amount of the benefit, which becomes at that point a fairly mechanical process based on all the evaluation of reports that these local people have set up. Of course, if there is any question of the allowance that is set, the people in the area usually will get in touch with the regional office there and talk about it there.

I think we do have a pretty good balance in this area, but that I think that of necessity, in order to have a certain uniformity in the allowances and interpretation, it has been found that they should come into our central office to be finally calculated. And, of course, all the cheques and the allowances go out from here.

In regard to the age of majority, Mr. Speaker, I think that the prime Minister's (Mr. Davis) statement was very specific yesterday in saying that for the present time, although we are adopting 18 as an age of majority here, this would not apply to certain of our social benefit programmes. This is one of them where we will continue to accept people up to 21 as dependents under The Family Benefits Act and under The General Welfare Assistance Act, just as I understand those up to 21 will continue to be considered as part of the family and dependents under the hospital insurance plan and the OHSIP plan. So in these cases

we are not changing or lowering the age limit to 18 for the minute. I think there has to be more study of the import that this would have on the particular programmes.

This section that the member talks about is a redefining of the definition of dependent child and is in keeping with the Prime Minister's statement yesterday; in social affairs legislation we are going to leave the dependent child as 21 and under, for the time being.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Do I understand the bill shall be referred to Committee of the Whole House?

Agreed to.

## DAY NURSERIES ACT

Hon. Mr. Wells moves second reading of Bill 110, An Act to amend The Day Nurseries Act, 1966.

**Mr. Speaker:** The hon. member for Humber.

**Mr. Ben:** Mr. Speaker, again I want to comment on the playing with numbers in this particular Act. Two Acts back, in The Children's Boarding Homes Act, the number of children which would bring the home within the ambit of the Act was reduced from five to three. In this particular instance we have them increasing the number required to bring it into the ambit of this particular Act, The Day Nurseries Act, from four to six.

It appears to me that the minister is trying to get the best of both worlds financially, without doing very much to better the standards of daycare for a majority of the youngsters in this province.

Notwithstanding that we do have day nurseries that are subsidized by this province, or by the municipalities, the fact remains that the majority of the children of working parents who are placed out for day care, are still in the hands of women of good intent operating out of their own private dwellings. It was hoped that many of them would be brought into the scope of this Act and helped financially to provide a much better service.

With the increase of the number of children required to bring it within the scope of this Act from four to six, many of these children are still going to be left with a well-intentioned neighbour who will not be compelled to comply with all the terms of The Day Nurseries Act 1966, as amended by Bill 110.

Insofar as we are concerned, Mr. Speaker, we believe that it should have been left at four and more financial assistance, and more assistance in the way of advice, should have been given to these people who are operating private home care centres for their neighbours' children so as to improve these centres, perhaps even to help subsidize them, where the circumstances warrant.

Increasing the number to six makes it rather difficult to intervene and, furthermore, I would say that many of these homes are now going to be overcrowded with more children than they can properly look after, to the detriment of the children, although perhaps to the financial reward of the people operating these day centres.

We think this is a very retrograde step and it is just a way this government is abdicating its responsibility in this field.

**Mr. Speaker:** The hon. member for Huron-Bruce.

**Mr. Gaunt:** Mr. Speaker, I want to make a few comments with respect to this bill. This is the bill, really, that pertains more to the situation I mentioned to the minister previously than did Bill 107.

This bill provides for a 50 per cent subsidy on the capital costs for construction of day nurseries. It provides for an 80 per cent operating cost subsidy for centres operated out of private homes. I am just wondering—the bill indicates that a council of a municipality may enter into an agreement with any person or organization, to provide daycare centres in the community, and of course these expenditures set out would apply under those conditions.

With respect to the situation which I mentioned to the minister, I wonder if in fact this bill will in any way assist beyond the fact that the numbers are being raised from three to five. Beyond that, I really do not think that the bill is all that helpful.

Having said that, I admit that the situation with which we have been dealing here is perhaps an isolated one and is not all that widespread, but I would seek out the minister's comments with respect to it and to how the situation can in fact be broadened to encompass the kind of thing that I have in mind.

**Mr. W. Ferrier** (Cochrane South): Mr. Speaker, there are one or two comments that I would like to make. It think that the bill moves in the right direction when it provides for private home daycare. There are a number of smaller municipalities where a mother, for one reason or another, will find it necessary to go out to work. She may be a single mother or whatever she may be, and would like to go out to work and leave her child at a home. Yet she finds that she has to pay the complete cost of daycare service and, in paying this, it makes it almost not worthwhile to go out and work and so she will have the incentive to stay on some kind of public assistance.

I think moving to the kind of amendment that the minister has brought in here will make it possible for a number of these women in some of the less populated municipalities to now be able to get assistance and to leave their children in homes where the proper standard of care is provided for them and where grants will be given. It was brought out in the human resources committee that this was a real need that existed across the province and I think that the minister is to be commended for bringing in this kind of an amendment.

The one thing that worries me a little bit, though, is the fact that I understand the municipality will have to make the decision as to whether they will allow a home to be registered and to receive authorization to be designated in this capacity. Now some municipalities are given more to holding the budget down than they are to the expansion of social services, and it may very well be that this will be the place where this bill will fall down. They may decide they are not going to take advantage of it and implement it for the benefit of a number of working mothers in their own particular municipality. I hope this will not be the case, but the possibility always looms large.

I also wonder where there are larger day nurseries in a municipality that can provide a service and may be designated as a private school, if they try to sell services to the municipality and the municipality refuses to buy services from that particular nursery school, if the minister could have found some way of getting around this problem. It is one that I have brought to him before and he knows the particular situation.

I see that he has not been able to do—at least, he has not done anything in the Act—I do not know whether anything can be done, but it was another problem that I would have liked to have seen tackled and it has not been.

Generally speaking, with the smaller group, it will mean that it will help working mothers and it will help other people who are able to provide this service to make a little extra income to help their own particular family.

A woman who might be extremely good with children will now be able to have up to five children in her home and look after them and they will receive supervision by the department and I think this is a good step.

**Mr. Speaker:** The hon. member for Middlesex South.

**Mr. K. C. Bolton** (Middlesex South): Mr. Speaker, there are many good features in this bill. There is recognition of the fact that there is increasing demand for daycare service.

It is very important that the daycare opportunity that is provided is sound because of the influence on children of that age. I would like to hear the minister's reasons for changing the number of children from four to six, because the quality of service is not necessarily improved by increasing from four to six.

It seems to me that in many ways this bill suggests there has been more emphasis on urban situations than on rural situations. You will find areas where they might quite easily find four children in one locality, but there might be difficulty in finding six to attend a day nursery.

Another question I would ask—and perhaps I have not interpreted it correctly—it seemed to me there was some reduction of the capital assistance. At one time the minister gave up to 80 per cent capital grant and now he is giving 50 per cent—or am I wrong about this?

**Hon. Mr. Wells:** I never gave any; no capital grants.

**Mr. Bolton:** Eighty per cent had previously been given for general assistance, including capital—

**Mr. Gaunt:** No, nothing for capital at all; just operating.

**Mr. Bolton:** There has never been a capital grant before?

**Hon. Mr. Wells:** No capital grant, no.

**Mr. Bolton:** But there was 80 per cent for operation, nothing for capital?

**Hon. Mr. Wells:** For operations and for renovations.

**Mr. Bolton:** The minister is now offering 50 per cent for capital, right? So this is an advance.

Is this only for the improvement of old buildings or does it apply to the building of new structures?

The reason I ask this is that I have heard a suggestion that perhaps what might happen will be that rather poor old buildings might be modified for this use, but nothing will be done to provide new buildings for this purpose.

I have those two questions to ask the minister for his reply: Why the change from four to six; and what is the actual provision for building under capital grant?

**Mr. Speaker:** Any further members wishing to participate? If not, the hon. minister.

**Hon. Mr. Wells:** Mr. Speaker, the broad general principles of this bill go one step further in what we think is an advancing programme of daycare in this province.

What we have added in this bill are two new provisions. One is the provision of 50 per cent capital grant for the building or the acquiring of new premises for a daycare facility. That means if a municipality—this is for municipalities—if they wish to build a new building or part of a building—for instance, they may decide they want to build a daycare facility as part of a total community centre facility.

Then this grant is available for that part of that community centre building that is going to be used for daycare. Up to the present time no such capital grant has been available.

The capital grant also applies to acquiring a building or premises that are already built. What has been in effect up until now has been an 80 per cent grant—as the hon. member mentioned—to a municipality operating a day nursery and an 80 per cent grant to a municipality that wished to renovate an old building.

That grant will still apply. In other words the municipality now has these different choices that it can use. It has now the addition of 50 per cent capital grant for a new building or for the acquiring of a building or a portion of a new building.

The other programme, Mr. Speaker, that is added under this legislation is a new programme, or a new programme that is now recognized in our legislation, and that is what is known as private home daycare. This is where a mother or a person takes children into her home and looks after them —in effect, babysits them—but we would hope, does a lot more.

Now this recognizes this programme as a viable one and it provides for the municipalities to enter into agreements with either the person who is operating in her own home in this way, or to an organization, such as we have in Metropolitan Toronto, that is operating a system of private home daycare. And through this, we will then subsidize the municipality for the cost of operating these programmes, the private home, daycare programme.

That is the reason why the numbers have been changed here. There is no sinister reason. The reason is very clear and very plain, I would hope.

I am sorry that the hon. member for Humber is not here, because I am afraid that he had not even read the bill.

**Mr. D. A. Paterson** (Essex South): He just stepped out.

**Hon. Mr. Wells:** What in effect it does is that it states—

**Mr. Pilkey:** What else is new?

**Hon. Mr. Wells:** —that a day nursery now will be a place that has more than five children—that is, a day nursery in the formal sense—and all the regulations and the requirements of a day nursery will apply to premises that takes five or more children for daycare. Then, if we go down to section 2(fa) of the bill, private home daycare, that means the temporary custody of five or fewer children in a private home. That is why we put in the two different things.

**Mr. Gaunt:** Two?

**Hon. Mr. Wells:** If there are more than five children, whether it be in a private home or anywhere, it becomes a day nursery under this Act, but five or fewer children is private home daycare.

**Mr. Gaunt:** Even on a part-time basis?

**Hon. Mr. Wells:** Of course, different criteria and different standards will be established. Naturally the high standards that we have for the day nurseries will not apply to

private home daycare, but we do intend, under the regulation sections that are in this amending Act, to establish standards for private home daycare.

We also hope that through the agreements that the municipalities enter into with the people who operate these private homes, the ladies or the people who give this daycare, training and supervision will take place, and some kind of tie-in with the whole municipal daycare programme will come about in order to provide much better care and more than just babysitting in the service that these children get. We think that this will be a very worthwhile programme and I am sure that it will.

I might just say in closing, Mr. Speaker, that while I can recognize some members are a little concerned that this has to be done through a municipality, it is still our feeling here that daycare is a very community-oriented service and that the need needs to be established at the basic level of the community. And the community, through its elected people, should recognize that daycare is important and, in recognition of this, should indicate its support and establish the programmes in the community.

We feel that in this way daycare is established in a proper way and not by us trying to override local people and establish something from here. I think that it needs this basic local acceptance to really be a viable thing in a community. That is why we aim all our programmes through the municipalities and their social service departments so that they can set up and operate a service in their area.

**Mr. Gaunt:** On a matter of clarification, if I may, with respect to the minister's statement. Would you permit that, Mr. Speaker?

**Mr. Speaker:** Yes.

**Mr. Gaunt:** May I ask the minister, as far as the private daycare homes are concerned, will they be licensed, either on a full-time or a part-time basis?

**Hon. Mr. Wells:** At the present time, I do not see them as being licensed in the same sense that our regular day nurseries are licensed. In order to be eligible for the assistance they will have to enter into an agreement with the municipality. In that way the municipality obviously will set down some standards. And while we may not call it a licence, the agreement in itself will be some form of licence.

But at this point we are not intending to license every home in this province that takes in some children and looks after them. In other words, the ones our regulations will apply to will be those ones that enter into agreements with municipalities as private home daycare facilities.

**Mr. T. Reid:** May I ask a question on a point of clarification?

**Mr. Speaker:** This particular bill is going to committee, at which time further questons on the various clauses may be put through the committee.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered to go to Committee of the Whole House?

Agreed to.

## SECONDARY SCHOOLS AND BOARDS OF EDUCATION ACT

Hon. Mr. Welch moves second reading of Bill 102, An Act to amend The Secondary Schools and Boards of Education Act.

**Mr. Speaker:** The hon. member for Scarborough East.

**Mr. T. Reid:** Just a few comments on this. We think it is excellent that the minister has equated the trainable retarded child who is a ward of the Children's Aid Society—as an adopted child, as opposed to some special category where fees must be charged across the school board boundaries.

There is one question I have to put to the minister. I think it is on a question of principle, the principle of the bill, Mr. Speaker. It is section 3 in the bill, page 2. It talks about:

> The member of a board of education elected by separate school supporters, appointed by a separate school board, or appointed by the remaining members, elected by separate school supporters . . .

—is a trustee for secondary school purposes only and should not vote on matters that affect public schools exclusively. I am wondering if the minister is implying at all in this section of the bill that that will become a permanent state of affairs, because if he extends the jurisdictions of separate school boards to cover K to 13 or K to the end of secondary school, then would this section not become redundant?

In other words, the minister, by having this before the House in this bill, may be indirectly stating that he is not considering extending the jurisdiction of the separate school boards, as some people in the province believe the government should do. So I would like to ask the minister to comment on this principle of the bill, and to clarify the implications of this particular principle of the bill.

**Mr. Speaker:** The hon. member for Peterborough.

**Mr. W. G. Pitman** (Peterborough): Mr. Speaker, this is an example of housecleaning largely in terms of the legislation governing education in the Province of Ontario. There are one or two questions of, I suppose not principle in the bill, principle by implication.

The matter which the hon. member for Scarborough East brought up is a matter which concerns me as well. There does seem to be an implication here that the division between the separate school and public school is going to remain and that the opportunities and jurisdiction of the separate school are going to remain as restricted as at present.

The other thing which I find rather interesting is the question of reliance on local assessment which we find in this bill; the obsession with all of the detail and all of the difficulties of local assessment. One would have hoped that perhaps more and more we might be simplifying the legislation in this province in the whole area of grants and in the whole area of assessment.

I am sure the minister would realize that the time has really come to make it very clear to the province, and the municipalities of this province, that we are moving to a provincial level of assistance to education.

I think that more than anything else there should be recognition on the part of the government that all of this legislation desperately needs to be co-ordinated. We need new legislation to take all of this mass of legislation we have governing education, which is almost unreadable, almost impossible to understand.

Certainly for anyone who has come into this Legislature in the past few years, to sit down and read all the legislation governing education, is really a task beyond, I think, anything which can be expected of the ordinary citizen trying to understand the system of education. I just say to the minister that it would be almost like trying to understand the government of Canada by reading The British North America Act. I think it is about time we should be able to read the legislation which governs education in the Province of Ontario, have it understandable, have it simple, have it relevant, and get rid of the great mass of irrelevant material which demands that both the minister and his predecessor coming into this House every session to try and houseclean some particular section of this legislation.

I am sure there have been amendments to every piece of educational legislation in this province every year that I have been in the House. I think that is true to say; I do not think I am exaggerating. And I would hope that the new Minister of Education—and perhaps, in view of the fact that I think it is the first piece of legislation that the new minister has introduced into this Legislature, it is not perhaps inappropriate to congratulate him on the acceptance of this particular role—but one would hope that the new minister might well consider a consolidation of all of the legislation.

I have appealed to his predecessor on other occasions to take this into hand, and I would hope that very soon we will see a number of Acts, or a single Act, governing education in this province, which is readable and understandable by any individual who wants to know what education is all about in the Province of Ontario.

One final comment. I notice this Act has taken on the problem which the Children's Aid Society has brought to the attention of all members of the Legislature. To my thinking, it has comprehended the problem which they expressed and I think to a degree which is at least understandable within my context. Perhaps the minister might indicate whether that is the case.

**Mr Speaker:** The hon member for Essex South.

**Mr Paterson:** Mr Speaker I would like to speak to the principle contained in section 13; it relates to a matter that recently occurred in the county of Essex within the jurisdiction of the county board.

**Mr. Pitman:** Only section 9.

**Hon. R. Welch** (Minister of Education): What bill is that?

**Mr. Paterson:** Bill 102.

**Hon. Mr. Welch:** What section?

**Mr. Paterson:** Section 3; subsection 5.

**Hon. Mr. Welch:** Oh I am sorry.

**Mr. Paterson:** That particular principle which was enunciated by the member for Scarborough East, in that trustees elected by the separate school supporters cannot vote on matters that affect public schools exclusively.

Possibly the minister is aware that the county board in Essex county recently held a meeting in which they simply called the public school supporters or trustees in 11 out of the 16 members. At that meeting they undertook to record a resolution to the effect that the county board was opposed to the extension of grants to the separate school system within the Province of Ontario. Here they, in their wisdom, had elected to do this.

They were delving into matters that affected another educational jurisdiction, and at the same time basically they excluded—and I assume with their full knowledge—those supporters who were being affected. It seems to me a very strange principle and enactment.

I do not know whether this has come to the minister's attention, but this particular resolution has been circularized around the province and from the reports that I get back from the various members in other areas of Ontario, the county board itself is a laughing stock because of this particular resolution. Most boards are simply pigeonholing this resolution.

But could the minister, for my edification at least, outline whether or not it is a just principle for a board to be doing this under the terms of this particular section? Possibly the minister could comment on this particular matter.

**Mr. Speaker:** The hon. member for Lakeshore.

**Mr. P. D. Lawlor** (Lakeshore): Mr. Speaker, the legislation, so far as taxation policy is concerned, has perhaps more impact, is more meaningful, than meets the eye superficially. The department uses an equalization system of grants at the present time. But the government gives full amplitude to that system by way of equalized assessment across the province, and basing the new grant system upon the average daily enrolment, in replacement of an average daily attendance concept, three times a year the vein of this particular move runs through the several statutes we face this afternoon.

I rise to speak on it because it is a matter of fairly deep policy in the assessment area, and I do not do this invidiously, this afternoon at least, but I particularly wonder about Liberal policy, and therefore your policy and our policy touching the whole area. I see the Leader of the Opposition going about the province these days saying he is going to return assessment functions to the county. Now, here is a case in point, and perhaps one of the most major salient issues in point.

I mean, the whole grant structure of the province with respect to highways, with respect to local improvements, with respect to housing; all the range of intra-provincial-municipal relationships are founded—and are coming increasingly to be the problem, as this bill proves—upon a basis of equalized assessment.

Any move from that position seems to me at least a move back into chaos; not just into chaos but to injustice. Because what you had was that localities all over the province were setting their own rates; setting their own assessment structures, accommodating—you can work this in such a way as to accommodate and benefit your own locality at the expense of the fellow next door who on a fair system of assessment and fair system of setting up his own house in order, then acts as a parasite upon other areas of the province.

This chequerboarding or crazy quilt pattern that we have across the province threw the whole equalization concept askew and made for deficiencies, made for very serious disparities between regions within miles of each other and others in the province. Finally some rationalization of that has taken place and to permit a return of it would be, of course, a throwback and a move back into irrationality and into special pleading and special privileges for particular areas.

So that in order to affirm this Act at all means to affirm universal assessment on an equalization principle across this province. It is a goodly move. It is goodly in terms of equity as between the various sectors of the province and we affirm it.

The only other area on which I wish to say a word is—I have not had a chance to look into this deeply—apparently wards of Children's Aid Societies, for one reason or another, in the past have been in a peculiar position vis-à-vis attendance and recognition at the schools and with respect to the kind of grants or aid given in that particular context. This you are seeking to obviate within the terms of this legislation, placing

them on an equal footing with any other student and giving them full access to the schools. If that is my understanding, I think that is a move, again, which is highly beneficial particularly, of course, for the very many people who are involved; particularly the youngsters who are involved in this particular context.

**Mr. Speaker:** The member for York Centre.

**Mr. D. M. Deacon** (York Centre): Mr. Speaker, one of the features in this bill that does please me is the fact that it now eliminates the problem faced by many youngsters who are wards of Children's Aid Societies where they have a problem in being admitted to schools in the area in which they have been assigned; the foster homes in which they—

**Mr. Lawlor:** What does the member say about what I said a moment ago about his party policy on assessment?

**Mr. Deacon:** If it is a question of a debate on assessment, I will point out that in my view assessment is a local matter that can be worked out to the point at which people within the municipality concerned can control their relative burden of property taxation in their community. Equalization is a very fine method of sorting out the distribution of assessment within the province itself so it can be used for grant distribution.

**Mr. Speaker:** Perhaps now the member will come back to his—

**Mr. Deacon:** I want to point out that a question was asked, Mr. Speaker, and the member for Lakeshore did go into this at some length. There is no reason why a reasonable sampling—not as few as six, as they were using for the equalization sampling in our particular municipality; I do not think that is sufficient at all—but a reasonable sampling done by the province to determine the variation in assessment as between municipalities is a very equitable and much less expensive way of sorting out the assessment imbalance than it is by setting up a huge administrative structure that is going to cause nothing but headaches and costs for the people of this province in years to come. That is one reason why our party is going to change it back to a much more rational system.

But coming back to the matter of the bill, Mr. Speaker, and the question of wards of Children's Aid Societies; in the area I represent there are, in just one small portion of the area, 75 wards of the Metropolitan Children's Aid Society; in some 20 schools there are 75 wards. We cannot find more than half a dozen wards of the York County Children's Aid Society that are outside—I do not even think they have that many, they could not give me any—outside our particular riding. Therefore, the York County Board of Education is quite concerned about the additional burden that having these youngsters in our school system without fee will incur.

In addition to that, Mr. Speaker, the Board officials are concerned about the fact there are children in homes such as the Orange Home, the Salvation Army's House of Concord—and others who are foster children in large institutional homes who are attending the schools.

They are attending the type of schools where the cost of education is more than the average cost. Most of them are in schools such as Don Head and others where there are vocational courses. The cost is perhaps 40 or 50 per cent higher than in the others and they are concerned about the additional burden.

Lying adjacent to a major municipality like Metropolitan Toronto, and being an area where there are a lot of suitable foster homes this number is likely to increase sharply from the present number of 75 over the years. What is the minister proposing to do to compensate them for the additional burden?

I think they are quite pleased to have the children educated in the schools in the area in which they reside so they will be attending the schools along with others of the family with which they are living, and they are not going to be separated or segregated in any way. But there is a problem the board faces with regard to cost and accommodation. I would appreciate the minister's views as to the way he is going to cover the problem this principle presents.

**Mr. Speaker:** The member for Essex-Kent.

**Mr. R. F. Ruston** (Essex-Kent): Mr. Speaker, briefly on this bill.

The principle of section 2, where the moneys collected by the municipality for the year, requested by the school board, are so much money and they set the mill rate to cover that. But then there is a supplementary assessment put on for the balance of the year. It runs probably six months, and in

some municipalities this amounts to quite a large amount of money.

I was under the impression that this money was to be turned over to the school board for that current year. Now I see in the Act any extra moneys collected by the municipality will be kept for the following year.

Has this not been the practice in the past that the money collected for the year was turned over to the school board at the end of the year on supplementary assessment?

**Mr. Speaker:** Is there any other member who wishes to speak to this bill?

The minister then has the floor.

**Hon. Mr. Welch:** Mr. Speaker, perhaps we could handle some of these matters of principle in this way.

To refer particularly to the question raised by the member for Essex-Kent, with the reference he made to section 2. I think it is because of the misunderstandings to which he makes reference that it was necessary that we have this particular amendment of clarification. As it now is set out in the amendment, is our understanding as to what is in fact the practice. So I would really think, as the explanatory note suggests, in case there has been any misunderstandings that it is now clarified and the proceeds are to be retained as therein set out.

I would then like to go to the point raised by the member for Scarborough East, and I would simply like to point out that there is absolutely no change in principle set out in section 3 of Bill 102. This is the principle of the legislation as it now stands.

There was, however, some indication to me that there has been some question as to whether the provisions of the Act in fact applied to one who was appointed to fill a vacancy on the board, in other words, to take the place of someone who has been appointed in a certain way, and it was amended in order to make sure there was no misunderstanding, all that section 3 does is to restate the principle which has been a long-standing principle in this legislation and to indicate that it applies to a member appointed to fill a vacancy formerly occupied by a trustee of those particular qualifications.

And I want to assure both the member for Scarborough East and the member for Peterborough that they should read nothing more into that particular section than that particular point of clarifying a principle, a rather long-standing principle.

**Mr. T. Reid:** Without prejudice to extension.

**Hon. Mr. Welch:** I have no comment on that particular subject because these are matters that are before us now.

I would like, in addition to that particular point raised by the member for Peterborough, to say how much I appreciated his words of welcome to this particular ministry, and also to indicate to him that I would agree with him that anything that can be done to simplify the regulations with respect to transfer payments and the whole grant structure would be welcomed by the present incumbent of this office. I can assure the hon. member that in order to understand the present arrangements and in order to understand any changes, I will certainly be a party to anything that is humanly possible, to in fact further that simplification.

I use that same particular comment as I talk in terms of our legislation. I have already seen and been through a draft consolidation of all the education Acts. I have been hopeful—perhaps overly optimistic, that I could have brought it in this session, but all going well. And as we work on it again, I am hopeful that we can in fact get it in and accomplished for next session, to which the member for Peterborough makes reference.

I also listened with some interest to the comment of the member for Lakeshore on the whole principle of equalization and my comments insofar as section 3 is concerned would also be relevant to the points raised by the member for Essex South.

I think the board would have to satisfy itself as to whether or not it, as a corporation, was properly constituted to consider the particular matter to which the member for Essex South makes reference. The legislation is quite clear on those matters from which certain trustees must exclude themselves and so I suppose the essential matter to which the member for Essex South makes reference is whether or not the subject matter of that resolution was something exclusively within the jurisdiction of the public school or whether it was in fact to be an expression of opinion of the whole corporation.

We can all have our own opinions on that and perhaps leave it at that particular point because this is indeed the very point on which the member for Essex South makes his emphasis.

The member for York Centre—

**Mr. Ruston:** The minister stickhandled that question.

**Mr. T. Reid:** He skates on his hands too.

**Mr. Ruston:** Better skater than the former minister—

**Mr. Gaunt:** I say: Welch for Prime Minister!

**Hon. Mr. Welch:** The hon. member is in the minority.

**Mr. Nixon:** So is the minister.

**Hon. Mr. Welch:** The member for York Centre raises a very interesting question with respect to a very important principle in this legislation, regarding the education of wards of the Children's Aid Society by those boards other than the boards in whose jurisdiction the wards reside and I recognize the point that the member for York Centre places before the House.

After first reading of this bill we discussed this matter in some detail with the officials of the Ontario School Trustees' Council, in order that they might have some indication of the fact that, certainly in the area of special education the province feels that it will have to be of some assistance in this matter, so that the various situations to which the member for York Centre makes reference are not a hardship on certain boards.

I will go back to the member for Peterborough. It seemed to me on my investigation of this matter insofar as the average programme is concerned, if I can put it this way, that the way the grant regulations read now, with such an increase in student population, and no change in assessment. The board, in effect, will recover through its grants what is necessary to look after these particular children.

There may be, and I take it that there is, some question with respect to special education. I would want to assure the member that some consideration is being given now within the department to satisfy ourselves that no board will have financial hardship because of the principle being enacted here.

Other than these particular points, I welcome this opportunity to regularize some of the practice now and also to introduce this other principle with respect to these children who are wards of children's aid societies.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Agreed to.

## PUBLIC SCHOOLS ACT

Hon. Mr. Welch moves second reading of Bill 103, An Act to amend The Public Schools Act.

**Mr. T. Reid:** Mr. Speaker, I just have one question of pretty fundamental principle in this bill, I think. It is on page 1. I always have trouble reading these, but it is section 1, subsection 10 which says:

> Where a parent or guardian wishes to enrol his child in a public school in a school section other than the one in which he resides . . .

My point here is that I have tried to read all the education Acts. I have tried to keep up with all the amendments, but do I understand that this says that parents or guardians have the right to decide whether their child goes to the school up the street, the section which they are in, or whether he goes to another school further away which they prefer, which is outside of their particular section of the street?

Mr. Speaker, how can I speak twice? I guess I have to just ask some simple questions here.

**Mr. Speaker:** I think that would be quite permissible.

**Mr. T. Reid:** Could the minister just clarify that for me, because maybe his answer would be enough without saying anything more. Is it the principle of this bill that parents decide which school the child goes to within the Scarborough school board area, for example? Does it not mean that; or does it mean that the school officials decide?

**An hon. member:** The boy is obsessed.

**Mr. T. Reid:** I would like to know.

**Hon. Mr. Welch:** The section really does not deal with that point at all but rather with the calculations with respect to assessment, the hon. member will read in the explanatory note.

**Mr. T. Reid:** I do not trust explanatory notes.

**Hon. Mr. Welch:** Let me assure him that what the explanatory note says here is the

case. It is consistent with what is running through all of this legislation so far as equalized assessment is concerned and is there for purposes of calculation rather than the establishment of any new principle of a right of access to a school.

**Mr. T. Reid:** Mr. Speaker, I would like to carry this on a bit further because, as I understand what is happening here is I am looking at a piece of legislation. That particular sentence may be a repetition of an existing Act, but it is in this bill and it incorporates a principle of decision-making within education, which is very, very important. I know I have read it 20 times trying to figure out whether I should even ask this question. I realize that the rest of that section does deal with assessment, but yet we have a sentence here that says that the parent or the guardian decides which school his child may go to.

**Mr. Pitman:** The section where he is assessed.

**Mr. T. Reid:** That is a very important principle.

**Hon. Mr. Welch:** Mr. Speaker, if I may go at it again, it is this way: By virtue of the parent owning assessable land in another school jurisdiction, his child may have a right to attend another school. We are not changing this now. This is the law. But in order to equalize or to regularize this, it has always been the understanding—certainly in my day as a school trustee—that there had to be a certain minimum assessment there in order to support the education of the children in a jurisdiction other than the one where they resided.

All this is doing is introducing this whole principle of equalized assessment and average daily enrolment into the method of calculating whether or not the assessment falls above or below the minimum that is required in order to determine whether the fees are payable for children attending in the jurisdiction other than the one where they live, although the parents still have assessable land in this other jurisdiction.

**Mr. Speaker:** I think the minister has done sufficient explaining, and we will leave it to the member for Scarborough East to either comment further or think about it.

**Mr. T. Reid:** I like the principle of parental choice.

**Hon. Mr. Welch:** Thank you, but it has always been there.

**Mr. Pitman:** If I might contribute to this confusion, I think the point that is involved here is not that these parents shall have the opportunity to choose the school they want to send their child to, but rather if a parent is actually assessed in two or three areas, he can choose which of the various schools that are in those sections.

What this bill does is make it possible for that board to get the equalized assessment between what he would pay in fees and what the value of the property is worth as it is assessed. At least that is how I understand it.

In other words, it does not change the principle for the normal parent who is assessed under one particular board of Education and who lives in a particular school section; that board can still demand that that child go to that school down the street. That is my understanding of this section.

**Mr. T. Reid:** Rich people can own three homes, and then have a choice.

**Mr. Pitman:** All right. the member for Scarborough East has put it into a context of means by which—

**Hon. Mr. Welch:** Not many people own three homes.

**Mr. Pitman:** Yes, I suspect that this will probably affect very few people, but it is a point to remember.

The point that I want to talk about just for a moment is that I do not think there is very much in principle in these amendments, Mr. Speaker, except I think there is perhaps a continuing principle, that the Province of Ontario will pay money to a school board in a particular part of Ontario as long as the child is sitting in a classroom in a school.

Perhaps the minister would say this is not the appropriate time to discuss that principle of this bill, but I just want to say a few words about this. Because I think that one of the things that is going on in the minds of people involved in education throughout the world is trying to find alternatives to schooling, various ways by which we can—

**Hon. Mr. Welch:** Alternatives to what?

**Mr. Pitman:** To schooling—as the only way in which development can take place for young people. This suggestion to the minister for his evening thought, that possibly we should start considering the possibility of paying communities or county boards or whatever jurisdiction you want to talk about —perhaps even neighbourhoods—money for

human development for young people, whether they are sitting in a particular school classroom or not.

In other words, what I am suggesting is possibly the grant system, as extended in this bill, and in fact all the bills that we are talking about here this afternoon. Perhaps this is what makes it so difficult for school jurisdictions to consider other alternatives in the community, the sort of community education which is possible in the local industry, in local business, in regard to social services—opportunities for young people to do other things than sitting in a classroom—it is appropriate that there be other things for them to do.

Instead tying of young people into a classroom seat on the basis that we pay so much money whether the kid has tuned out September 2, after the grant has been determined, and is tuned out right through to the end of June—nevertheless the board is paid as long as he is sitting in a seat in a classroom—can we not find ways to pay the money to the recreation department, the school for the retarded or the whole group of social services institutions that might provide a learning experience for young people and at the same time provide an opportunity for these same young people to do something in the community other than sit in the school?

All I am suggesting to the minister is the one thought under this bill; that perhaps we should begin thinking now of other ways of determining what is an education experience, which demands the province's support other than the idea that the child should be sitting in a classroom seat being talked at by a teacher—or in the best sense of the term, being taught by a teacher. I think this is really the only principle I would like to bring before the minister under this bill.

**Mr. Speaker:** Is there any other member who wishes to engage in the debate? Has the minister any remarks at this time?

**Hon. Mr. Welch:** Simply to say, Mr. Speaker, with reference to those remarks made by the member for Peterborough, that I find them very interesting, indeed exciting, and I would think that in the changing concepts in the whole educational sphere there is a great deal to suggest that we must think in terms of new developments in education outside the so-called conventional structures.

I welcome the opportunity. No doubt soon our estimates will be before the human resources committee and I look forward to an exchange with the member for Peterborough, the member for Scarborough East and a number of other members, as to the direction for education in the 1970s. There would be an opportunity for us to exchange views further at that time.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Agreed.

## THE DEPARTMENT OF EDUCATION ACT

Hon. Mr. Welch moves second reading of Bill 104, An Act to amend The Department of Education Act.

**Mr. T. Reid:** Mr. Speaker the minister, I think, was joking when he said he was introducing housekeeping legislation when he got to this bill.

**Hon. Mr. Welch:** There is no housekeeping to this bill, I specifically make reference to this bill in my statement.

**Mr. T. Reid:** So there is no housekeeping in it.

**Hon. Mr. Welch:** There is some.

**Mr. T. Reid:** What section 4 does is to reduce the minister's power in the Cabinet and reduces responsibilities, takes away a lot of civil servants and give the responsibilities to someone else. I would say that is hardly housekeeping, I think it is a revolution in The Department of Education.

What this bill does, Mr. Speaker, is that in section 4, the provisions respecting colleges of applied arts and technology are transferred to The Department of Colleges and Universities. I think something has to be said about that pretty important change.

The first thing I would like to say is, I do not know whether the Minister of Education is the good guy, if there is a good guy, or whether the Minister of University Affairs is the good guy. It is too soon to see which of them is the better. It is hard to tell. And I want to reserve judgement on whether this minister should lose the CAATs and have them go to the dogs—I mean the other department.

Just let me outline, Mr. Speaker, some reservations I have about transferring responsibility for the colleges of applied arts and technology out of the department of the Minister of Education, who is responsible for the secondary schools in particular and the primary schools.

I think there are two levels. One has to do with the integration of programmes and I believe the integration of programmes between the high schools and the CAATs has two aspects; one is conceptual in terms of education planning and what is best for the students in that very subjective sense, and secondly it has to do with the duplication of what I call programmes, facilities and personnel between many secondary schools and their nearby community colleges or the CAATs.

One thing I am very worried about is that ever since the colleges of applied arts and technology were set up—if we go back to 1965 or 1966—there has not been, to my knowledge, any evaluation, let alone integration of planning, between the 20 colleges of applied arts and technology and, say, the 100 secondary schools nearest to each college.

For example, out in Scarborough we have Centennial College and we have high schools nearby. But there is yet to be established a joint planning committee. I understand that meets regularly with a full-time officer, perhaps from the school board or from Centennial College, to plan out those areas of duplication of personnel, programmes and facilities.

I just give one example, Mr. Speaker, there are many courses, particularly in the vocational area—I listed these once before in the Legislature, over a year and a half ago—in which what is being done in high schools is very much what is being done in the nearby community college; very close to it.

I find it bad planning that the teachers of a particular course, say in electronics, or computer work, in a community college, do not really know what students have already taken in that field when they come into the community college.

They do not know, quite often, the qualifications of the teacher in the high school who is teaching, say, computer science. They do not know really what that student had when he came in. I think that there is a danger that by divorcing the community colleges even more from the minister's department, that the possibility of getting integration of programmes, facilities, and personnel, that the danger of getting that integration is greatly increased. I put that, particularly in terms of what I call a wastage of the taxpayer's money due to duplication.

The minister knows that I have been after his department, after Mr. Davis when he was minister, to really do an objective evaluation of the extent to which my charge is true. I know it is true. I do not know how true. I do not know the extent of the wastage of the taxpayer's dollars in that.

So, when the minister proposes legislation Mr. Speaker, to give away the CAATs to get rid of that thorny little problem that certain opposition members keep needling him with, I get very worried, because I feel that there will never be, unless there is a change of government, an effective evaluation of that type of duplication.

The other concern I have about the minister getting rid of the CAATs is—well let me put it this way: We have another bill, Mr. Speaker, something like Bill 98, which is a revision—sorry, no, I meant The Ryerson Act, Bill 97, An Act to amend the Ryerson Polytechnical Institute Act.

In that bill we are asked to give Ryerson "university status" in a very real sense, that Ryerson will be able to grant degrees, bachelor degrees of applied arts and bachelor technology degrees. That department is under the Minister of University Affairs.

If we take the community colleges, shift them from the Minister of Education's department, put them under the Minister of University Affairs and Colleges, then I think that increases the pressure, particularly on top of what we are being asked to do with Ryerson, to create even more degree-granting institutions in this province.

Perhaps that would be a good thing, but we do not yet have the report from Dr. Douglas Wright on the future post-secondary education in this province. I am pretty sure that Dr. Wright objected most strenuously to the Ryerson bill. And yet we are here transferring the community colleges over to the Minister of University Affairs. I think this will increase the pressure to irrationally turn the community colleges into universities. I am very concerned with this for a number of reasons which I will not elaborate on at this time.

So my question to the minister is, why is this happening? Why, in this bill, are we asked to take the community colleges from his department and put them in another

department? What is the rationale for this decision?

Is it simply, if you like, a more technical reason, or an administrative reason, in that The Department of Education is already so big with $32 million in salaries compared to The Department of University Affairs, to let us have two, hopefully, capable ministers responsible in education. Let us even out the load a bit—although I bet the Minister of University Affairs is wondering about that load right now—and let him have the CAATs. Is the rationale that type of reason?

Or is it an educational reason that the CAATs should be over there because there are more problems of linkage between the CAATs and universities than there are between the CAATs and the secondary schools? I suspect, Mr. Speaker, that the reason we are being asked to approve this principle is really a technical administrative reason. I do not think the minister has the foggiest idea of any educational rationale for doing it.

Who knows, it might have been the only reason he accepted being Minister of University Affairs. He said, "I have got to get those CAATs, I want a big empire" or a bigger empire. So. Mr. Davis, just like we saw this afternoon, said, "Well, I will satisfy you. You take the CAATs. Bobby is getting a bit too big for his britches. We will cut him down a bit." What I am saying is, can this minister justify on educational grounds, this principle in the bill?

Mr. Speaker, I will not say much more on that. I think it is a very fundamental step this government is taking, and I am pretty convinced that it is based on non-educational grounds, and that distresses me greatly.

Mr. Pitman: Mr. Speaker, I would like to look at two or three areas in this bill and try and see some kind of relationship between them.

Section 3 deals with the amendments providing for the making of regulations respecting evening classes. First, I hope that this represents some kind of a thrust in The Department of Education in the area of evening classes. It has been a very airy-fairy area you might say, for quite some time. I would hope that the regulations that are formed in relation to evening classes are quite wide and open, with the greatest opportunity or involvement you might say—in terms of involving the entire community—because I think too often the regulations have been very restrictive in the past. They have been too narrowly vocational or too narrowly academic.

I would hope to see the evening class regulations which are suggested in this bill being those which would provide the greatest opportunity and the greatest support to boards of education to really get serious about adult education, continuing education. I would say that this is one area which has received very, very little attention, comparatively very little attention, and is obviously one—with the kind of society that we are moving towards—which has to receive increasing attention. In fact it may very well be the area of greatest activity in the next 10 years.

In other words, I think we are off the obsession with adolescent education, and with elementary education. I think now the name of the game is continuing education. So in that very small section defining and governing evening classes, 2(a) of section 3, I hope I see in there a totally new direction in terms of the support for this development.

I say that because something has happened in the past few months. One of the areas which has been affected very detrimentally I think, by the cuts in school board budgets, has been the area of evening classes. I am not suggesting that the evening classes have been cut, but what has happened in many cases is that school boards have raised the fees for evening classes, I think in some cases, two and three and four times what they were previously.

This comes back to the problem again, then, of how do we determine priorities in the support of the activities going under the minister's department? And so I just bring that to his attention. I would hope that the regulations which he intends to put through in this area will be as inclusive as possible.

The second area which interests me is the whole area of the letters of standing and the questions of standards in this area. I would hope that here again this represents a widening of opportunities for letters of standing to be granted where it appears that the individual has something particularly valuable to provide in the school setting or outside the school setting.

I think on the whole in our efforts, and very honest efforts, to bring up the standard of teaching, we have demanded an academic standard, and we are obviously increasing the academic standard for teachers at the elementary level.

But now I think it is also time to see another extension, that there are areas of experience, there are areas of expertise, which do not come under academic excellence and which are not to be found in degrees which universities give, and for which there has to be a place in our school setting.

There are all kinds of people who can give so much to the children sitting in our classrooms who may not have a BA degree, and one of the problems which I have seen developing as we move towards raising the standards of teachers generally across the board is this, you might say, obsession with academic standards as against the possibility of providing letters of standing to people who could come into a classroom and give an experience to young people which no person with a PhD could give.

So, as I say, I hope I can see that: Maybe I am reading into too many of these clauses, things which the minister and his advisers have not even considered. But I am hoping that I see in that, an opportunity in this area.

Now this section on municipal recreation directors—it might be considered by many people as a strange thing that the municipal recreation should come under the minister's department at all. I do not believe that to be true. I think that the youth recreation branch of the minister's Department of Education, is one of the most valuable that he has in his jurisdiction.

I was going to say a good deal more about the report which the minister brought to the Municipal Recreation Director's Conference some months ago, but at the present time all I would like to say in relation to this opportunity to make regulations in this area, is that I hope that this represents a further extension of concern and interest on the part of the Minister of Education in the whole area of recreation. Because the division between education and recreation is becoming very foggy indeed and the sooner it is obliterated the better it will be.

I hope that the next step, you might say, in the organization of our educational system, to put it bluntly, will be the community school, because that really is, in my estimation, the only way that we are going to really make an effective step forward in our educational development.

In order to make that jump we have somehow to co-ordinate the activities, obviously of the municipal recreational people, but also of course social services and many other service packages in our communities. And so I see in this, once again, hope that this represents another step forward in providing, under an umbrella within each community, a tremendous spectrum of services which we now label educational and recreational and social services, but ones that eventually might very well become obliterated and simply become services to people at whatever age they happen to be.

The final point I want to talk about is this transfer of the provisions of the Colleges of Applied Arts and Technology. I have also some misgivings about the fragmentation of the educational system as represented by a different minister for The Department of Education, and a different department of secondary, I guess you might say post-secondary, education. I can only assume that is the reason.

There is some degree of irony that at the same time as The Department of Education philosophy has been to try to create a continuity, presumably going right from kindergarten right through to the PhD, and post-PhD—at the same time in terms of jurisdiction—we are cutting across this certain point and saying: this is secondary and elementary and pre-elementary; and from this point on we call it post-secondary. So there is a degree of irony in terms of this.

Quite frankly, and I will say it now and probably I will repeat it in a few days, I would prefer to have seen a single Minister of Education, with an associate minister of post-secondary institutions.

I think there should be some kind of an organization which provides one minister with an overall view of the educational process including post-secondary and continuing education. Because I think what goes on in the elementary and secondary phase is going to have very real implications for what takes place in the Colleges of Applied Arts and Technology and the university.

I am particularly concerned about the Colleges of Applied Arts and Technology, because these are very much, as the member for Scarborough East has pointed out, very much tied in with what is going on in the secondary schools and I am very much hoping that there is not going to be a lack of communication, a lack of contact and co-ordination between what goes on in those schools and what goes on in those colleges, and the duplication which can take place from that, or the lack of co-ordination in relation to programmes.

I am concerned in another area as well. I am looking forward to seeing the minister and you might say his associate, going hand in hand to the ministers of education conferences across the Dominion, but I understand that we are the only jurisdiction that has two ministers of education—or at least one Minister of University Affairs and one Minister of Education. Now I do not know how you are going to get along with your fellow ministers, who are from the other provinces of the country, in terms of deciding who is looking after what; but that perhaps can be sorted out.

I do think that there has been a singleness of purpose in terms of the educational thrust in this province, and I just bring that to the minister's attention in relation to this bill.

It is the section which was transferred, incidentally, that I have the greatest reservations about and I will talk about those in the estimates of the minister in whose jurisdiction this now lies. I am very concerned about the lack of any role for faculty in the governance of The Colleges of Applied Arts and Technology, and the lack of any role for students in the governance of the Colleges of Applied Arts and Technology—and the difference, the contrast, between what could be the openness and the developing democratization of the university, as compared to the extremely authoritarian system under which the Colleges of Applied Arts and Technology operate. I think it really is a contrast which does not enhance education in the Province of Ontario.

As I said, I will refrain from carrying on on that point because I think that this can be discussed more adequately, first in the minister's estimates. I presume we will be allowed to talk about the Colleges of Applied Arts and Technology in the minister's estimates this year. We were unable to talk about them in the estimates of the Minister of University Affairs which came before this House some weeks ago.

Well, there were a few comments which I was going to make about scholarships but I think I will restrain myself.

**Mr. Speaker:** The Hon. Minister.

**Hon. Mr. Welch:** Mr. Speaker, I appreciate very much the comments made by both the members for Scarborough East and Peterborough in relation to the section dealing with the repeal of that section in the Act dealing with the community colleges, and it is quite proper that that principle be dealt with here, mindful as we are that when Bill 98 is called, of course, we will have the opportunity for expanded discussion of the principle involved when we discuss the establishment of the new department.

Certainly I want to assure the member for Peterborough that contained within the estimates of this minister are the sums required for the applied arts and technology branch and we can have a full discussion of the points to which the hon. member makes reference at that time.

I am quite satisfied, of course, as the member for Scarborough East will know and as the member for Peterborough will know, that the policy of the government in this connection was announced in the Speech from the Throne which heralded the beginning of this session. It was the intention of the government to place within the new Department of Colleges and Universities the post-secondary institutions of the province. It is obvious that it was based in sound educational reasoning with respect to some of the very points raised here, such as the liaison and the communication which could well exist within that sector of the educational community.

Having said that, and as the minister still responsible for the secondary schools, I appreciate the points that were made with respect to duplication, and to liaison and the necessity for communication between the secondary panel and those institutions which will fall under the jurisdiction of my colleague, the Minister of University Affairs. I can assure the members that I treat the points that they raised in that connection on that subject matter very seriously.

Regarding the points raised by the member for Peterborough with respect to section 3 and the regulations, I can only presume that he will be fully satisfied that whatever regulations are made now under these new sections will be both broad and progressive. I would also state that I have appreciated his comments with respect to the youth and recreation branch, and I am looking forward to discussing the recreation report to which he made reference and which was announced in Peterborough a month or two ago.

Motion agreed to; second reading of the bill.

**Mr. Speaker** Shall this bill be ordered for third reading?

Committee then; it must be unanimous.

Agreed to.

## SCHOOLS ADMINISTRATION ACT

Hon. Mr. Welch moves second reading of Bill 105, At Act to amend The Schools Administration Act.

**Mr. T. Reid:** Mr. Speaker, I have just two points, and I think perhaps the best place to discuss them more fully, although they are questions of principle I believe, is in committee.

In section 6, perhaps the minister could clarify this for me—on page 4, subsection 1, it says:

> A board may provide for a resident pupil or for a person who is qualified to be a resident pupil, transportation to and from—

Then it lists various types of schools, including the Ontario School for the Blind, Ontario School for the Deaf, Ontario Hospital School and children's mental health centres.

I think the principle involved centres on the word "may" and perhaps the minister could clarify this. I would have thought that in this legislation the minister would have said a "board shall provide" such transportation, because often without such transportation there is not equality of accessibility to these various schools.

I am prepared to go into this type of argument in the next reading, but I want to raise that as a question of principle. Why local option on the question of transportation, if that is the correct interpretation of the section?

The other question which again I think could be arguable in terms of principle, is that the list of schools for such transportation, the types of schools, schools for the blind and so forth, is that an exclusive list, or is that simply by way of example? I will see if I can draw a parallel.

Quite often we see various lists, and we hear that a school board or a body may be concerned with only the listed things, or may also, if it wishes, provide such transportation for children to go to some other type of school other than the ones listed. The question here, Mr. Speaker, is whether this is an exclusive list, or may a board also provide such transportation to private schools —such as Christian Alliance School, the Eppleworth Special Care School for the uneducatable, mentally retarded children, and other types of private schools?

So, my question to the minister is, in this section, does he have a policy that the provincial government is favouring the provision of transportation services to schools, whether they be under the separate school boards, or public school boards, or whether they be truly described as private schools? That is one point in the bill, Mr. Speaker.

I did have another point, and again I find it difficult to distinguish between principles in the bill and specifics. But on page 7, Mr. Speaker, section 4, which is on page 7, just above section 11, the intent of what that section does, reading from the guiding note:

> The subsection is re-enacted to provide the fees in respect of a trainable retarded child shall not be greater than twice the fees for secondary school pupils.

Now it seems to me there is a principle involved there that those who are born with the least ability are receiving some sort of preference in terms of the resources made available toward their education and training. I accept that principle in this bill, that those who are born with the least have first call on public resources, and those who are born with the most have second call on those resources. So I accept that principle.

But when we get into reading it clause by clause I would just like to let the minister know that I find it most objectionable that the cost level implied in that section is so unrealistic in terms of the needs of the trainable retarded children in our society. I think the limitation that it shall not be greater than twice the fees for a secondary school pupil is a totally inadequate social policy on the part of this government.

**Mr. Speaker:** The member for Peterborough.

**Mr. Pitman:** Mr. Speaker, I wonder if I could turn to a couple of other points under this bill. Section 22, I am sorry subsection 22 of section 4 changed the wording in the original Act:

> To expel, on the report of the principal, any pupil whose conduct deems to be so refractory that his presence in the school is injurious to other pupils.

In this day and age I think that wording, in terms of students whose behaviour is so difficult, so frustrating for teacher and fellow pupils, the principal, everyone involved in the school, it seems to me that it is pretty limited in its understanding of the basic problem. Obviously there are certain young people who, because of their home background, because of a whole series of problems which

are in the community, find it impossible to cope with a school setting.

Obviously there has to be some kind of way by which that child can be withdrawn from a normal school setting and provided with some other alternative opportunity. It seems to me this section simply puts that young person out on the street, and it seems to me that in the year 1971 that really is not good enough.

First, I would wonder why there is not something in this legislation that provides for the student, not just a report of the principal, but some kind of a means applicable to any student, whether he is refractory or whether he is lazy, or whether he is unhappy, or whether he is overly active, any one of the reasons why he is not coping with the school setting.

Why could there not be some other method by which that decision could be made, not simply on a report to the principal, but perhaps by some committee established in every school under every school board, perhaps with the principal of the school actually a part of that committee? Obviously it would include a guidance head or a guidance teacher, or representative, or a teacher. Perhaps with a board member chairing the committee, with somebody from the outside in the community—possibly the local director of the Children's Aid Society—sitting around, and the parents of the student, and the students themselves involved in this decision, there would be an opportunity to discuss the future of that young person.

There could be that kind of a setting, instead of what surely is a more punitive kind of suggestion, to simply expel on the report of the principal, any pupil whose conduct is deemed unacceptable. By whom? By the principal and the teachers, whose obvious desire, and necessarily so, is for a nice tight, quiet ship.

I can understand that as a teacher that the one thing one wants to do is to get these people out of the way, but this does not solve it for the child. It does not solve it for the community, and I say that because in many school boards there is very little opportunity for other alternatives. We do not have, for example, any funded residential care.

Perhaps what we really should be doing is taking that young person out of a school setting and putting him into some kind of residential care set-up, as a part of the spectrum of educational services for young people who cannot cope with a normal school and whose home situation is so difficult and so impossible that really you might say their explosion in a school is simply a reaction to what is going on in the home setting.

Obviously there should be some way by which there is some kind of psychiatric examination of this individual child. There must be something going wrong, because obviously the number of young people who are expelled for refractory behaviour is minimal. Yet there are some school boards which do not have psychiatric attention for their students. In fact, when we come to the last few months, that is one of the areas that has been cut back by many school boards.

I think the punitive aspect of this particular section does bother me very greatly, and one would have hoped by now that we could have found other ways of getting around this problem.

To come back to the alternatives. There should be other alternative ways by which a young person who may be refractory in school may very well be trainable. He may very well be quite at home in some other kind of educational setting, but because the teacher cannot cope with him in a setting where he has to sit still for five hours—and I wonder how all of us would like to sit in this place for five straight hours as many young people do, with perhaps a half hour for lunch. It is no small thing for a young person to have to—

**Hon. A. F. Lawrence** (Minister of Justice): If we have to sit around here and and listen to this for 12 hours, can they not listen for five?

**Mr. Pitman:** I will not be engaged by the minister on that point. But I just suggest to the minister that there surely must be some other way of dealing with this situation—

**Mr. V. M. Singer** (Downsview): Missed the first three months anyway!

**Mr. Pitman:** and I think that what we would have to do is find another way of removing a youngster, not in a punitive way, from a school setting. And then we have to start finding many other alternative ways of treating that youngster. Not just treating him directly for the psychiatric services, which must be made available, but also finding other alternative settings in which this young person can develop and maybe return to the school setting a year or two

later. Perhaps then he will be able to accept the very restrictive limitations, the very limited parameters, which any school imposes upon any young person at a given time.

The second point which bothers me and on which I would be pleased to hear the minister comment, is section 7, which deals with certain duties of supervisory officers in the local boards of education. It has to do with supervision.

There is a degree of concern I have here, which has gone full circle in this whole business. I can remember about four or five years ago there was great cheering because suddenly the whole Department of Education changed the degree of inspection and reporting which went on across the province. They had some rather interesting system of one to seven. If any teacher had a seven after his name, he had one foot in paradise; he really could not be expected to achieve anything higher in his life. If he had a one or two behind his name, he had one foot just about out the door in terms of his likelihood of a long term career in the teaching profession in Ontario.

**Hon. Mr. Welch:** We are not going back to that.

**Mr. Pitman:** The minister says we are not going back to that and I am pleased to hear that. The problem which I just bring to the minister's attention is that one of the fears of the teaching profession is it may have jumped out of one fire into a very hot frying pan; in other words, better the inspector who has to travel 150 miles to get to my classroom than the pseudo-inspector who is just down the street and who can be in my classroom within five minutes after the bell rings.

The problem is, as I see it, is this going to be restrictive of teachers? Are they going to be concerned about what is going on under this piece of legislation? What I do not see in this legislation, and perhaps we can talk about this when we come to the committee stage—apparently we are going to take this to the committee, as has been already said this afternoon—but I wish there was an opportunity here for a good deal more openness, a good deal more dialogue between the supervisors and teachers. What we have here is a supervisory officer whose opportunity now is to visit schools and classrooms and to make a report of his visit to a school or classroom when required by the minister.

What happens to this report? Is this report discussed with the teacher involved? Is it discussed with the staff or with the principal and the teacher involved in a continuing dialogue? What is the purpose of the report? What happens to the report? How it is used? What is the nature of the report?

There are a number of things which can be very worrying if we are reinstating a degree of inspection at the local level simply to replace the inspection we once had at the provincial level and which was changed some years ago with, I think, a good deal of thankfulness on the part of many people who were in the educational profession in the Province of Ontario.

I wish to bring that to the minister's attention. Those are the only two points I wish to discuss under this bill.

**Mr. Speaker:** The hon. member for Essex South.

**Mr. Paterson:** Mr. Speaker, I would like to speak to the two principles embodied in sections 6 and 7.

The first is in relation to transportation. My colleague from Scarborough East has dealt with that fairly thoroughly. I would like to relate this somewhat parochially to my own riding, in that I have Pelee Island on Lake Erie where we have experienced school transportation and boarding problems in the past and did have a special bill to that effect which was rescinded, of course, with the broader legislation which was brought in a year or two ago. I am glad to see that this has been expanded in order that these pupils may enjoy the privilege of attending other schools in other parts of Ontario that might be better suited and enhance the education of specific individuals.

More in particular, I would like to relate it to the problem confronting the United Mennonite Educational Institute, which is a private school in my riding. At the present time they are negotiating with the county board to see if there is any way by which their pupils living in the rural areas or the municipalities adjoining that school can be picked up by the county board of education bus system to a central point and then transported to the school. I would ask for the minister's explanation if this is permissible if the board in its own determination would agree to this, subject of course to a fee which the private school is willing to pay.

In other parts of the county I think preliminary work has been done in sharing transportation between the separate school system and the public school system and it is working out quite well. I think this is something that all of us favour, that if we can share in this high-cost transportation, we can cut down costs.

I would ask the minister to determine, within the principle of this, if it is agreeable for a county board to make an agreement with a private school, if in fact such an agreement can be carried out and the terms can be arrived at.

The principle in section 7 is one I would like to relate to the bill, of which we recently had first reading, in relation to Transportation and Communications whereby in a section—I believe it was section 4—ministerial approval was dropped from that bill for county roads superintendents or township roads superintendents. Here in section 7 the bill states the supervisory officer, or director of education, is appointed by the board and is approved by the minister. My thought in this regard is that possibly with the new look in the present administration, and so forth, that all these bills should be brought into line, and possibly in this section the approval by the minister should be deleted.

I would hope that when we go into the committee that my colleagues and myself can have a further look at this and possibly prepare an amendment to this effect to delete this particular section, that ministerial approval is required and that the county board which is given almost autonomous powers now might have full autonomy in this regard.

**Hon. Mr. Welch:** What section?

**Mr. Paterson:** Section 7. Possibly the minister in his wisdom, if he disagrees with this particular thought, could advise me how, or in what context, this principle differs from that of a road superintendent who was appointed by the municipality with ministerial consent and that of a supervisory official as per his regulations.

**Mr. Speaker:** Does any other member wish to participate? The hon. member for Downsview.

**Mr. Singer:** There are a couple of sections here that puzzle me a bit, and I see that they have been carried over from the old statute. I do not know what the legal history of them is.

I am referring particularly to the references to the small claims courts in section 2, subsection 2. It appears at the top of page 3. It repeals subsection 8 of section 17, and says in essence that all matters of difference between the board and teachers shall be determined by the small claims court no matter what the amount shall be.

Then there is a further reference to the small claims court down at the bottom of page 3. That one deals with fees which, I would not imagine, Mr. Speaker, would be very great. But a claim for salaries that are in dispute could be a very sizable amount. I wonder why the minister is continuing to have the small claims court adjudicate. In the statute as it now reads the division court determined these disputes. The division court has now been replaced by the small claims court, but since we have changed the name maybe we should have a look at the principle too. It occurs to me that teachers may have a claim running into many thousands of dollars that could be in dispute, and that the small claims court would hardly be the proper place to have that determined in the normal course of events.

The small claims court is conducted in a much different manner, without pleadings. The agendas are usually very large. Judges in the small claims court are anxious to get the matters disposed of very quickly and it is not inconceivable that a judge of the small claims court could suddenly be faced with the problem of whether or not a particular teacher might be entitled to many thousands of dollars. It is something that might require a trial running several days.

I wonder if the minister would not agree that the reference to the small claims court, certainly at the top of page three and possibly as well at the bottom, might not be considered? I would think perhaps "in the appropriate court," or something like that, so that the amount in dispute could determine which court should, in fact, have jurisdiction. It seems to me the results could be very inequitable if a very large claim had to be adjudicated in the normal procedure that takes place in the small claims court.

**Mr. Speaker:** Are there any other members wishing to participate? If not, the hon. minister may reply.

**Hon. Mr. Welch:** Mr. Speaker, perhaps I might start by commenting on the points raised by the hon. member for Downsview. I would be very happy to have a look at that on the basis of the points raised.

I think, Mr. Speaker, we should point out that one of the principles here was to facilitate the adjudication of these disputes by not getting people involved in the costs of litigation of the higher courts, but I would be very happy, in view of what the member for Downsview said, to take a look at it. In view of the fact that it is coming back for clause by clause consideration in committee, I would perhaps be in a better position to expand on that particular point.

**Mr. Singer:** It is very difficult to get the average busy practising lawyer into the small claims court to go through all the waiting.

**Hon. Mr. Welch:** Perhaps it would be sufficient to say that I would be glad to take a look at it and I appreciate having that point brought to my attention.

Several members, or at least two members, have made some reference to the question of transportation; both the member for Essex South and the member for Scarborough East. I would simply indicate that the list, which is in fact set out in the amendment, is an exclusive list. It adds certain schools to the legislation as it now is and of course, I underline, is permissive.

While we are on the subject of transportation, perhaps I might indicate to the member for Essex South: That it would be my opinion in those transportation systems operated by boards that their jurisdiction is in fact spelled out here. However, many boards operate under contract with private carriers and there would be nothing to prevent some arrangement by the private carrier himself insofar as boards of governors of other institutions not named in this Act are concerned.

The concern of the member—

**Mr. Paterson:** If I could clarify that point; they can carry other people on the same buses that were transporting pupils?

**Hon. Mr. Welch:** I think this is something that the private carrier and the board itself would have to work out in their agreement. I am talking about this as far as this Act is concerned. The institutions set out here, or the schools set out here, are the schools to which the permission extends insofar as the permissive legislation or the enabling legislation here is concerned.

I have not the slightest idea, for instance, whether or not the board to which the hon. member makes reference operates the transportation system itself. It may be that the private carrier would enter into some particular arrangements here depending on what his particular relationship is with the board.

I am just speculating aloud, but the board has entered into a contract with the carrier to carry out what it is entitled to under the terms of this Act. Now if there is some way that something else can be done at the same time, that perhaps is something which the private carrier might like to explore. The hon. member might like to suggest that to the private carrier.

The supervisory section seems to concern both the member for Peterborough and the member for Essex South. There is no intention to reintroduce the system to which the hon. member for Peterborough made reference. Indeed, I would like to underline that this minister is a great believer in the decentralized system that we now have. I appreciate, however, the comments the hon. member for Peterborough has made with respect to how a board operates its supervisory system, the consultation that would be involved and the degree of openness that would be involved.

I draw to the attention of the hon. member for Essex South, however, that the legislation now spells out and defines the supervisory official. There are certain privileges attached to this particular connotation, and I am not familiar in the detail as perhaps I should be with the comparison that the hon. member wants to make with other officials who are appointed by other locally elected bodies with the approval of ministers.

But when a man or a woman is appointed a supervisory official under our legislation, that is appointed by the board and then with the approval of the minister, he or she really carries two sets of responsibilities—responsibility to the local board which has appointed him, and also as a supervisory official for the Minister of Education.

What we are attempting to do in this legislation is to catch up, so to speak, with the larger units of administration in the county system by spelling out the fact that these officials have these responsibilities as they carry out the duties set out for them by their boards.

Although I come back once again to what the hon. member for Peterborough said, and I am sure this happens as a matter of practical application, the supervisory officials of boards have some relationship with their staff, and in so many cases now, generally speaking, and certainly in the county boards, the word "inspector" is no longer even used.

You have consultants and that in itself carries with it the whole spirit of this, and people are really working together in the interests of the children in the area under their control.

Reference was made to the section that deals with expulsion. I will be glad to take a look at that in view of what the hon. member for Peterborough says, although I would hasten to point out that one of the reasons which has prompted the amendment, I think, is to spell out perhaps more carefully what the board might require in this regard. I think there is nothing to preclude a board from expanding the procedure. As members know, this is a permissive matter, and the ultimate decision rests with the board when it gets to this type of action.

I suppose it is fair to say that there would be nothing to stand in the way of a board introducing all sorts of procedures to attempt to carry out the spirit of what the hon. member for Peterborough says. I am as concerned as he is. This came up in another way, not so much through expulsion but rather through discussions I have had over the last few weeks on the question of the compulsory school attendance age.

We might share some of these thoughts in the committee on estimates, because there are those who say because we have eliminated those conditions under which permission might be given for early leaving, that we have left in the schools some disciplinary problems.

Let us take a look at what the "school" means; and I go back to what the hon. member for Peterborough says in another context as to whether school has to continue to mean the four walls of a classroom. Perhaps with some good advice we can find educational experiences which will in fact motivate some young people. We would perhaps be better addressing our time to that sort of thing than attempting to get them out of the school system.

So we are on the same wavelength except for the different subject matters that would apply I would hope, to any progressive board, as it was considering the future of so many young people, because expulsion is a very serious, final step. I can say once again, as a former school board trustee, that I know if the seriousness that is attached to any school board meeting when this type of matter is on an agenda. So I think I might say at this stage, Mr. Speaker, that we will have a look at the points that are raised, knowing this is coming to committee.

On one other point however, I wanted to make reference. The hon. member for Scarborough East made some reference to section 10, subsection 5, of the printed bill, dealing with the calculation of fees for the trainable retarded. I think I should point out—if we can put it in its proper context—that up until now the question of the education of trainable retarded has been lumped together with the whole question of special education. Here we want to recognize that there are costs over and above those to which a board has been entitled, and we have placed the education of the trainable retarded on this basis in order that we in fact recognize the special aspects of this special education, if I can put it this way.

This is only a procedure for the calculation of nonresident fees, and certainly the number of times in which this would come up, would, I think, be insignificant because most boards are in fact providing for this type of training within their own jurisdictions.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall the bill be ordered for third reading? Committee of the Whole House? Committee of the Whole.

## SEPARATE SCHOOLS ACT

Hon. Mr. Welch moves second reading of Bill 106, An Act to amend The Separate Schools Act.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall the bill be ordered for third reading?

Agreed.

## LIQUOR CONTROL ACT

Hon. A. F. Lawrence moves second reading of Bill 101, An Act to amend The Liquor Control Act.

**Mr. Speaker:** The hon. member for Riverdale.

**Mr. J. Renwick:** Mr. Speaker, of course this is a change in the order of business as announced in the House last night and again reaffirmed by the House leader at the commencement of the sitting this afternoon. There are members of this party who wish to speak on the bill, and I will endeavour if

necessary to hold the floor until such time as it is possible for us to have the members in attendance.

Mr. Speaker, the principle of the bill is certainly one which is long overdue. It will require some attention to be given by the government—deriving as it does such substantial revenues from the liquor trade in the province—to give some real concern about the question of chronic drunkenness. It is my understanding, and I may be wrong on the figures, but I believe it to be the third most devastating disease in the Province of Ontario at the present time; alcoholism in its many forms.

There are within the Province of Ontario in excess of 100,000 persons known to be suffering from some form of alcoholism in its serious form, and perhaps there are many more, because there just is no way that one can ascertain the exact number of people who suffer from that disease.

I think that is the first point I would like to make, that I believe the government has come a distance in recognizing alcoholism as a disease and not something which could be subject to periodic, intermittent or other form of punishment, be it long term or short term, within the jails or correctional institutions of the province.

The bill, as the minister has stated, is based upon the interim report of the interdepartmental committee dealing with chronic drunkenness offenders which the minister tabled at the time that he introduced the bill. And it sets out in great detail an extensive study of the problem. I am not at all certain what further report the minister expects to receive from the interdepartmental committee, and perhaps when he comments he could indicate the further report as this one is headed interim report. I wondered what, if any, ongoing studies in this field are being carried on.

I would, however, point out, and we will try to clarify—and I would certainly appreciate it if the minister would clarify—the narrow ground between endeavouring to provide by a method such as this, an alternative method to placing a person under arrest and laying a charge under The Liquor Control Act, which would result in a person being incarcerated in a jail, to the changed procedure by which a person who is found apparently to be in contravention of a particular provision of The Liquor Control Act, namely drunkenness in a public place, can be taken to a detoxification centre and subjected to medical treatment.

That in substance is what the bill provides and I think that regardless of the merit and the meritorious nature of the bill and the step forward which we believe it to be, we think that there is a degree of lack of clarity in the draftsmanship of the provision which precludes any action being taken against any physician or hospital, or employee of any hospital, or officer of any hospital, by any person who has been taken by a peace officer to a detoxification centre and has been subjected to an examination or treatment in that centre.

It is quite true that obviously, in good faith, the treatment is supposed to be of assistance to the person who is taken there. But it does appear to me to be so broadly drawn that it precludes a person who has been subjected to treatment having any claim against the medical practitioner or the hospital if there has been negligence, for example in the treatment which has been given; or if there has been some lack of care and attention which should have been given, or if the treatment, when given, is the inappropriate treatment and the question arises as to judgement.

Now I know that these are difficult questions but when one looks at the particular provision of clause 1 in item 4 of the proposed new section 106a of The Liquor Control Act, I think the minister will realize that the blanket prohibition against any proceeding for damages being taken, is much too broadly drawn and that there should be some qualification or some saving clause with respect to any negligence in the treatment.

I think, Mr. Speaker, that subject to the comments of other members of this caucus, we will support the bill on second reading but that in committee we would trust that the minister would deal with the question of an amendment to that clause adequate to meet the point which I have made in proper and accurate legislative language.

**Mr. Speaker:** The hon. member for Downsview.

**Mr. Singer:** Mr. Speaker, I commend the Attorney General for once again having discovered America and brought in a bill which is designed to keep our chronic alcoholics out of jail and to provide some alternative method of providing treatment for them.

As I have said many times in this House, this is not a new idea and the other evening I began to look through some old Hansards and I discovered that in the session of 1960-1961 of this Legislature there was a bill, Bill 9, An Act to amend The Liquor Control

Act. The Premier of the day, a gentleman named Frost, believed that this was going to be the answer, and that this kind of legislation, or the kind of legislation enacted in 1960, was going to keep the chronic alcoholics out of jail. At that time, the backbench member for St. George joined in with great glee to applaud the sentiments put forth by Mr. Frost.

**Mr. Nixon:** He was a comer even then.

**Mr. Singer:** Oh yes he was! He had a loud and critical mouth at that time too. He was very unhappy with the actions and the thoughts put forward by the members of the opposition. The former member for Brant—

**Hon. A. F. Lawrence:** If I remember right, the phrase I used was, "I was appalled at the ignorance of the member for Downsview."

My opinions have not changed. He did not even know what the Brown Clinic was.

**Mr. Singer:** Yes, yes. The Attorney General had a look. I sent him a note and I hoped he would have a look at that debate. I found the debate to be most fasciating and some of the ringing phrases that Mr. Frost put forward to this House at that time, I think are worthy of report.

The then hon. member for Brant was asking in his careful way for details.

**Hon. A. F. Lawrence:** That is when I called his old man an antique.

**Mr. Singer:** Yes. In fact the minister called him venerable and old or something.

**Mr. Speaker:** This is hardly a debate on the principle of the bill.

**Mr. Singer:** I think it is, Mr. Speaker, I think it is.

**Mr. Speaker:** I do not think so.

**Mr. Singer:** I think that the government thought in 1960—

**Hon. A. F. Lawrence:** It was the only time in this House I saw the elder Nixon come awake.

**Mr. Singer:** In 1960 the government said that it thought what it was doing then was going to be effective. Mr. Frost said, for instance:

> May I point out to the hon. member that if we wait until January or February—

He was accusing the opposition of filibustering.

> —there may be some poor soul come up the day after tomorrow. We want to give this royal assent or he would have to go to the cooler over Christmastime.

**Mr. Nixon:** In a great hurry, they were then.

**Mr. Singer:** Mr. Frost said:

> It is a very harsh sentence to do what the hon. member is suggesting.

The hon. member was suggesting details.

> I suggest we get on with this.

Later on, Mr. Frost said:

> I suggest the opposition have succeeded in talking out or filibustering this great humanitarian measure.

**Hon. A. F. Lawrence:** Their tactics have not changed today.

**Mr. Singer:** Mr. Frost said:

> I would say the opposition have won their point. They have talked out this great humanitarian measure. The poor fellow will have to go to jail.

I would have thought, Mr. Speaker, as Mr. Frost declaimed the terrible tactics of the opposition in that day—finally he did get his bill through—I think he got it through in time for Christmas and he kept somebody out of jail, I do not know whom. The subject—

**Mr. Nixon:** Probably his grandmother!

**Mr. Singer:** —would have been dealt with amply and satisfactorily. Then, as now, the bill was nothing more than a dream. There were no facilities mentioned and there was no practical effect that came out of that bill. Unless the minister is prepared to indicate to us, in a better way than these two meagre sections that he has here the extent of the implementation, I do not think we have any more reason to hope that the pious words of Mr. Frost in 1960 are going to have any more effect than the pious words of the minister in 1971.

**Mr. Nixon:** He has been feeling guilty about this for 11 years.

**Mr. Singer:** I would have been much more impressed if the government, with flags flowing and cymbals clanging and drums beating—

**Hon. A. F. Lawrence:** What flowing?

**Mr. Nixon:** Booze flowing and flags blowing!

**Hon. A. F. Lawrence:** The Liquor Control Board—

**Mr. Singer:** –had said, "not only are we going to embark on this kind of a scheme but we are prepared now to tell you what the timetable is. We have so many dollars available to start building these detoxification centres and within a foreseeable time, perhaps by Christmas, we will be able to keep them out of jail by Christmas; perhaps by Christmas we will be able to keep the odd chronic alcoholics out of jail."

Voting against this statute is going to be voting against motherhood; so we are going to vote in favour of it because we believe it is a good sentiment.

**Mr. Nixon:** I am not in favour of motherhood on all occasions.

**Mr. Singer:** But you must forgive me, sir, if I express a great deal of scepticism about the government action. I do not think we have any more reason to believe that what it brings before us here as Bill 101 is any more meaningful than what it brought before us 11 years ago. I have no reason to believe that the empty words that flowed from the mouth of the member for St. George at that time have any more meaning today than they did then. I do not think so, unless the government is seriously prepared to embark on a timed programme of building detoxification centres, setting money to do this, and doing it immediately; and binding themselves if they can bind themselves–they change their minds so frequently one never knows whether they are going to live by yesterday's commitment or today's or even tomorrow's–binding themselves if at all possible to getting this programme under way in the foreseeable future.

With those very substantial reservations, Mr. Speaker, I shall vote for this bill and I presume that my colleagues will as well. But I would like to hear from the minister why the bill is going to be more meaningful today than the one he talked about so loudly and so emptily in 1960.

**Mr. Nixon:** Hear, hear!

**Mr. Speaker:** The hon. member for Middlesex South.

**Mr. Bolton:** Mr. Speaker, as my colleague from Riverdale has indicated, we will support this bill in second reading.

During my days as a professor of pastoral theology, one of my jobs was to conduct seminars in alcoholicism and related problems. I used to require my students to attend magistrate's court to see how the chronic drunk was dealt with by the court. They found that on occasions these people milled through at the rate of one and one-half minutes per prisoner. They came back from that experience with the realization that a great indignity was imposed, not only on the prisoner but on the magistrate.

**Hon. E. Dunlop** (Minister without Portfolio): An accused person.

**Mr. Bolton:** We welcome this change in attitude. The drunk tank has no merit. The swinging door has been opposed for years and years by people in our field of alcohol studies. What is now going on here in Ontario has been happening in many places on this continent and abroad–an attempt to deal with these offenders as people who have a problem, a problem that cannot be resolved merely by imprisonment.

I have a friend in Alcoholics Anonymous who was in prison 43 times before he got the message. He did not get the message from the court either, ultimately.

I still have a few questions to ask, although I thoroughly applaud the intent of this bill as do my colleagues. There are still some questions to be resolved in terms of principle.

For instance, subsection 2 of section 1, "The Lieutenant-Governor-in-Council may by regulation, designate any public hospital as a detoxification centre." Now when I ask this question, I want to emphasize the fact that I believe a hospital is the best place, because many of these men do need proper medical attention. But also, I suggest there are other possible detoxification centres that are not public hospitals, for it is only five per cent of these men who need medical attention.

Is it possible for consideration to be given to a suggestion that any other suitably managed institution might be declared a detoxification centre? There are areas in other jurisdictions that are handled by alcohol experts, that are not classified as public hospitals. I suggest that some thought should be given to designating those as being proper detoxification centres.

I believe that during my temporary absence my colleague from Riverdale referred to subsection 4, which disturbs me also, in that same section. It is possible, certainly unintentionally, for a doctor in treating an alcoholic patient to give him an incorrect injection of this, that or the other drug. There

should be no advance protection for the doctor against the normal liability proceedings that occur when a doctor makes a mistake. This subsection 4 is a little too broad and too general in its application.

Another question I would like to ask is the identification of a person as a problem drinker who will benefit from detoxification rather than imprisonment. If the policeman is to make this decision, he will require some specific training to make this sort of judgement. I think that should be considered as one of the correlated matters of this Act.

Also, I would like to know whether or not arrest leading to transfer to a detoxification centre will become a matter of police or court record. If it is not a matter of court record or police record, how are we going to get over the distinction between the man who is arrested in the lush area of Middlesex where we qualify for detoxification centres, and the man picked up in some other area where such centres do not exist? In the one case imprisonment—the drunk tank, magistrates court, the whole swinging door cycle. In the other case—detoxification, no record, what seems to be the preferential treatment.

I recognize that the minister has already told us that this is an introduction, and ultimately these benefits will flow throughout the whole province. Meanwhile, I would like to know what protection is being made for avoiding the distinction in record between the man arrested in an area where there is no detoxification centre and a place where there is one? With these comments I say we will support this bill in second reading.

**Mr. D. Jackson** (Timiskaming): Mr. Speaker, in rising to speak to this bill I back up my colleague in saying that we will support the bill as we have, for many years, felt that the situation of being drunk should be taken out of the courts and put into such a centre. However, I am somewhat bothered by the minister's answer to the questions I asked earlier in the question period today when I asked how the law would be applied evenly across the province.

My colleague has already mentioned to a certain extent what I have felt ever since the bill was introduced. What happens in an area such as Kirkland Lake? What happens in an area such as Timmins where we do not qualify for a detoxification centre? In this case do we end up with our people in remote areas going to jail, and a man who happens to live in Toronto or in one of the other areas where they do qualify for a centre receives the necessary treatment to put him back on his feet and to rehabilitate him?

I feel that it is an uneven application of the law and should not be allowed. Surely the answer to that then is the minister declaring a moratorium on charges against such persons who can benefit from rehabilitation; that if we are going to provide it then we should make provisions now to provide it, and not to continue punishment for one person and provisions for rehabilitation of another person.

The minister's statement that my suggestion was ridiculous I just do not accept. I think it can be done. Maybe the mechanics will take a little bit of time to work out, but surely it makes good commonsense that one man is not punished for something when another man is aided to overcome his problem?

If we look back in history, Mr. Speaker, we find that the offence of alcoholism, or alcohol infractions, bears much more heavily on the person who happens to be in the low income group, and much more heavily on those on the bottom end of the ladder; those persons who sometimes do not have a place to stay; who live in rooming houses; who live in hotels. They are much more under the scrutiny of the police. They are much more in the public eye.

In most cases, their drinking and their infraction of the law takes place in an area or a place where the police can see them doing it, and it brings them into the courts much more often. At the same time, a person in our walk of life who also might have an alcoholic problem is free to go his own merry way because he does his drinking in private; in a private club; in his own home because he can afford to buy a bottle and take it home; or in other premises where he is not under the scrutiny of the police. So he does not face the law in the same way that the man in the low income area faces it. He is not charged because he is never caught.

So we have then an uneven application of the law. Now with this new Act the minister is going to add to that discriminatory situation. He is not only going to take those persons in the low income group who are in the eye of the law and charged much more often than the others, but he is going to split them into two groups; one person who he is going aid and assist to rehabitate himself, and the other person who is going to still come under the scrutiny of the law

and end up in the courts—as my colleague says "through the revolving door." Why?

**Hon. A. F. Lawrence:** He said the swinging door.

**Mr. Jackson:** Well, what is the difference? Swinging door, revolving door—the man still ends up back in the same—

**Hon. A. F. Lawrence:** The swinging door concept here is a little bit more pertinent. I think it is a better phrase.

**Mr. Jackson:** Well, maybe it is to the minister, but it surely does not swing too often for most of them. It ends up that they still end up with a 30-day sentence in the local tank, without the opportunity for rehabilitation. If we accept the fact that these people are sick, that we can do something to help them, then surely we have to apply that law and our assistance across the board on an even scale.

I just do not accept the minister's statement that it is ridiculous to say that we can do it and that we can possibly put forth a moratorium on arrests and convictions under the specific offences that occurred.

If the Speaker will bear with me for a moment, I have several questions I would like answered by the minister. I will place those questions now and hope that he will answer them in his remarks following my presentation.

First of all, will a person arrested in an area which does not qualify for a centre be able himself to elect for commitment to such a centre, even though that centre does not exist in his own area? Or will he, as before, be committed for trial and possibly end up with a sentence of 30 days or a fine? Is he going to continue being drunk in a public place as an offence under the law, when we already recognize alcoholism as a social problem and a social illness?

I think the pertinent question at this moment is what is going to happen in the isolated areas of Ontario that have no hope of ever having a detoxification centre? Are the people in those areas to continue to be persecuted under the law? And I say "persecuted" because they have been up until this point. Are they going to continue to receive the treatment they now receive or will they have access to these detoxification centres, even if it means that the province will have to put up the funds and the transportation in order to get them to the closest centre?

Mr. Speaker, in the interim report of the interdepartmental committee of chronic drunkenness offenders, a recommendation is made in section 4, which says:

> A person taken to a detoxification centre under subsection 3 may be detained, examined and treated therein until
>
> (a) the person has recovered sufficient capacity to remove himself without danger to himself or others, or causing a nuisance, and
>
> (b) a person capable of doing so, undertakes care of the person in custody upon his release.

Would he minister tell me why that section was not included in the bill?

Once again, Mr. Speaker, in closing, I just say to the minister to take into consideration that we have had a selective discrimination in the law in the past. Surely he is not going to perpetuate that discrimination, and further extend it by breaking that group of people in the low-income brackets who are more likely to run afoul of the law for liquor offences into two groups and further discriminate against one group? Thank you.

**Mr. Speaker:** Is there any other member who wishes to speak to this bill before the minister?

**Hon. A. F. Lawrence:** Mr. Speaker, I welcome the support of all of the parties and all of the members in the House.

The hon. member for Riverdale referred to the protection clause, which is the new subsection 4 of 106A, dealt with in section 1 of the new Act. As I understand his comment, he feels that the protection clause is too wide. Well certainly I am willing to take a look at that.

Certainly there was no intent, as I understand it, to remove an action for medical negligence or medical malpractice in the matter and I would be glad to take a look at that. I am sure the hon. member is aware of the reason for the protection clause, it is that these detoxification centres, out of Toronto anyway, will certainly not have all the facilities of a general hospital.

The protection we feel in that clause, or in the eyes of the draftsmen of the clause in any event, the protection there is restricted to the treatment in the detoxification centre by the medical staff, medical attendants who will be there. They will be dealing only under

this Act which does restrict it to the detoxification centre itself, and the only people who will be in there will be, in the initial instance anyway, the people who are brought in by the police.

I am sure I do not have to paint a graphic picture for the hon. members of the House. This can be visualized. A drunk in the custody of the police, probably belligerent, is an extraordinary problem in a hospital, perhaps even a new one for the medical profession. And it is the medical profession and the hospital people themselves that we want to encourage in this particular field. We do not think it is too wide but in any event I will be glad to take a look at the matter and if necessary, on third reading, we can bring in an amendment if the House agrees that it need not go to committee.

The hon. member for Downsview, for want of anything better to do this afternoon, I guess, has to dig up old Hansards.

**Mr. Ferrier:** He is pretty adept at that.

**Mr. Pilkey:** You are not immune to that are you?

**Mr. Singer:** I thought Mr. Frost was always a good fellow to quote in this House, or even the hon. member for St. George.

**Hon. A. F. Lawrence:** Well, back in the Ontario Legislature in December 15, 1960, we were discussing Bill 9 introduced by Mr. Roberts, An Act to amend The Liquor Control Act—I have a copy of the bill right here. All the way through, as far as the government spokesmen were concerned—it is interesting to see that the then Minister of Health (Mr. Dymond) got into the act; it is interesting to see that a gentleman by the name of Wintermeyer got into the act; and somebody by the name of Singer got into the act—but all the way through, as far as the government spokesmen were concerned, this was referred to as a first step. And it was a first step.

**Mr. Singer:** Yes, in 1960 it certainly was a first step.

**Hon. A. F. Lawrence:** Because as a result of that amendment in those days, there was authority given to organizations such as the Salvation Army, and other charitable groups, other community minded citizens—

**Mr. Singer:** Did they ever get that fellow out of jail over Christmas?

**Hon. A. F. Lawrence:** —and as well it empowered the then Alcoholism and Drug Research Foundation—I think that was the name then, in any event it has now been changed—it empowered, at that time, the police to take drunks, habitual drunks, to clinics of that nature. And it empowered that particular foundation as well to add into their experience and expertise, facts which only now we are being able to utilize. I can always remember the total ignorance then—

**Mr. Singer:** Oh yes?

**Hon. A. F. Lawrence:** —of the hon. member for Downsview because of the discussion sparked in the House by me—

**Mr. Singer:** Here he is, foot in mouth again.

**Hon. A. F. Lawrence:** —started revolving around the Alex Brown memorial clinic, and the hon. gentleman had not even heard of it, even though at the time he was posing as the expert in alcoholism in this House.

**Mr. Singer:** I was intrigued by your explanation, I remember that.

**Hon. A. F. Lawrence:** But in any event, I remember the debate fairly well, because I felt then, and I feel now, that government has to move more strongly into this field, and just one of the segments of my speech in the Legislature on December 15, 1960 was this:

> I think the alcoholic problem today in this country is large. I only hope and pray I am to be around here to see that work being undertaken in the way it should be undertaken.

That was in 1960.

**Mr. Singer:** Now 11 years later?

**Hon. A. F. Lawrence:** I now find I am in a position of authority in this government and this Legislature to do something about it, and I am extremely proud of this bill today, because we are doing something about it.

The hon. member for Middlesex South indicates that in his view—he made a number of points—our reference to a detoxification centre as meaning a public hospital as designated under section 2 is too limiting, too restrictive in scope. I must say to him our hope is that after this plan gets implemented and starts rolling, that it will require further refinements and further enactments at that time, and I agree with him.

But initially we do want to encourage the trustees, or the board of governors, or what

have you of the small community hospitals to get involved in this, to come into the picture. Obviously even that five per cent of the people who are picked up, which the addiction foundation estimates are the people who require intensive care initially in any event, should go to a detoxification centre. And because of that five per cent, we feel that the intensive care that they require can be given in only one place outside of Metropolitan Toronto, and that is the local general public hospital. That is the reason why it is in there.

I agree with him that as time goes on and as we start amending the Act and as we start bringing in further legislative enactments, because this is not a programme that unfortunately can be done at the snap of any minister's fingers and be brought about just like that, this is a long range programme—

**Mr. Singer:** Sure is. Eleven years for the second step.

**Hon. A. F. Lawrence:** —and public hospitals have to be involved. Therefore, that is the reason for it being in there.

One of the problems touched upon by the hon. member was the question of police training. Certainly there has got to be an educational programme which now we will be able to undertake as a result of this legislation. There are many more facets of it which require preparatory work being done before the programme can be implemented as well.

I was not too sure I got the full import of this argument respecting the police record respecting arrests. A person taken to a detoxification centre will not be arrested. The charge will not be laid if he is taken to the detoxification centre. Therefore, there is no question of the record there, other than a medical record being kept. But it will not be a police record.

The hon. member for Timiskaming talked again about discrimination. I question whether he has even read the report. All the way through his short address I failed to grasp any constructive proposal in respect of it. I feel if he did read it, he simply does not understand it.

We feel that this measure is a good one and it has come about as a result of very intensive work being taken by the group. We are following their recommendations right down the line, with one major exception which I will refer to, but certainly implicit in the recommendations of the interdepartment committee. Recommendation no. 1:

> The offence of being intoxicated in a public place should be retained in The Liquor Control Act until alternative means of taking care of public inebriates are developed throughout Ontario.

My point is simply that it is not possible to develop the programme immediately throughout Ontario. It would be a great thing if we could, if we had the money and if we had the means.

In the meantime, anyone in my position—and I would imagine anyone even in the position of the hon. member—has to realize that the purpose of the offence being in the statutes in the first place was not necessarily to protect that individual but to protect society at large from the common drunk who can do a great deal of harm.

Now my hope is that eventually that charge will be removed from the statute book. That is the purpose of the exercise we are now engaged in. In the meantime until the facilities are available throughout Ontario, there is simply no way that that can be removed.

Discrimination? I suppose there is discrimination; but in effect what the hon. member is asking me, Mr. Speaker, is where there is no centre why can he not be taken to a centre? Well, obviously because there is not one. As time goes on, we hope that everywhere, where there is a public hospital and the need for medical services at the level of a public hospital, there will be means by which these people can be treated. That is our hope; and when that day comes the charge can then safely be removed, we hope. But certainly not in the interval.

The other matter that he referred to was why have we not followed the recommendation that a drunk be incarcerated in a compulsory way, mandatory incarceration, for 24 hours?

This is the one area where we have deviated from the recommendation and the reason for this is simple. We believe that anyone who is incarcerated at all, for any period of time, against his will, should have to go through the court machinery because of it.

There should be a hearing. There should be a court procedure and therefore we have deviated from that recommendation in the interim report that a person should be held even beyond his own wishes and his own desires for the 24-hour period.

Other than that, we look forward to the passage of the bill. I do appreciate, because it is a worthwhile step, the support of all of the members of the House.

**Mr. Ferrier:** I wonder, Mr. Speaker, if the minister would accept a question of clarification?

**Hon. A. F. Lawrence:** If the understanding is it is not going to committee, fine. If it is going to committee, we can deal with it then.

**Mr. J. Renwick:** Put it to the committee.

**Hon. A. F. Lawrence:** All right.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading? To Committee of the Whole House? Agreed.

**Hon. Mr. Wishart:** Mr. Speaker, it is very close to the hour of 6 o'clock and I might launch upon another bill. I would call order 26.

## CORPORATION TAX ACT

Hon. Mr. Winkler moves second reading of Bill 111, An Act to amend The Corporations Tax Act.

**Mr. Nixon:** Mr. Speaker, the bill deals a bit further with the principle put forward, at least in part, by the budget of the provincial Treasurer (Mr. McKeough). There have been some problems associated with the implementation of the programme. This simply means that the purchase would have been made at an earlier time under some circumstances.

It might be useful if the minister in responding to the bill, which is a very short one and with a principle that I think is a very acceptable one, can indicate to the House just how his programme is working, and if in fact this change will make it more effective. It is doubtful—if indeed the main aim of the concept is in fact making more jobs or putting a spur to the expansion of the economic activity of the province.

**Mr. Speaker:** The hon. member for Riverdale. Will the member for Riverdale be very long?

**Mr. J. Renwick:** No, Mr. Speaker, I will not. We support the principle of the bill. We assume that for practical purposes it is a technical amendment to cover a particular gap which appeared in the draftsmanship of the provisions relating to the proposed benefit that the corporations would receive for this purpose.

**Mr. Speaker:** Is there any other member who wishes to speak? The member for York Centre?

**Mr. Deacon:** I am sorry, Mr. Speaker, that this bill does not include the question of restricting the assistance to corporations which are controlled in Canada.

**Mr. Speaker:** Any other member? The minister has the floor.

**Hon. E. A. Winkler** (Minister of Revenue): Mr. Speaker, I too will be brief.

I appreciate what has been said. In regard to the comments of the Leader of the Opposition, unquestionably the reason for this amendment is because of the reasons expressed by the member for Riverdale.

The reaction to the proposal, in my opinion again—and it is one of those very difficult things for me to detail at this particular time, because in the final analysis we cannot say how many of them will be implemented—but the requests that are coming to us are very substantial and that is the only gauge that we have.

I can assure the Leader of the Opposition that in my humble opinion the requests that have come to us and the reason for this minor change—as the member for Riverdale has said, it is a technical one—is a technical one that is indeed very worthwhile. Because we have found in requests for the application of funds, which we expect in the final analysis will be approved that firms are buying productive machinery to assemble other parts of their plant and it may in fact not be used in the very year in which it is purchased.

We can see two or three large programmes where we have suggested if we put this amendment through the House they will indeed be eligible under the programme that they are presenting to us. Consequently—

**Mr. Nixon:** Well they are using our money; but are they producing new jobs?

**Hon. Mr. Winkler:** Yes, in each and every case.

I think that in the fall when the first requests come for payment, we will be able to show the Leader of the Opposition that it has meant indeed a fantastic number of jobs.

There is one company, which I cannot mention because I do not want to prejudice the application it will make, that is using every cent of its reserves for the expansion of its programme which in each and every part of this province will mean jobs.

This is the sort of a programme we wanted, that is the reception it is getting and that is the reason for this amendment.

I do not know whether I have satisfied him or not. I simply will say to the member for Riverdale he is absolutely correct. It is the reason for the change, and I appreciate the very brief time we have had to spend on the amendment.

**Mr. Speaker:** The motion is for second reading of Bill 111. Is it the pleasure of the House that the motion carry?

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Agreed.

**Mr. Speaker:** It be 6 of the clock, I do—

**Hon. Mr. Wishart:** Mr. Speaker, just before you let the House rise, if you will permit me to say to the members that I would expect to return to Committee of the Whole House after the dinner hour and then, after we have done some committee work, go on to the estimates of the Attorney General.

**Mr. Speaker:** Perhaps then we might move into Committee of the Whole House.

**Hon. Mr. Wishart:** Yes, that might be worthwhile.

**Clerk of the House:** Order no. 4, House in Committee of the Whole House; Mr. A. E. Reuter in the chair.

It being 6 o'clock, p.m., the House took recess.

# CONTENTS


**Tuesday, July 13, 1971**

**Changes in egg marketing procedure to curtail production, questions to Mr. Stewart,** Mr. Nixon, Mr. MacDonald ..... 3865

**Using 25-10 formula non-Canadian investment,** statement by Mr. Davis ..... 3868

**Foreign ownership of investment community, questions to Mr. Davis,** Mr. Nixon, Mr. Lewis, Mr. J. Renwick, Mr. Singer ..... 3868

**Contract to White River Air Services, questions to Mr. Davis,** Mr. Nixon, Mr. Ferrier, Mr. Singer, Mr. Jackson, Mr. Sargent, Mr. Makarchuk, Mr. Lewis ..... 3870

**Closing of nursing school associated with Whitby Psychiatric Hospital, questions to Mr. A. B. R. Lawrence,** Mr. Lewis, Mr. Shulman ..... 3873

**Application of Employment Standards Act to de Havilland layoffs, questions to Mr. Carton,** Mr. Lewis, Mr. MacDonald ..... 3874

**Agenda for provincial premiers' conference in Victoria in August, question to Mr. Davis,** Mr. Lewis ..... 3875

**Report of task force of U.S. Atomic Energy Commission re cooling systems, questions to Mr. Kerr,** Mr. Sargent ..... 3875

**Possibility of arrested person committing himself to detoxification centre, question to Mr. A. F. Lawrence,** Mr. Jackson ..... 3876

**Investigation into works staff complaints at Freedland Industries, Kingsville, question to Mr. Carton,** Mr. Paterson ..... 3876

**Election Act, 1968-1969,** bill to amend, Mr. Dunlop, first reading ..... 3877

**Legislative Assembly Act,** bill to amend, Mr. Dunlop, first reading ..... 3878

**Secondary Schools and Boards of Education Act,** bill to amend, Mr. Welch, second reading ..... 3879

**Maternity Boarding Houses Act,** bill to repeal, Mr. A. B. R. Lawrence, second reading 3881

**Children's Boarding Homes Act,** bill to amend, Mr. Wells, second reading ..... 3881

**Family Benefits Act, 1966,** bill to amend, Mr. Wells, second reading ..... 3883

**Day Nurseries Act, 1966,** bill to amend, Mr. Wells, second reading ..... 3884

**Secondary Schools and Boards of Education Act,** bill to amend, Mr. Welch, second reading ..... 3887

**Public Schools Act,** bill to amend, Mr. Welch, second reading ..... 3892

**Department of Education Act,** bill to amend, Mr. Welch, second reading ..... 3894

**Schools Administration Act,** bill to amend, Mr. Welch, second reading ..... 3899

**Separate Schools Act,** bill to amend, Mr. Welch, second reading ..... 3904

**Liquor Control Act,** bill to amend, Mr. A. F. Lawrence, second reading ..... 3904

**Corporations Tax Act,** bill to amend, Mr. Winkler, second reading ..... 3912

**Recess,** 6 o'clock, p.m. ..... 3913

No. 95

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

Fourth Session of the Twenty-Eighth Legislature

## Tuesday, July 13, 1971

**Evening Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

5

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO



The House resumed at 8 o'clock, p.m.

House in committee on Bill 56, The Civil Rights Statute Law Amendment Act, 1971.

## CIVIL RIGHTS STATUTE LAW AMENDMENT ACT, 1971
*(continued)*

**Hon. A. F. Lawrence** (Minister of Justice): I think this afternoon we were up to and including section 44?

**Mr. Chairman:** Up to section 44 carried.

Section 45. The hon. member for Riverdale.

**Mr. M. Gaunt** (Huron-Bruce): They call him dependable Jim.

**Mr. J. Renwick** (Riverdale): I think your leader (Mr. Nixon) has been calling me something other than dependable.

Mr. Chairman, in clause 45 I do not intend to move any amendments, but I want to draw to the minister's attention, meticulous as the consideration has been to various clauses amending particular statutes, there are still very obvious examples of matters which have not been dealt with.

I make what few comments I have to make in the hope that when it is gone through again with a fine tooth comb some of the good ideas would be carried through into areas where they have been omitted.

For example, Mr. Chairman, in clause 45, which deals with the homes for retarded persons, there is provision for various approvals to be given. Then there is a power given to the minister to suspend, or the Lieutenant-Governor-in-Council to revoke, on the recommendation of the minister. And along in the last subclause 6 of what proposed change, there is a reference to the effect that the minister may by notice suspend an approval given under the Act, "where the continuation of operations in accordance with the approval is, in the minister's opinion, an immediate threat to the public interest."

The words, "public interest," are used in their very broad sense, whereas if the minister will refer to other areas of the bill, and the one that I happen to notice would indicate that later on in the proposed amendments to The Lakes and Rivers Improvement Act, one of the improvements which was made in those sections was to change the words, "public interest," into something more specific. For example, on page 132, toward the bottom of the page instead of "where in the opinion of the minister the making of an order is in the public interest," it has been enlarged to provide the specific of it, for example "is immediately necessary for the protection of persons from injury or property from damage or for the public safety."

The point I make is that the general intent throughout these amending provisions, to give a more specific content to the words, "public interest," I think could be carried out in this particular clause of the bill.

The second point I would make on the same clause is that, as does appear in a number of other clauses where there is to be a hearing from the decision of the minister, in many cases the person appointed to conduct the hearing is appointed by the minister. Again, I do not necessarily know what the alternative is, and it does not necessarily detract from the impartiality of the person to be appointed. But there is a certain anomaly that where the minister has made a decision that he should be the one who appoints the person who conducts the hearing about the minister's decision.

Those are the two comments I make on clause 45 of the bill.

**Mr. Chairman:** Does clause 45 stand as part of the bill then?

Agreed.

Any comments, questions or amendments on any other section?

**Mr. J. Renwick:** I have a question about clause 46. Clause 46 is the repeal of the power of a provincial judge to commit any person over the age of 60 years to a home, that is a home for aged and rest home. I am, of course, in accord with the removal of that power of committal.

I am curious to know whether or not, in fact, at the present time there are persons in

the Province of Ontario who have been committed under that power and, if we are going to repeal that power, whether some consideration should be given to reviewing the circumstances under which persons have previously been committed to determine whether or not there is any good reason for a person to have an opportunity to have case reheard, if it has been a forcible committal, for example. I do not mean forcible in the sense of physically forcible, but forced in the sense that he was committed. It may well be that no such persons have been committed. I just do not know, and I did not know the power existed until I read the bill.

**Hon. A. F. Lawrence:** My understanding is that is a section of the Act that really has not been used and that it is completely redundant. That is why it is being repealed. But I must admit I did not think of asking the question whether the section ever had been utilized, and if so was there somebody still committed against his will or against his desire. I will find out about it.

**Mr. Chairman:** Shall 46 then stand as part of the bill?

Are there any other comments, questions or amendments to any other section of this bill and, if so, which section?

**Mr. J. Renwick:** Mr. Chairman, I think perhaps the next comment, Mr. Chairman, that I want to make is on clause 51 of the bill.

**Mr. Chairman:** Would there be anything before 51? If not, the member for Riverdale.

**Hon. A. F. Lawrence:** Have you split the bill up?

**Mr. J. Renwick:** On clause 51—

**Mr. C. G. Pilkey** (Oshawa): The hon. member is doing a good job.

**Mr. J. Renwick:** Thank you. I am sure that the minister will be delighted to know that I did not have time to complete the whole of the bill.

**Hon. A. F. Lawrence:** I was just wondering if your party had split the bill up and somebody started in one place and somebody started at another.

**Mr. J. Renwick:** I started at clause 45 and I think I got to around clause 52, so the minister is safe.

**Mr. R. F. Nixon** (Leader of the Opposition): The member for Oshawa did the rest.

**Mr. J. Renwick:** My colleague, the member for Lakeshore (Mr. Lawlor), raised the question today on Bill 54, I believe it was—either Bill 53 or Bill 54.

**Hon. A. F. Lawrence:** Persons who were what?

**Mr. J. Renwick:** Parties to a particular application. I think the member for Lakeshore felt that the language in Bill 53 was quite restrictive in the sense that it was the parties who were authorized by law to be parties, or some such restrictive language, and indicated that it should be broader in scope.

I think that clause 51 gives an indication in subclause 5 of the proposed amendment to The Lakes and Rivers Improvement Act—no, subclause 7c(2), sorry—an indication of a broader concept of how persons may have a right to become parties to a particular hearing.

For example, in that case it says:

> The minister and the person seeking the approval referred to in section 7b, or to whom the proposed order referred to therein may be directed are parties to the inquiry, but any person having a direct interest in the subject matter of the inquiry may notify the person holding the inquiry of his interest and become a party—

and so on.

All I am simply saying is that it seems to me that is perhaps a little more flexible provision with respect to persons who may assert a right and have a determination made as to whether they are persons to be parties to a proceeding.

I realize there are distinctions in the particular statutes, but I do think that at some point the minister might give consideration to enlarging the ambit of the power to name the persons who are parties contained in Bill 53, which was before us earlier today.

Similarly in subclause 5 of that clause 51—again I think it is probably just a mistake in item 2 where it states that, "in the opinion of the minister, the making of an order is immediately necessary," and so on. "The minister may make such an order without the holding of an inquiry."

Now a similar situation exists back in one of the clauses which we have passed, but in that particular case where the minister is given that emergency power, there is provision then that having made the determination it is not without a holding an inquiry,

but a provision that he may make it in the emergent situation, and then subsequently have a hearing or have the inquiry.

And I am inclined to think that it is an oversight to provide that in that kind of a situation the minister can eliminate the inquiry entirely.

I think the intention is that the minister should make whatever order is necessary and then subsequent to that, hold the inquiry. And the reference which I make is back to page 125 of the bill where there is a provision on 124 and 125 for a provisional suspension and then the holding of the hearing subsequent to the order being made by the minister.

Those are the only comments, Mr. Chairman, that I have on that particular section of the bill.

Section 51 agreed to.

**Mr. Chairman:** Are there any other comments, questions or amendments to any other section of this bill after section 51? I will give you a moment.

**Mr. J. Renwick:** Mr. Chairman, those are the only comments I am prepared to make on the bill.

It is an omnibus bill. I would suggest to the minister, if it is conceivably possible at this late date to include those amendments by a special Act in the actual revised statutes it would save us in the future a great deal of trouble. It may be too late as a matter of printing to do it.

But to suddenly have a host of amendments to a large number of statutes immediately following the revision of the statutes of 1970, causes an unnecessary degree of difficulty for those who have to use the statutes regularly.

**Hon. A. F. Lawrence:** It is my hope as well that it will be in the revised statutes. And in respect of these individual items, too, there will be continuing legislation for the next two sessions at least, as we bring other matters into line with the Statutory Powers bill, so that it will be a continuing discussion in this House for a few years to come in respect of all of these matters. But my hope is that these amendments will be in the revised statutes.

No? I am told now that they will not be.

**Mr. J. Renwick:** It is just too late to have them in the revised statutes.

**Hon. A. F. Lawrence:** It is too late.

**Mr. J. Renwick:** Would it perhaps be possible, just as a suggestion, that, even as sort of a single slim volume to go with the revised statutes, they be included rather than be stuck within the annual statutes for the year?

**Hon. A. F. Lawrence:** Believe me, I am as concerned as the hon. member is about that, and we will work out some arrangement, so that will be some consolation.

**Mr. Nixon:** They could be printed in blue and distributed specially.

Bill 56 reported.

## COMPENSATION FOR VICTIMS OF CRIME ACT

House in committee on Bill 63, The Compensation for Victims of Crime Act, 1971.

**Mr. Chairman:** Bill 63. Are there any comments, questions or amendments to this bill?

I note there are 32 sections. Are there any comments on the first 10? If so, which ones?

The member for Lakeshore.

**Mr. P. D. Lawlor** (Lakeshore): The bill—by the way, I am sure this is of overwhelming interest to you, Mr. Chairman, will send you into a state of delectation or quasi-ecstasy—was never discussed in second reading by way of principle. It shows how overwhelmed the opposition was. So we hope, with your kind indulgence, to make up a little for that deficiency. In any event, I am interested in section 5.

**Mr. Chairman:** Is there anything before section 5? If not, the member for Lakeshore.

**Mr. Lawlor:** The bill, in section 5—and I want to be quite clear about it. The minister says in the headnote to the legislation which does not go around but along to those who administer the bill, that the injuries covered are those inflicted by the commission of a crime under The Criminal Code of Canada and offences under the provincial and other federal statutes are excluded.

Does the legislation, as it presently stands, so exclude the offences? I mean, he goes to the trouble of saying, unlike your previous statutes—and by the way, there is considerable revamping, within section 5, of the range of your authority—what exactly the powers are, what it is that you are compensating for.

In the previous legislation, which this is rephrasing, under section 3, it was injury or death by any act or omission of any other person occurred in and resulting directly from assisting a police officer as defined in The Criminal Code. That is the way, basically, you brought The Criminal Code into operation, as confining the areas or the perimeter within which you operated and the same thing is intended here.

The minister does go out beyond that. It puzzles me a little bit that. He uses the *ejusdem generis* concept perhaps in mentioning poisoning, arson and criminal negligence and offences under section 86 of the Code.

Then he says, "but not including an offence involving the use and operation of a motor vehicle." Of course, there are many offences involved within the gambit of The Criminal Code touching motor vehicles from criminal negligence, which he has included, the ability impaired and the drunken drivings and the use of vehicles as assault weapons. But he has excluded, again, and brought within the ambit of this statute, other than assault by means of a motor vehicle.

It is extremely broadening, it seems to me, but nevertheless, the minister has not, in so many words or explicitly, done what he said he's doing on his headnote—or does he think that he has, and why? That is my first question.

Then there are further adumbrations in section 5 giving far greater powers, where it is certainly no longer assisting a police officer. Although, as the minister mentioned to me, the compensation awards that have been made by the board involved here have gone way beyond confining themselves within that corner—have tried to at least, straining against the text of his previous legislation.

This is wholly beneficial and benign legislation, particularly in its broadening of powers and the recognition in the society of the numerous people who are injured, killed or badly distressed by criminal activity and who are wholly innocent and suffer the consequences of living in the society and under these conditions.

It puzzled me, when I read the June 11 Hansard, that the full import of the legislation was not drawn out by the hon. minister. He is far more concerned with the nuts and bolts of the legislation, pointing out the increase in the membership of the board for the hearings of claims. But, of course, with this wide jurisdiction I suppose there is going to be considerably greater volume than we presently experience in this particular area because of the legitimacy of the new range of claims.

Under this head—this is my second question—can the minister give this House any indication of what the projected costs are going to be, what the outlay is likely to be as a result of the wider powers conferred through this statute?

Apart from that, the minister points out that it raises the maximum lump sum award that the board can grant and provides for agreement with the government of Canada respecting contribution to the cost of compensation and other matters. That is an interesting point in the legislation, and my third question then is to what extent, and what are the arrangements with the government of Canada? No doubt we should perhaps raise it under another section, but I want to capsulate most of what I have to say under this broad section. So to what extent have we got the compensation and what are our working arrangements with the federal government under this head?

Then, why would the federal government participate with us in this scheme of compensations? Surely it is something very peculiarly within the ambit of provincial authority, and the mere fact that The Criminal Code happens to be the index of the awards should be neither here nor there, it seems to me, so far as the federal authorities are concerned. I am glad they are participating, of course; the greater the range of co-operation, the better, but it puzzles me since the minister is always pointing out how intransigent about practically every other subject they are. This is opening up a new—well, a small sluice gate—to expenditure of funds in which the federal government, one would think, would be somewhat shy.

However, all to the good and I commend the minister on enlarging this legislation. The Compensation for Victims of Crimes Act is an embodying of the recommendations contained at 8.45 to 8.47 in volume 2 of McRuer, and even goes a little beyond it. Thank you, Mr. Chairman.

**Mr. Chairman:** The member for Humber.

**Mr. G. Ben** (Humber): Mr. Chairman, is this on a particular section?

**Mr. Chairman:** On the same section.

**Hon. A. F. Lawrence:** Would it be easier for the House if I replied—I have a poor memory—to the individual points as they are

made or do you want me to wait until the end?

**Mr. J. Renwick:** No, reply.

**Hon. A. F. Lawrence:** Well—

**Mr. J. E. Stokes** (Thunder Bay): He has forgotten already.

**Hon. A. F. Lawrence:** I have forgotten already.

This bill, as distinct from the existing bill, really was designed to meet some of the terms of the uniform Act developed by the conference of commissioners of uniformity. The bill has been broadened in some places, restricted in others, but we feel that the principles are relatively the same and it is really just as simple as that.

We wanted to indicate more clearly than we thought the previous bill did, that compensation should be restricted to the victims of crimes of personal violence. Section 5(a) is a rewording to give effect to that theory. In the UK, for instance, the wording of the scheme—scheme is what they call it there—was changed to require the applicant to show that his injuries were directly attributable to a crime of violence. We feel that we have made this easier than the UK Act. It follows the uniform Act that way and yet we wanted to make it clear that the purpose, the theory, the underlying principle of the legislation was that it should cover victims who suffered injuries as a result of a criminal offence.

The other point made was in respect of the federal government. We really have not had any direct discussions at all with the government of Canada in respect of this, but the government of Canada has evidenced an interest to bring forward, or at least start negotiations, with some of the other provinces in this field, and we feel that by golly, if they are going to help the other provinces, they are going to help us.

The government of Canada—and I am not trying to prejudice it at all; I think it a very worthy effort on their part that they want legislation in the other provinces to follow what we are doing here. They have evidenced an interest in having "victims of crime" legislation enacted in all of the provinces to the extent that the federal authority may be willing to pay some or all of the costs of such legislation in the other provinces. Therefore we want to have the necessary legislation out of this House to enable us to receive the same consideration from the federal people that they may be willing to advance to other provinces. It is as simple as that.

I think those are the two points referred to.

**Mr. Chairman:** The member for Humber.

**Mr. Ben:** Mr. Chairman, I thought in listening to the hon. member for Lakeshore that he would continue in his criticism of section 5 by pointing out the iniquities that exist in paragraph (b) of section 5. Section 5(b) reads that:

> A person is entitled to compensation if he is lawfully arresting or attempting to arrest an offender or suspected offender for an offence against a person other than the applicant or his dependant or against such person's property where assisting a peace officer in the execution of his lawful enforcement duties.

My objection to that clause as written, Mr. Chairman, is the inclusion of the words: "other than the applicant or his dependant or against such person's property."

Mr. Chairman, the minister perhaps may have thought that such a deletion might permit some abuse of the provisions of this side. However, it seems to me inconsistent that if a child is molested by a person with perverted tendencies, the child as a victim can receive compensation from the fund. But if a parent should spot this breach of the law, this offence against The Criminal Code, taking place, and then give chase to the offender in order to arrest him and bring him to justice, and in so doing is injured by the offender, perhaps hit over the head with a baseball bat or an iron bar and ends up in the hospital, then under those circumstances he may be precluded from collecting compensation, because what he is doing is lawfully arresting or attempting to arrest an offender who has been in breach of The Criminal Code.

Now the same reasoning could apply to a person's wife. For example if he sees his wife raped and he pursues the miscreant, the person who has raped his wife, and struggles with him in an attempt to arrest him, and becomes injured, since he is not—

**Hon. A. F. Lawrence:** May I just interrupt for a moment then? Would not the wife, or would not the dependant child have a claim in respect of subsection (a)?

**Mr. Ben:** Yes.

**Hon. A. F. Lawrence:** And that could include—My understanding is the board would feel that the damages claimed there could also then include the damages to the husband/father, as the case may be.

**Mr. Ben:** No, I submit not, Mr. Chairman, and I would caution the minister to take care here, because he may recall that at the time the original Act was passed we pointed out to his predecessor—

**Hon. A. F. Lawrence:** Well, that was very restrictive though.

**Mr. Ben:** All right. But we pointed out an obvious loophole in it, and lo and behold, that loophole came to plague the minister's predecessor and it had to be closed. Now, again I suggest to you that it cannot be brought in subsection (a), because they are two distinct acts. One is the commission of the offense, for the sake of this argument, of rape. The wife, naturally, under those circumstances, could claim compensation and would undoubtedly receive it if she could prove she suffered damages.

But the husband is not the victim of that offence. The husband became a victim to an assault when he pursued the miscreant in an attempt to capture him which, in legal parlance, means arrest him.

Now, if during the struggle that took place during this arrest the offender picked up a brick or a bar or a bat or something and struck the pursuer over the head, he could be prevented from claiming compensation because he, in essence, was arresting or trying to arrest that person. Furthermore he was trying to arrest the person for an offence committed against his dependant.

**Hon. A. F. Lawrence:** Yes, but would not the striking over the head of the father or the husband as the case maybe, also be a crime?

**Mr. Ben:** It says, if I may go back to read section 5: "Where any person is injured or killed—"

**Hon. A. F. Lawrence:** Forget section 5(b) is even there for the moment. Read 5(a). Would it not be covered?

**Mr. Ben:** No, it would not.

**Hon. A. F. Lawrence:** Why not?

**Mr. Ben:** It would not be covered because—

**Hon. A. F. Lawrence:** If he is injured?

**Mr. Ben:** Oh, yes, but was the commission of the crime of violence constituting an offence against The Criminal Code including poisoning, arson and criminal negligence—and that is under section 86?

Under those circumstances you might say that anyone engaging himself in a brawl with a third person and who is injured when the other person tries to resist what the first individual is doing is entitled to compensation.

**Hon. A. F. Lawrence:** That is the story.

**Mr. Ben:** That is not the story as it is written here. The minister was saying that if A goes and engenders a quarrel with B against B's wishes, starts tussling with him and B injures A, that A then is going to receive compensation from this fund. Is that what the minister is saying? That he is going to encourage—

**Hon. A. F. Lawrence:** If it is a criminal act, yes.

**Mr. Ben:** But the minister never determined whether it is a criminal act. What if no charges are laid against B? What if the police feel the man is acting in self-defence?

**Hon. A. F. Lawrence:** Well, if it is not a criminal act, no.

**Mr. Ben:** All right, what is the criminal—

**Hon. A. F. Lawrence:** But the two cases the member indicated would be a criminal act.

**Mr. Ben:** What would be the criminal act in the first instance? Would it not be trying to escape custody? Would not the criminal offence be trying to evade arrest?

**Hon. A. F. Lawrence:** Not necessarily.

**Mr. Ben:** What would it be then?

**Hon. A. F. Lawrence:** Mr. Chairman, if you have committed one crime, if you have committed crime A, and you are running away from crime A and I attempt to stop you, and you hit me over the head with a baseball bat, then it may well be that that crime is even more serious than crime A. In other words, you have two distinct crimes there.

**Mr. Ben:** But the only justification for my interference, or the minister's interference, with the person who is running away from crime A, is the fact that either he knows, or has reason to believe, that the person did, in

fact, commit crime A and he is trying to escape. That is the only justification the minister has for interference.

**Hon. A. F. Lawrence:** Believe me, at any time the member hits me over the head with a baseball bat, that is assault. It does not matter what the crime.

**Mr. Ben:** Then why does the minister bother to put this section in there, section (b)? Please explain to me why it is in there. It is redundant and I move that it be struck out. The minister should explain why he has it in there, if it is just the same.

**Hon. A. F. Lawrence:** Yes, because there may very well be occasions when a person believes he is attempting to lawfully arrest somebody. He may not be but he may believe that he is lawfully arresting or attempting to arrest an offender, or a suspected offender, and he is injured as a result of that. Then if he is acting in that way he is entitled to compensation.

**Mr. Ben:** Why does the minister put the limiting words or the exclusory clause in there?

**Hon. A. F. Lawrence:** Respecting dependants?

**Mr. Ben:** Respecting dependants.

**Hon. A. F. Lawrence:** Because here I think it is simply a question of policy that has been determined, that if it affects a dependant, there are questions here that—I cannot give you a specific example, although in the past they have been quoted to me—but there are cases of connivance or collusion in respect to family matters or what not, and it was thought those restrictions and limitations were necessary on the basis of the uniform Act.

**Mr. Ben:** So what the minister is suggesting is that in the remote possibility there might be some collusion, he would prevent people legitimately injured in trying to apprehend criminals from obtaining compensation, is that it?

**Hon. A. F. Lawrence:** Well, I think 5(b) and 5(c) become important—

**Mr. Ben:** They are both the same, and I am moving amendments to both of them.

**Hon. A. F. Lawrence:** In section 7(2), where those assisting police officers get a broader base for damage, really it is felt that broader base for damage is simply not appropriate where they are helping dependants.

**Mr. Ben:** Well, under those circumstances, Mr. Chairman, the minister has just put himself in deeper.

**Hon. A. F. Lawrence:** It has just been pointed out to me too, of course, that the basis is to encourage people to help others, not themselves.

**Mr. Ben:** Well, Mr. Chairman, I thought the purpose of this section was to protect people who are good citizens and try to uphold the law.

**Hon. A. F. Lawrence:** And who are trying to assist police officers.

**Mr. Ben:** The minister evidently feels that there is something exceptionally meritorious in people trying to apprehend criminals or people whom they believe have committed a crime.

**Hon. A. F. Lawrence:** Who are trying to assist police officers, yes.

**Mr. Ben:** It says: "Where the injury to a person occurred in the circumstances mentioned in clause (b) or (c) of section 5," which is lawfully arresting or attempting to arrest an offender without the assistance of a police officer—and it goes on—"or assisting a police officer in his duty." So, under the wording of section 2, one need not be assisting a police officer. As long as he is lawfully arresting or attempting to arrest an offender, he receives the special compensation.

Yet this minister completely denies compensation to a person who witnesses a crime and who tries to apprehend a criminal, if that crime was against his dependant or against a dependant's property. For example, a person could witness an arsonist trying to burn down a house, he could actually see the person trying to burn down a house, his house. If he gives chase to this person and is injured in struggling to arrest him, according to this particular section he is denied compensation.

Mr. Chairman, I move that section 5(b) be amended by striking out all the words between the word "offender" in line 2 and the word "or" in line 4. And after this I will move the same amendment to paragraph (c).

**Hon. A. F. Lawrence:** I think this has been discussed. Could we have the question?

**Mr. Chairman:** Mr. Ben moves that section 5(b) be amended by striking out all the words between the word "offender" in line 2 and the word "or" in line 4.

All those in favour of Mr. Ben's amendment will please say "aye."

Those opposed will please say "nay."

In my opinion, the "nays" have it.

I declare the amendment lost and section 5, subsection 5 carried.

**Mr. Ben:** The NDP abstained.

**Mr. Lawlor:** A very poor argument.

**Mr. Pilkey:** The member has done much better at times.

**Mr. Chairman:** Section 5 (b) is carried.

**Mr. J. Renwick:** Mr. Chairman, I had a comment I wanted to make on 5 (a).

**Mr. Chairman:** Shall we take 5(a) first then?

**Mr. J. Renwick:** My comment is probably out of ignorance, but I notice that there is a provision in clause 11 of the bill which in fact provides that if there is a conviction and no appeal, or if the time for an appeal has elapsed or the appeal has been taken, then that is conclusive evidence that the offence has been committed.

I assume that clause 5(a), where it refers to the commission of a crime, is not necessarily restricted to circumstances in which there is conclusive evidence of the crime.

**Hon. A. F. Lawrence:** Right. That is correct.

**Mr. J. Renwick:** That it is quite possible that if, in Scottish parliance, there is an acquittal on a non-proven basis, it would still be possible for the person to receive compensation under item 5(a).

**Hon. A. F. Lawrence:** Yes, I envisage the circumstances where the criminal is not caught. There is absolutely no charge laid and actually that is the practice of the board at the moment.

**Mr. J. Renwick:** Or the other ground that a person has been charged but for what we in the legal field might consider technical reasons, an acquittal was put through or the charge was withdrawn by the Crown—some such matter that would not preclude a person from asserting a claim to compensation under item 5(a).

**Hon. A. F. Lawrence:** That is correct. Section 16(1) and (2), I think, cover that.

**Mr. Chairman:** The hon. member for Humber now.

**Mr. Ben:** Yes, Mr. Chairman, I wish to move an amendment to clause (c) of section 5. I am not going to repeat the arguments I made previously because they apply to it also.

But I do not believe a person should be denied compensation because he tried to prevent the commission of offence against his dependant or against his property or against his dependant's property.

Wait a minute; I did not read it all right. Well, I will remember it anyway, so I accordingly move that clause (c) of section 5 be amended by deleting all the words after the word "person" in the second line.

**Mr. Chairman:** Mr. Ben moves that section 5 (c) be amended by striking out all the words after the word "person" in the second line.

Those in favour of Mr. Ben's motion will please say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

I declare the motion lost and the subsection carried.

**Mr. Ben:** And again the NDP abstained from voting.

**Mr. Lawlor:** The member is completely wrong. He is reading it right.

**Mr. Chairman:** Any other comments on section 5?

If not, shall section 5 stand as part of the bill?

Carried.

Any other comments—

**Mr. Lawlor:** I am sorry. Could I just make a mention of section 10? The business about permitting a senior member of the board—

**Mr. Chairman:** Section 10. Anything before section 10 before we get to that?

All right, section 10. The member for Lakeshore.

**Mr. Lawlor:** The business about having a singe—this happens with the Ontario Municipal Board, too, where a single member

hears the thing, goes back and makes a consultation. If you do not require him to go back and make a consultation, you are giving the power to every single member here that the matter may be taken up by the full board upon the launching of an appeal against a single member.

What is the reason for that? Does the minister expect such a volume of cases that—

**Hon. A. F. Lawrence:** Yes, we are finding the three-man board at the moment can only sit as a three-man board. They are quite substantially overworked at the moment, and we feel that in many of these cases—the smaller cases—there is quite a backlog at the moment. We feel that it will help very considerably to permit single members to go out.

**Mr. Chairman:** Does section 10 then stand as part of the bill?

**Mr. J. Renwick:** Well, Mr. Chairman, I would just like to make a comment on that. It seems to me that regardless of the minister's explanation, that the basic principle is wrong. It seems to me that if he is going to provide for what might be considered small claims—important claims to the person making the application—that a much better way would be to give power to someone junior to the board, say, a registrar or some other person to make a preliminary finding which, if satisfactory to the person, could become final, but otherwise could be dealt with by the board.

I think one tends—regardless of the endeavour of the remaining two members of the board—to be prejudiced in favour of the decision made by the particular member of the board who first heard the matter.

It seemed to me to be possible to say—well, as is the case under the Ontario Securities Commission—the registrar has, or the director has certain limited authority to deal with certain relative matters which might finally come before the board. I do not think it is a matter of all that great import.

I just make the point that it does appear perhaps on an appeal where the two members of the board are hearing an appeal from a fellow member of the board, there might just be a certain tendency to a lack of objectivity about the result.

**Hon. A. F. Lawrence:** Well, I would hope not. It all depends, of course, on the character and the integrity of the people who are on the board, really. But regardless of whether it is a board member or an employee of the board, I think the same situation would apply.

**Mr. J. Renwick:** Maybe. Right.

**Hon. A. F. Lawrence:** I do not think we are ever going to get out of that situation. All I can say to you is that we sort of lifted this from the experience of both the United Kingdom and I think New York State. I am told that in those two jurisdictions, 85 per cent of the claims now are decided by a single member.

The board chairman here can assign a claim which he considers of particular importance to two or more members of the board in the first instance, rather than assigning it to a single member if he so desires. I am sure that that will still be in the major cases, the more important cases. If it does not work out, we will change it again, because it is going to be one of those statutes that as we are expanding it, and as more and more cases come before it, it will have to be changed as time goes on.

But hopefully, this will permit one member to travel to the people in their areas. This should make it speedier. It should make it easier. It should make it more accessible. It should make it cheaper. That is the purpose of it.

**Mr. Chairman:** Shall the section stand as part of the bill? Carried.

Any other comments, questions or amendments to any section? If so, which section?

**Mr. Lawlor:** I have two comments on two different sections. One is 16 and one is 19. Maybe there is something before 16.

**Mr. Chairman:** Anything before 16? Section 16, the member for Lakeshore.

**Mr. Lawlor:** Section 16 (1) simply embodies what exists under the old Act, but subsection (2) embodies a new principle which I think should be adverted to in this debate, and a very valuable one too. The business of saying that whether or not the person who has caused the injury is legally incapable of forming a criminal intent, or what we call *mens rea*. Nevertheless, the compensation very well may be awarded.

In other words, if the plea was insanity, or if the plea was some kind of degree of mental incompetence, that does nevertheless, in the case of the victim of a crime—strictly speaking I suppose in law it would not be a crime, or if it were a crime at all, then it

would be one that would be punishable, certainly not by imprisonment, but by some other form of treatment or incarceration.

It may very well be that in the defence one could obviate the criminal aspects of the thing and yet the person remains just as badly injured over what is ostensibly an externally criminal act. I think this is a forthright and valuable move in the area, and I would like to know, where did the minister get that? Was it from the uniform statute or what source?

**Hon. A. F. Lawrence:** No. Well, I like to think that present members of the board are merciful men in the true and real meaning of that word. And obviously, because the government has permitted them to do what they have been doing, perhaps without the sanction of this House or statutory authority, then the government is a merciful government as well. All this really does is give effect to the present policy of the board under The Law Enforcement Compensation Act. The board has taken into consideration any benefit in respect—

**Mr. Lawlor:** That is right.

**Hon. A. F. Lawrence:** —has taken a very broad view of the matter completely. I am not too sure whether this is in any of the other statutes or not, but certainly that is the policy of the board at the moment anyway. What we are really doing here in this section is regularizing what the practice is.

**Mr. Lawlor:** That is fine. As my colleague from Hamilton East (Mr. Gisborn) points out, this would apply equally in case of drunkenness, which very often on one side of the fence can aggravate a crime, having the will to be drunk, and on the other hand, when a judge is feeling particularly—what do you say, merciful?—

**Hon. A. F. Lawrence:** Merciful.

**Mr. Lawlor:** —on some occasions, may use it to blot out the offence and still the result flows from his activity, which is apparently criminal.

The other one I want to mention was section 19. That is a compensation section, with the question that I asked previously really. The minister has forgotten I guess, and has not yet answered it. I forgot, too, until I saw the section. It used to be $10,000 for the lump sum payment and now it is $15,000 and the other amount is included. What is the projected increase to the Treasury of Ontario?

**Hon. A. F. Lawrence:** It is $500,000 this year. We anticipate that it will very shortly hit $1 million a year and how it will rise from then on we do not really know. I have seen one projection within five years and it hit $3 million. But really, these are figures pulled out of the old hat. We anticipate however, that it will be a sizable increase every year.

**Mr. Lawlor:** I wonder, if I could just say on the increase in cost—to go off on a slight sideroad which my colleague for High Park (Mr. Shulman) is often travelling up or down, depending on the way you look at it—is the business of compensation to people who have been wrongfully convicted in the minister's mind these days at all?

**Hon. A. F. Lawrence:** Very much so, except—as I say this apparently—

**Mr. Lawlor:** Does it give him adequate time—before they call the election he might even introduce—

**Hon. A. F. Lawrence:** Oh no, no.

**Mr. Lawlor:** He will not introduce a bill this Session?

**Hon. A. F. Lawrence:** It is not that! Do not worry, we are rocking the opposition enough with other things these days.

**Mr. Lawlor:** All right! I see, okay. I think that is all—

**Mr. Chairman:** Shall section 19 also stand as part of the bill? Carried.

Are there any other comments, questions or amendments in any other section of this bill?

Section 19 agreed to.

**Mr. Lawlor:** Mr. Chairman, section 25, the segregation feature. To what extent, to the minister's knowledge, does the present board compensate itself through civil proceedings against people who cause victimizing? Is there any return to the Treasury under that count?

**Hon. A. F. Lawrence:** Yes. Wait a minute now, section 25—

**Mr. Lawlor:** Section 25(2).

**Hon. A. F. Lawrence:** I am sorry. I am searching my memory completely on this one. My belief is that there has been some recovery, but it has been very, very minimal.

**Mr. Lawlor:** Very minimal.

**Hon. A. F. Lawrence:** Yes.

**Mr. Chairman:** Section 25 agreed to.

Any other comments, questions or amendments to any other section? If not, shall the bill be reported?

Bill 63 reported.

## THE JUDICATURE ACT

House in committee on Bill 83, An Act to amend The Judicature Act.

**Hon. A. F. Lawrence:** This, Mr. Chairman, is a companion piece to the four bills earlier passed in part of the civil rights package, and actually, I think, it was earlier discussed.

**Mr. Chairman:** Bill 83, An Act to amend The Judicature Act.

Are there any questions, comments or amendments on any section? If so, which section?

**Mr. Lawlor:** Mr. Chairman, just a word on section 2. My question is why do all appeals and judgements of the divisional court, which is the central court here—

I have another question. Does this bill not constitute really, for the first time, the need for the powers to be conferred upon the divisional court?

**Hon. A. F. Lawrence:** Yes.

**Mr. Lawlor:** For the first time, we really get into it and give them a range of powers under section 1. Truly, it is an amendment of a previous section. It seems to me for the first time to spell out the substantial power.

That was number one and the minister has answered yes. As to the second one, why does he have to have leaves of the divisional court on all occasions to appeal therefrom to the court of appeal? Ought they not to be matters of an appeal as a right from that court?

**Hon. A. F. Lawrence:** No.

**Mr. Lawlor:** No?

**Hon. A. F. Lawrence:** No.

**Mr. Lawlor:** Why not?

**Hon. A. F. Lawrence:** Well, because the concept of the divisional court is that it is the court of appeal, in effect. I mean it is a specialized appellate court in respect of the specialized tribunals, boards and commissions. It is a policy of judgement; no more and no less than that. The feeling simply is that in respect of those particular types of appeal, that that is where the thing should stop. There has to be some finality to these appeals. There may be cases where the divisional court itself could be convinced that it should go higher, but the idea is that the court of appeal should have a reasonably sized docket which should be dealing with the law. By that I am not implying that the divisional court is not dealing with the law, but it is a specialized appellate court in respect to the boards and tribunals and commissions.

**Mr. Lawlor:** That is very interesting and pretty well acceptable what the minister says. It is an intermediate level of the courts of appeal which has to some extent tentative, final jurisdiction in the last of it, particularly in the range of tribunals, interlocutory matters, as the Attorney General is putting into this legislation now, and motions from judges down below and it does terminate, particularly with respect to the administrative.

I suspect nevertheless, and I am willing to give it at least an experimental try—the old school punch—to see just how it operates. I think that somewhere along the line the minister is going to find that in matters of law, it may be necessary to permit, but for once the divisional court is truly functioning and testing its capability.

I had another question. I realize that this is under section 1, with respect to leave, again. You may make your appeal to the court by leave of the court. How does the minister see that as functioning? Very often, as you know, when leave of a superior court is required to hear a case—this is the court of appeal of Ontario—that in the process, in the course of your argument, so to speak, the leave is either granted or refused. In other words, the plentitude of whatever residual intelligence that you may have or strength of argument is heard and the way of dismissing it very well could be by way of refusing leave, as though the case has never been heard.

Is that what is intended in this particular regard? It says:

> where an appeal under any Act referred to in subsection 2, can only be brought with leave;
>
> (b) obtained in any other manner, such leave shall be obtained from the Divisional court or judge thereof or as provided in the rules.

Or is the alternative that you must approach the judge of that court in his chambers,

obtain leave and then appeal? Or do you leave all these matters to some rules committee to devise what the procedure will be?

**Hon. A. F. Lawrence:** I must admit that is a matter that I have not devoted too much thought to at all. My feeling is—I may be wrong about this—that there would be very few appeals under Acts which could be brought only with leave—number one.

I think we are dealing with a fairly limited or restricted number of appeals. I am told that certain appeals, that formerly could be made to the court of appeal or to a judge if leave was obtained from the court of appeals or a judge will now under section 14 (a) 2 go to the divisional court.

Subsection 3 merely proposes that the leave in those cases should now be obtained from the divisional court itself, or in certain cases from a judge thereof as provided in the rules. So that really where you had to obtain leave before, from the court of appeal, then that leave will now be obtained from the divisional court itself.

**Mr. Chairman:** Any other comments, questions or amendments on any other section of this bill?

If not, shall the bill be reported?

Bill 83 reported.

## FORT WILLIAM LAND TITLES AND REGISTRY OFFICE ACT

House in committee on Bill 85, An Act to repeal The Fort William Land Titles and Registry Office Act, 1917.

**Hon. A. F. Lawrence:** Mr. Chairman, I must warn the hon. member for Lakeshore that we are all expecting a three-hour oration from him on this particular one, because in his absence the other night we had a little bit of a hassle with the hon. member for Oshawa. It was the almost unanimous feeling of the House that this bill should go for third reading, but for some strange reason the hon. member for Oshawa thought that the member for Lakeshore had some really pearly words of wisdom to drop in respect of this particular bill, so he must not disappoint us.

**Mr. Nixon:** I think the minister is challenging the wrong man if he wants a two-hour speech.

**Mr. Lawlor:** The minister's rather perverted attempt at sarcasm falls flat on it face. I am going to permit my colleague here, who is the real critic of legal bills, to say a word or two—and much to the point by the way; listen to it.

**Hon. A. F. Lawrence:** He was here, was he?

Interjection by an hon. member.

**Hon. A. F. Lawrence:** Wait a minute now, before we get carried away on this one. The hon. member I think made great protestations the next day that he was in the House at the time that this hassle was going on. The hon. member for Lakeshore was not here.

**Mr. Lawlor:** Oh!

**Hon. A. F. Lawrence:** The hon. member for Oshawa was very determined that the member for Lakeshore had real words of wisdom to give to us about this—

**Mr. Lawlor:** I see. I think I have already said the word of wisdom. I mean, what can one say?

**Mr. Chairman:** An Act to repeal The Fort William Land Titles and Registry Office Act, 1917.

**Mr. Stokes:** Yes, I have a couple of comments to make on section 1.

**Mr. Nixon:** Hear, hear!

**Mr. Chairman:** You may proceed.

**Mr. Stokes:** I was afraid that my friend from the great riding of Fort William (Mr. Jessiman) would not get up and say that this is a great step forward in consolidating the facilities of this department, inasmuch as it is going to save—I cannot find out from my friend whether it is going to save $50,000 or $150,000 for the taxpayers of the Province of Ontario.

**Hon. A. F. Lawrence:** At least—

**Mr. Stokes:** I was wondering if the minister would not have taken his colleague from Fort William into his confidence when he made this decision to consolidate both offices. I understand he was a little miffed.

**Hon. A. F. Lawrence:** He was certainly consulted.

**Mr. Stokes:** I understand that he was not, and he was a little miffed as a result of it. Nevertheless we in the north do welcome this step forward and we think it will enhance

the business of the province by consolidating the two offices and making them one, even though they are going to be located in Port Arthur.

**Mr. J. Renwick:** Mr. Chairman, we cannot let the bill go by without complimenting the member for Thunder Bay because he has been pressing for this reform to take place ever since he arrived in the Legislature—

Interjections by hon. members.

**Mr. J. Renwick:** I think we owe him a vote of thanks for saving the taxpayers of the province such a large sum of money.

**Mr. Nixon:** Perhaps we could hear from the hon. member for Fort William.

**Mr. Chairman:** Are there any other comments, questions or amendments to this bill?

Interjections by hon. members.

**Mr. Lawlor:** No! We spoiled it for you, we hope.

**Mr. J. Jessiman** (Fort William): I just want to go on record and—

**Mr. Chairman:** If so, which section?

**Mr. Jessiman:** —congratulate the department on this great step forward, of taking another office out of the great riding of Fort William and taking it to Port Arthur with my concurrence and co-operation. As suggested by the member for—

**Mr. Lawlor:** It is almost a gift from the NDP.

**Hon. A. F. Lawrence:** How do you like them apples?

**Mr. Jessiman:** —Thunder Bay, a saving of $50,000—thank you very much; I will pass that figure on to the riding of Fort William especially because—

**Mr. Lawlor:** No doubt the member already has.

**Mr. Jessiman:** —I am sure that they will agree with him that over the next two or three years there will be a greater saving than $50,000. I do want to thank also the member for Oshawa for making this opportunity possible by delaying the passing of the bill for an additional five days. I am certainly pleased that it is getting second reading tonight.

**Mr. Lawlor:** It will not save the member.

**Mr. Chairman:** Does the hon. minister have any comments?

**Hon. A. F. Lawrence:** No.

**Mr. Chairman:** Shall the bill be reported?

Bill 85 reported.

## SURROGATE COURTS ACT

House in committee on Bill 86, An Act to amend The Surrogate Courts Act.

**Mr. Chairman:** Are there any comments, questions or amendments to any section of this bill?

The hon. member for Lakeshore.

**Mr. Lawlor:** First of all, the Attorney General is going to bring, revive, resuscitate from the grave—here is Lazarus come to judgement. Only the Attorney General can breathe back life into a moribund corpse, namely, the surrogate clerk for Ontario. The office was abolished some years ago but tonight it stands on its feet. I would like to know how the office is to be constituted, where it is to be located and—

**Mr. Nixon:** What the remuneration would be?

**Mr. Lawlor:** Yes, maybe we will work on the remuneration too. It used to cover a great many duties of probates. Every probate that is registered anywhere in the province or letters of administration are to pass through his hands very quickly, celeriter, after he gets them and he approves them and sends them back. This is one of the tasks and the job is presently performed, curiously enough, by the clerk of the Supreme Court, or the registrar of the Supreme Court, as if he did not have enough to do already.

I would think that the Attorney General probably intends to locate this surrogate clerk in Toronto, but is that really so, and what will his relations with the clerks of surrogate courts throughout the rest of the province be?

**Hon. A. F. Lawrence:** Yes. Sections 4 to 11 certainly do restore the former office of surrogate clerk for Ontario, the duties of which are now performed by the registrar of the Supreme Court. The restoration of the separate office is necessary, No. 1, for a little more centralized control over the surrogate clerks and, No. 2, because the courts are now accommodated in separate premises. Our feeling is that the surrogate clerk will be in

Toronto and will probably be Hardy Ridout, the present surrogate clerk here in York county anyway.

**Mr. Lawlor:** Is the courthouse down here?

**Hon. A. F. Lawrence:** Yes.

**Mr. Lawlor:** Is there enough room?

**Hon. A. F. Lawrence:** I would hope so. It will be a combined office of the surrogate clerk for York county who will also be the surrogate clerk for Ontario. So really, while we are resurrecting an old title, we do not anticipate that there will be any added complement to the department.

**Mr. Lawlor:** Just one other comment. The Attorney General is giving his power, under section 6, to perform duties as contained in paragraph 40. Take a look at that paragraph 40 sometime. The minister will see that, unless by special order of the court, no probate or administration can be granted until the registrar has received a certificate, under the hand, now of the surrogate clerk for Ontario.

No other applications appear to have been made with respect to the property of the deceased, the intent there being that people may seek to register probates. Or probably, more likely, it could be there would be a number of wills registered in one county and registered in another and there could be a conflict. Unless this office existed two probates could go through in respect of the same estate, two or more. So to obviate that and to get the latest will he is to be the watchdog over that.

Note how it reads: "which certificate, the clerk"—now of the surrogate court—"shall forward as soon as may be to the registrar." I was bemused by the words, "as soon as may be." That certainly is a little archaic. It sounds as though the legislation was passed in 1847 and, as soon as may be, the century will end.

**Mr. Chairman:** Any further comments on this bill?

Bill 86 reported.

## COUNTY COURTS ACT

House in committee on Bill 87, An Act to amend The County Courts Act.

**Hon. A. F. Lawrence:** This is a housekeeping bill as I earlier explained, relating to the fees and the tariff.

**Mr. Chairman:** Are there any questions, comments or amendments to this bill?

**Mr. Nixon:** What rules were followed previously?

**Hon. A. F. Lawrence:** This merely permits an appeal from a taxation by a county court clerk. We will now follow the rules of court.

**Mr. Nixon:** Sometimes taxed a little low?

**Hon. A. F. Lawrence:** Now the member has stumped me. I do not understand the question. Does he mean, have the county court clerks taxed too low?

Well, there are some practitioners I suppose who have thought that on occasion. There are some members of the public who have obviously thought that they were perhaps taxed too high.

**Mr. Nixon:** This would be an Act of appeal.

**Mr. A. F. Lawrence:** This is an Act of appeal, that is right.

**Mr. Chairman:** Carried.

Bill 87 reported.

## SURVEYS ACT

House in committee on Bill 70, An Act to amend The Survey Act.

**Mr. Chairman:** Are there any questions, comments, or amendments to the bill? If so, which sections?

**Mr. Stokes:** Mr. Chairman, on The Surveys Act—

**Mr. Chairman:** Which section?

**Mr. Stokes:** On section 3.

**Mr. Chairman:** Are there any questions, comments, or amendments to sections 1 or 2? If not the hon. member for Thunder Bay on section 3.

**Mr. Stokes:** Will the minister indicate what situation prompted the enactment of section 3, or the changing of section 3, or is it actually adding to section 3? What situation or what set of circumstances led up to the enactment of section 3?

**Hon. R. Brunelle** (Minister of Lands and Forests): Mr. Chairman, this section applies only to plans of the subdivision. It does not apply to the closing of township roads. This

provides for the disposition to the adjoining owner of a road allowance where only part of the width of the road allowance is closed. This principle is inherent in the existing sections, and the amendment clarifies this particular situation.

We have had one specific problem in the Wasaga Beach area where the land in question was next to a road allowance, and the closing of this road allowance will give that land to the abutting owner, and this legislation will also apply in similar cases.

**Mr. Chairman:** Are there any comments, questions to any section of this bill?

If not, shall the bill be reported?

Bill 70 reported.

## ENDANGERED SPECIES ACT

House in committee on Bill 68, An Act to provide for the conservation, Protection and propagation of Species of Fauna and Flora that are threatened with Extinction.

**Mr. Chairman:** Are there any comments, questions or amendments to any section of this bill?

The hon. member for Essex South.

**Mr. D. A. Paterson** (Essex South): Mr. Chairman, I would like to comment in particular on section 3 and section 5.

**Mr. Chairman:** Any comments on sections 1 and 2?

**Mr. J. Renwick:** Yes, Mr. Chairman.

**Mr. Chairman:** The hon. member for Riverdale.

**Mr. J. Renwick:** On section 1, I do not understand why the word officer is defined to include, amongst other people with whom I have no objection, a member of the Royal Canadian Mounted Police force as a person under this Act. It would seem to me—it is a matter which I intend to deal with later on this evening with the Minister of Justice on his estimates—but it seems to me that a member of the Royal Canadian Mounted Police force does not have any function to serve in the Province of Ontario as an officer with respect to the purpose to be achieved by this statute and I would like some clarification of it.

Interjection by an hon. member.

**Mr. J. Renwick:** I may well be wrong.

**Hon. Mr. Brunelle:** Well, Mr. Chairman, this section of the bill provides the powers and duties of officers to enforce the Act and this clause defines the officers as those who normally enforce the game and fish laws, the conservation officers, the deputy conservation officers, the Ontario Provincial Police and the Royal Canadian Mounted Police.

I feel that this is an important Act and that in some areas, especially in northern Ontario—there are areas, as the hon. member knows, in the far north where these Royal Canadian Mounted Police serve. I feel this Act is for the protection of these endangered species and I see no reason why they should not be given this authority.

**Mr. J. Renwick:** Well, this is perhaps ignorance on my part, Mr. Chairman, I do not know in what areas in the Province of Ontario the Royal Canadian Mounted Police exercise any form of territorial jurisdiction as a police force. If I am incorrect in that, correct me.

I think the Royal Canadian Mounted Police have certain limited powers in the Province of Ontario with respect to revenue statutes and with respect to certain related criminal statutes. But, by and large, they do not have a general police power within the province, the way that the Ontario Provincial Police, for example, has, which is the body principally charged with police operations.

My friend from Essex South says there is some reason for it. Perhaps I could have some further clarification of the question.

**Mr. Paterson:** Mr. Chairman, if I might speak to this particular point.

**Mr. Chairman:** The hon member for Riverdale, I believe, was asking for further answers.

**Hon. Mr. Brunelle:** Mr. Chairman, I am advised that the Royal Canadian Mounted Police enforce The Migratory Birds Convention Act, and also they are officers under The Game and Fish Act. And under chapter 48, section 18, "officer" means a conservation officer, a deputy conservation officer and includes a member of the Royal Canadian Mounted Police force or the Ontario Provincial Police force or any other person authorized to enforce this Act.

**Mr. J. Renwick:** So then I take it there is specific authority for the Royal Canadian Mounted Police officers under The Migratory Birds Convention Act or other similar federal

statutes. Is that the reply of the minister to my question?

**Hon. Mr. Brunelle:** That is my understanding, yes.

**Mr. Chairman:** Are there further comments, questions or amendments to sections 1 or 2?

**Mr. Paterson:** The same section, Mr. Chairman. I might—

**Mr. Chairman:** Section 1?

**Mr. Paterson:** Yes. For the edification of the member for Riverdale, in our national park systems such as Point Pelee, and in particular, Thousand Islands and other national parks, the Royal Canadian Mounted Police are on duty there during the summer and fall months and they are empowered to carry out these specific duties, especially in Point Pelee National Park. It is correct.

And I believe also, Mr. Chairman, are not the game wardens and supervisory persons hired by the federal government in those national parks also deputized to the same extent?

In the case of Point Pelee National Park, which is one of our unique environmental areas, they are moving to make this a wilderness park rather than the 800,000-person capacity park it has been in the past—and this is one point I wanted to make with the minister, Mr. Chairman.

I was in touch with the chief environmental officer and naturalist in the park on this very bill and I got very extensive comments from him on certain species. He would like to see it protected and regretfully I missed the second reading of this bill in order that I could perhaps bring these points forth, but I will detail them in a letter.

I would trust this legislation will cover the national parks in particular, and the minister nods in assent. Possibly I could have this clarified, because this is an area that certainly should be covered.

**Hon. Mr. Brunelle:** Mr. Chairman, the advice I am getting is that it is a federal matter.

**Mr. Chairman:** Anything further on section 1? Anything on section 2? The hon. member for Essex South on section 3.

**Mr. Paterson:** Yes, in section 3(a) we deal with the destruction of habitat, and I think every time those of us who served on the select committee on conservation go by a marsh area that is being drained and turned into agricultural lands, we sense that a natural habitat possibly is being destroyed. I just wonder what the intent is of the minister to protect such areas as this.

A few months ago, I was after his department and the chief of the parks branch to acquire a certain marsh area and surrounding lands, specifically in my own riding, as a nature preserve to try to protect certain flora and fauna, and unfortunately it was not very high on the priority list. This was the property owned by Mr. Rosen, I believe, of Rosen Realty, who had a Mr. Walker, a solicitor in Windsor, acting on his behalf trying to get this department to protect this area as a wildlife preserve and possibly a backup area for Point Pelee National Park.

Just how far does the minister interpret this as a protection of the destruction of a habitat? Our woodlots, marshy areas that are going to be drained, do they fall within the terms of reference of the minister's thinking in this particular matter or not?

Also, a couple of other areas are going to be destroyed, and fortunately a couple of them are being saved by Americans. These are the highlands out in Lake Erie where the egrets and other birds nest. Fortunately, good ecologists and naturalists own these. Will the department step in and buy these areas such as Fish Point on Pelee? If these developers from Ohio, who are acquiring hundreds of acres on Pelee Island, if they move in to acquire that for subdivision purposes, is the government going to move in and try to acquire these properties so that there will not be further destruction of habitat for rare birds, and certainly the rare species of flora?

**Mr. Nixon:** Rare Canadians.

**Mr. Paterson:** And Canadians. Could I have a clarification of the intent?

**Hon. Mr. Brunelle:** Mr. Chairman, I believe the purpose of this Act is outlined. It is to provide for the conservation, protection and propagation of species of fauna and flora that are threatened with extinction.

As to the member's reference to those game birds and wild fowl and the draining of marshes, they may be depleted in one area but they would not be extinct in other parts of the province. Subsection 2 of section 3 provides for regulations for a specific area, and where there is a species that tends to become an endangered species, we would be able to make a regulation. This would help the situation.

**Mr. Paterson:** Well, on this point, a couple of these areas I have mentioned are the only areas in Canada where, say the prickly pear cactus grows—it is because of the southern climate—and I specifically mentioned Fish Point and Point Pelee National Park. Now the Point Pelee National Park is outside the term of reference of this bill. I assume they are going to be protected by the federal government. Here is another unique ecological area and one specific plant. But is it worth saving or not? This is the only place in Canada it grows and this is the point in my argument.

**Hon. Mr. Brunelle:** Well Mr. Chairman, I am pleased to hear the member is very concerned. We certainly will as time goes on, if necessary, amend and improve this Act. He mentioned he was away for second reading. I have a copy of my remarks on second reading which I would be pleased to send to him.

**Mr. Chairman:** Any further comments or questions on this bill?

**Mr. Stokes:** Yes.

**Mr. Chairman:** The hon. member for Thunder Bay.

**Mr. Stokes:** Yes, I would like to refer briefly to section 5, Mr. Chairman, and that is:

> No person shall wilfully kill, injure or interfere or take or atempt to kill, injure, interfere with or take any species of fauna or flora, or destroy or interfere with or attempt to destroy or interfere with the habit of any species or flora and fauna declared in the regulations to be threatened with extinction.

Now is the minister able to tell the House what species or what varieties of flora and fauna he has in mind that he wants to protect by the regulations at this time? Or in this in the event that something may become extinct? I am thinking about polar bears at the present time.

**Mr. Lawlor:** The conserving of the Conservative Party!

**Mr. Stokes:** I am thinking of polar bears; and I am thinking about something we refer to as, I think it is a ladyslip or a pink orchid, that happens to grow up in my riding.

**Mr. Lawlor:** That is Bolton's joke.

**Mr. Stokes:** I am wondering what species or varieties you have in mind at the present time, and after you get the regulations how is the public to be made aware of those varieties and species so that they may not contravene the provisions of this Act?

**Hon. Mr. Brunelle:** Mr. Chairman, as I indicated in the—I believe it was first reading—for instance I gave examples of birds, the bald eagle, peregrine falcon, the cormorant, and insects, for instance, the clouded yellow butterfly.

Last week I received a letter from the manager of the Ontario Federation of Naturalists who were very pleased with this proposed legislation and he said they have a list of plants and birds subject to becoming extinct and that they were going to make this available to us. So as time goes on we will just add those birds and plant life in the regulations, that are threatened with extinction.

**Mr. Stokes:** How do you plan to make the public aware of these regulations?

**Hon. Mr. Brunelle:** How to make the public aware of these regulations? Well the regulations are printed in the Ontario Gazette and this is of considerable public interest; and I would think the Ontario Federation of Naturalists, ourselves and other interested bodies will make this known.

**Mr. Stokes:** A booklet would be helpful.

**Hon. Mr. Brunelle:** A booklet, that is a very good suggestion.

**Mr. Paterson:** Mr. Chairman, on this point, is there any thought by the minister to declare that our provincial emblem, the trillium, one of these endangered species, because it does take four years for a trillium plant to mature and come into blossom? As we all know if it is picked, it is dead, and possibly this could be the lead story on your booklet to protect our provincial emblem.

**Hon. Mr. Brunelle:** I will take that under consideration.

**Mr. Chairman:** Any further comments to any section of this bill?

**Mr. Stokes:** Just section 6; does the minister not think the maximum fine under this item is a little bit large—$3,000—if somebody should come along and accidentally step on something that is protected, a protected variety? Do you not think that $3,000 is an excessive amount of money for such an offence?

**Hon. Mr. Brunelle:** Well, Mr. Chairman, section 3 says no person shall wilfully—wilfully—and I am sure I have a lot of confidence in our courts and in the wisdom of our judges, and I am sure that they would not be unfairly dealt with.

**Mr. Chairman:** Shall the bill be reported?

Bill 68 reported.

## PUBLIC LANDS ACT

House in committee on Bill 51, An Act to amend The Public Lands Act.

**Mr. Chairman:** Any comments or questions to any section of this bill? The hon. member for Thunder Bay.

**Mr. Stokes:** On section 1.

**Mr. Chairman:** Section 1.

**Mr. Stokes:** Mr. Chairman, section 1 deals with the erection of buildings or structures on Crown land without express permission from the minister. How does the minister propose to deal with existing buildings? During his estimates we dealt with a case in the north, and I think it is quite prevalent in many parts of the province where people assumed they had squatters' rights.

When they had acquired an abandoned cabin in the wilderness, they automatically assumed it belonged to them. There has been quite a controversy in northwestern Ontario about 500 unauthorized cabins which have been there, some of them for 30 or 40 years. How does the minister propose to handle those which are not covered by section 1 or any other section of this Act?

**Hon. Mr. Brunelle:** Mr. Chairman, I think there is a bit of confusion. This section deals with privately-owned land, and people who own their own lands and who are building houses in restricted areas. These are areas where there has been a restriction imposed upon them by the Minister of Land and Forests. What the hon. member is referring to, if I understand him correctly, are buildings and cabins and so forth, built on Crown lands. That is certainly a matter of considerable interest and sometime later in the year we hope to have some recommendation to legitimize some of these camps. But we are dealing today, in this Act, with private lands in restricted areas.

**Mr. Stokes:** Why do you call it then An Act to amend The Public Lands Act when it deals with land in unorganized municipalities? Surely you cannot say that private lands, whether they are within the confines of organized municipalities or in unorganized municipalities certainly they cannot be construed as public land. Those are private lands.

**Hon. Mr. Brunelle:** That is a good question, Mr. Chairman. I hope that some time in the not too distant future that part of this Act will be transferred to my colleague, the Minister of Municipal Affairs, who deals with private lands.

**Mr. Stokes:** It is a misnomer as it stands.

**Hon. Mr. Brunelle:** However, at the present time, those private lands in northern Ontario are under our jurisdiction I think section 16, in the present Act, says:

> The minister may designate any area in territory without municipal organization as a restricted area and he may issue permits for the erection of buildings or structures or the making of improvements on lands in any such area on such terms and conditions in any phase that he deems proper.

At the present time we have the jurisdiction on those lands.

**Mr. Stokes:** On private lands?

**Hon. Mr. Brunelle:** On private lands.

**Mr. Stokes:** Even though you are referring to public lands in this Act?

**Mr. Chairman:** Any further comments or questions to this bill? Shall the bill be reported?

**Mr. Stokes:** No, on section 5, part 4.

**Mr. Chairman:** Anything prior to section 5? If not the hon. member for Thunder Bay.

**Mr. Stokes:** Yes.

**Hon. Mr. Brunelle:** Mr. Chairman, prior to that, I have an amendment on section 4.

**Mr. Chairman:** If the hon. minister will send the amendment down and place it before the committee.

**Hon. Mr. Brunelle:** Yes, Mr. Chairman, on section 4 I move that the first and second lines of subsection 2 of section 31, as contained in section 4 of the bill be deleted and the following be substituted therefor: "Corrected letters patent heretofore or hereafter issued shall—"

**Mr. Chairman:** Mr. Brunelle moves that the first and second lines of subsection 2 of section 31 as contained in section 4 of the bill be deleted and the following substituted therefor: "Corrected letters patent heretofore or hereafter shall—"

Shall the motion carry?

**Mr. Nixon:** Would the minister like to tell us what that is all about?

**Hon. Mr. Brunelle:** Mr. Chairman, section 4 says: "Section 31 of The Public Lands Act provides for the issue of corrected letters patent." This section has been in the Act for many years and has very vague wording. We are attempting to clarify the wording and make it clear that the intent of the section is to fully correct not only the original letters patent but any subsequent document which is issued on the title.

However, the wording on the new subsection 2 should be amended to apply as mentioned. This will have the effect, Mr. Chairman, of improving this and making it—well it will improve it.

**Mr. Chairman:** Shall the section carry?

Carried.

Shall section 4 as amended stand as part of the bill?

Carried.

The hon. member for Thunder Bay on section 5.

**Mr. Stokes:** Yes, section 5; No. 78:

> In the event of an emergency as declared by the Lieutenant-Governor-in-Council, respecting the safety of persons or the protection or preservation of public or private property, the minister or any other person authorized by him, may, without the consent of the owner,
>
> *(a)* enter upon and use any land;
>
> *(b)* alter in any manner any natural or artificial feature of any land;
>
> *(c)* construct and use roads on, to and from any land;
>
> *(d)* construct and use all necesary sidings, water pipes, conduits or tracks, in, over or upon any land;
>
> *(e)* place upon or remove from any land any substance or structure.
>
> (2) Any powers referred to in subsection 1 may be exercised immediately notwithstanding any provision of The Expropriations Act, 1968-1969, and without the filing of a plan and the owner of the land is entitled to compensation in the manner provided in that Act.

Now does the minister not feel that this, without notice or any regard for private property at all to enter upon and do the things enumerated in this Act to private land without any former or prior consultation—

I would like to find out from the minister what in his opinion might constitute an emergency that would need the extraordinary powers granted under this Act? What provisions in The Expropriations Act 1968-1969 would compensate any owner for any distress that might be caused as a result of the implementation of this section of the Act? They are extraordinary wide powers.

**Hon. Mr. Brunelle:** Mr. Chairman, what we are doing in this section, we are transferring the water control section, that used to be under The Department of Public Works, to The Department of Lands and Forests. This section builds dams on behalf of the department and the programmes administered by this will be dependent upon the provisions contained in The Public Works Act for their authority to enter into agreement and take other action relating to the construction and maintenance of dams.

What we are doing is we are bringing into The Public Lands Act, which is administered by the Minister of Lands and Forests, new provisions which are similar to those in The Public Works Act which would authorize the construction and operation of dams. I do not believe, Mr. Chairman, that we are introducing here any new principle. These principles have been in The Public Works Act and it is a transfer of that authority to The Department of Lands and Forests.

**Mr. Stokes:** This refers strictly to the construction of dams?

**Hon. Mr. Brunelle:** Yes.

**Mr. Chairman:** Shall the bill be reported?

Bill 51, as amended, reported.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Chairman, the member for Riverdale has been good enough to inform me, on behalf of his party, they will have no comment to make on Bill 65, Bill 73 and Bill 74 which are listed under Committee of the Whole. The leader of the Liberal Party said he might have some comments on Bill 73.

**Mr. Nixon:** We do have comments on Bill 73.

**Hon. Mr. Wishart:** Yes. Although the Treasurer (Mr. McKeough) is not here, I would like to call Bill 74, The Financial Administration Act. Perhaps the Leader of the Opposition might consider Bill 65, and if he would indicate—

**Mr. Nixon:** That is right.

**Hon. Mr. Wishart:** I will call Bill 74 first.

## FINANCIAL ADMINISTRATION ACT

House in committee on Bill 74, An Act to amend The Financial Administration Act.

**Mr. Chairman:** Are there any questions, comments or amendments to this bill? If not, shall the bill be reported?

Bill 74 reported.

## HUMAN TISSUE GIFT ACT, 1971

House in committee on Bill 65, The Human Tissue Gift Act, 1971.

**Mr. Nixon:** Mr. Chairman: I am now informed that we do have some amendments to be made on The Human Tissue Gift Act. Will you stand it down then?

**Hon. Mr. Wishart:** I will withdraw that, Mr. Chairman. A number of these bills have been directed to third reading. Perhaps we could take a moment to dispose of third readings.

Hon. Mr. Wishart moves that the Committee of the Whole House rise and report one bill with a certain amendment and certain bills without amendment, and ask for leave to sit again.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the Committee of the Whole House begs to report one bill with a certain amendment and certain bills without amendment, and asks for leave to sit again.

Report agreed to.

## THIRD READINGS

The following bills were given third reading upon motion:

Bill Pr33, An Act respecting the Town of Burlington.

Bill 51, An Act to Amend the Public Lands Act.

Bill 53, An Act to Provide Procedures governing the Exercise of Statutory Power granted to Tribunals by the Legislature wherein the Rights, Duties or Privileges of Persons are to be decided at or following a Hearing.

Bill 54, An Act to provide a Single Procedure for the Judicial Review of the Exercise or the Failure to Exercise a Statutory Power.

Bill 55, The Public Inquiries Act, 1971.

Bill 56, The Civil Rights Statute Law Amendment Act, 1971.

Bill 63, The Compensation for Victims of Crime Act, 1971.

Bill 68, An Act to provide for the Conservation, Protection and Propagation of Species of Fauna and Flora that are threatened with Extinction.

Bill 70, An Act to amend The Surveys Act.

Bill 74, An Act to amend The Financial Administration Act.

Bill 83, An Act to amend The Judicature Act.

Bill 85, An Act to repeal The Fort William Land Titles and Registry Office Act, 1917.

Bill 86, An Act to amend The Surrogate Courts Act.

Bill 87, An Act to amend the County Courts Act.

Bill 102, An Act to amend The Secondary Schools and Boards of Education Act.

Bill 103, An Act to amend The Public Schools Act.

Bill 106, An Act to amend The Separate Schools Act.

Bill 108, An Act to repeal the Maternity Boarding Houses Act.

Bill 111, An Act to amend The Corporations Tax Act.

**Clerk of the House:** The 47th order, House in committee of supply; Mr. R. D. Rowe in the chair.

ESTIMATES, DEPARTMENT OF JUSTICE
*(continued)*

On vote 908:

**Mr. Chairman:** Does the vote carry, vote 908?

**Mr. B. Newman** (Windsor-Walkerville): Mr. Chairman, the topic that I wanted to talk on was vandalism. Is the department undertaking any type of studies—yes I think this is public protection—that is studies concerning the causes of it and the means and methods of preventing some of the vandalism that we are confronted with in our larger centres. I know in my own community the costs last year were $500,000.

**Hon. A. F. Lawrence** (Minister of Justice): Mr. Chairman, I really do not believe—I think my hon. friend has the choice of two other votes that this could be discussed under, either legal research or the police vote. The only thing I am certain of is that it does not belong under this one.

**Mr. B. Newman:** I thought it would come under public safety, Mr. Chairman.

**Mr. Chairman:** I think it would be under the police vote, possibly. Anything on vote 908? The member for Riverdale.

**Mr. J. Renwick** (Riverdale): Mr. Chairman, I have a very brief comment with respect to the Centre of Forensic Sciences. I think it was a year ago when these estimates were in the estimates committee that we spent a little bit of time wondering just what the Centre of Forensic Science was producing in respect of the support which it receives from this government.

I am sorry. I withdraw my remarks. It is not the Centre of Forensic Science.

**Mr. P. D. Lawlor** (Lakeshore): Mr. Chairman, may I just say a word or two and ask the minister a question or two about expropriation and the tribunal in charge if it. The matter for a considerable period of time was in the hands of the Ontario Municipal Board. The Municipal Board then suspended further hearings about last fall, I believe. They would not take any more cases; the backlog piled up.

Is that board now functioning and what volume of cases is it handling at the present time? Could you tell me when it got going and what it has handled since?

**Hon. A. F. Lawrence:** Yes, it started functioning as of July 1; that is it started hearing cases as of July 1. Of course we introduced in this Legislation this session—and passed and it is now effective—a bill to clear up the jurisdictional problems that we were having in respect of compensation matters that had occurred after the passage of the Act but before the board would function. They are now busy at work.

**Mr. Lawlor:** Has it a fair volume before it?

**Hon. A. F. Lawrence:** Yes, it has quite a backlog to catch up on, but my understanding is that they are catching up with it very rapidly.

**Mr. Lawlor:** I am kind of interested in it, to pursue it further just a moment, because when we had the hearings over in the Macdonald Block touching the city of Toronto bills, it was indicated the city of Toronto, Metropolitan Toronto had only taken one expropriation proceeding since the bill was proclaimed, which was a considerable period of time. Is it your feeling, or have you had any representations made to you from municipalities or others, that perhaps a backhanded backlash effect is taking place. Namely that rather than face the full panoply of procedure contained under the new Expropriations Act the municipalities and other boards and bodies are circumventing it by paying the shot rather than get involved in the toils of the—have you had complaints along these lines?

**Hon. A. F. Lawrence:** No, I have had no formal complaints along these lines. I have had informal indications that that is so, and my knowledge of the expropriation field prior to the passage of the Act would make me come to exactly the same conclusions as the member has now indicated.

I noticed in one of the Toronto paper—I think it was the Globe just the other day a big spread about how some Metro Toronto conservation authority official was complaining about the red tape imposed upon the authority from Queen's Park respecting the acquisition of land. I could come to no other conclusion, as a result of reading this handout, that what they were really referring to now was the restrictions, limitations and procedures of any public authority now in respect of expropriation. Of course no other body really abused—well with one exception, another exception perhaps being the University of Toronto—but other than that no other body, to my knowledge, abused the

expropriation procedures in this province any more than some of those conservation authorities. Therefore I was quite glad to see that.

**Mr. Lawlor:** My experience has been that certain public bodies in Ontario—and I can mention one, Hydro—were quite magnanimous about giving away public funds, basically public funds; they would not turn a hair about paying double the price. I may mention en passant that perhaps the same kind of mentality has operated in certain locations on the Niagara Escarpment.

But leaving that aside for higher powers to decide, if this is so then our legislation, derived basically from many chapters of McRuer, is self-defeating. And if we are scaring people away by bringing in legislation and negotiating bodies, and requiring various levels, ought we not therefore to take a very serious second look at that legislation with a view to possible simplification?

In other words, if The Expropriations Act is deterring people from moving in and getting the very best price they can in terms of the public weal and forcing them in effect to pay double or triple—prices which may not be legitimate or justified at all in terms of the treasury—ought not a law that would produce that consequence be severely reviewed?

I even go thus far: If this is the case, the minister should set up some kind of task force inside his department to investigate the full potential of the new Act and consider revisions thereof in the light of its social consequences.

**Hon. A. F. Lawrence:** Absolutely not. I hesitate to be so adamant when my friend and I have been getting on so well the last couple of days on this—

**Mr. Lawlor:** Well, that is all right.

**Hon. A. F. Lawrence:**—but to me expropriation by any government authority or any government is a very extraordinary step that should not be entered into lightly by any means. I cannot help but say that my experience in this House as a back-bencher and my experience in this province as a practising solicitor certainly led me to believe very firmly that the extraordinary right of government to expropriate was being abused by many authorities and many bodies that had that right of expropriation. And I think now they think very carefully before acquiring property that way.

I think the purpose of the Act was certainly to discourage that remedy being sought; certainly now they do their darndest to attempt to enter into an amicable settlement and negotiation in a civilized way, the same way as any other purchaser.

If they bump into an adamant person who will not release the property, then the measure is there. The procedures are being used today; they have continued to be used by government agencies and public bodies in respect of these matters. That is fine; to my mind that is exactly the purpose that this Legislature was trying to reach, and I think they have reached it. The result is that to my knowledge, since March 1, when I assumed this office, I have had no formal indications of criticism of the procedure from any public body. I do not know whether my predecessor did or not, but certainly I think the thing is working right now and working very well.

**Mr. Lawlor:** Mr. Chairman, when this minister takes an adamant and categorial stand then you know almost automatically he is somehow in the wrong. He prates to us that—you know, he is practically the last man in the province to find out what goes on in either the legal profession or general life in relation to application of the laws over which he has some kind of mastery.

**Hon. A. F. Lawrence:** That ought to break me!

**Mr. Lawlor:** That is what appears to be the case. The minister has said on at least three occasions today he has not heard about any complaints emanating from the public or elsewhere. We have, and if he is so insulated living in the cocoon that he has created for himself and spun within, that is his problem. We are here precisely to remind him and to penetrate his cocoon and—

**Hon. A. F. Lawrence:** Wait a minute! The hon. member asked me if I had any—

**Mr. Lawlor:** —to spring him into some form of life, which I obviously have.

**Hon. A. F. Lawrence:** The hon. member asked me, particularly, if I had any evidence of any criticism or objection by any public body. He asked me that question and, when I answered him, he now says: Do not give me the works boy!

**Mr. Lawlor:** "Do not give me the works boy!" He stands up and crosses his heart and sanctimoniously breathes down my neck.

**Hon. A. F. Lawrence:** I spit, too.

**Mr. Lawlor:** And he says: Oh, this is precisely the purpose of the legislation, in order to—

In other words, The Expropriation Act was a piece of legislation brought in precisely to prevent expropriation. There would seem some kind of illogical continuity. It was not brought in for that purpose. It was brought in because there were abuses and there were not sufficient safeguards written into the previous legislation in order to bind the wounds.

But by foreclosing the possibility of using it extensively, what the Attorney General is doing, in effect, is saying, whether he realizes it or not, that he would much prefer to pay considerable excess sums out of the public treasury rather than go through the horrendous power of expropriation.

I say to him that is not an acceptable principle nor the purpose for which the legislation was devised. It was precisely devised in order to provide the safeguards which they find to be hurdles and which we thought were swaddling; which they find to be pricks, which they find to be thorns and which we thought were roses—I could go on with the similes for quite a while.

In any event, I think they are abusing their jurisdiction by not exercising expropriation in those circumstances which are valid, if they are going to pay double the price for property which appraisers and assessors have told them is only worth so much per acre or is, only worth so much as a block of land. The government is prepared to do that, and a number of public authorities across this province are presently doing so.

They are not going to report that to the minister. They are not going to say that they find the present Expropriations Act driving them up a tree, forcing them into enlarged expenditures that they otherwise would not have had to make and find unpalatable. They are not going to do that. They are just going to circumvent the whole thing and pay the shot. It ain't their dough!

They can say, if it comes to that, that the legislation is sufficiently a briar patch to have driven them into the open ground. Now if that is the case, then the legislation must be reviewed. I am convinced that it is costing public authorities considerable extra moneys now. One of the reasons they are not expropriating, or one of the reasons they are not acquiring on the same scale—

**Hon. A. F. Lawrence:** They are expropriating!

**Mr. Lawlor:** I told the Attorney General that Metropolitan Toronto had one, as their solicitor testified.

**Hon. A. F. Lawrence:** I can say, as of June 25, the Land Compensation Board alone had a total of 253 notices of arbitration, which is a further removed step.

**Mr. Lawlor:** Over what period of time?

**Hon. A. F. Lawrence:** As I say, this is a board that just started functioning—

**Mr. Lawlor:** I know, but there is a backlog.

**Hon. A. F. Lawrence:** —as of that date. Yes, but nevertheless these are all under the new Expropriations Act. As well, there are others that are still under the jurisdiction of the Ontario Municipal Board in which the municipal board is still seised of the matter. So there are still a fairly large number of expropriations proceeding under the new Expropriations Act.

**Mr. Lawlor:** One would have to determine actually what they were. I would think comparative figures would be necessary to make any meaningful statement in that context at all.

Secondly, if there are highway expropriations taking away a margin of land five feet in width along a property; if the bulk of them are—

**Hon. A. F. Lawrence:** Five feet in width can mean as much to the individual citizen as 500 feet to the Jockey Club.

**Mr. Lawlor:** —up in the hinterlands; if you have a pile of those I am telling you they are marginal and not to be intended in the Act.

**Hon. A. F. Lawrence:** They are important. They are important to the citizens.

**Mr. Lawlor:** All right. The minister is argumentative tonight, and as he says obtuse—

Interjections by hon. members.

**Hon. A. F. Lawrence:** It takes two to tango.

**Hon. W. A. Stewart** (Minister of Agriculture and Food): The NDP would deny citi-

zens the protection of The Expropriations Act!

**Mr. Lawlor:** He has this terrible fault now. As the Minister of Justice he may, like the queen, like the girl herself, up on the pedestal, be a little blindfolded; but he must not itch! He must have—

**Hon. A. F. Lawrence:** I have great respect for the monarchy too, so watch out.

**Mr. Lawlor:** —a lesson in deportment. The Minister of Justice must be a man of serene vision, nothing must phase him.

**Mr. R. F. Nixon** (Leader of the Opposition): He can itch, but he must not scratch.

**Hon. A. F. Lawrence:** Then you have another criticism of the government, because you do not have that in me.

**Mr. Lawlor:** Oh, the minister is telling me. He is a young man, he will learn.

**Mr. Chairman:** Vote 908 carried?

Vote 908 agreed to.

Vote 909 agreed to.

On vote 910:

**Mr. Chairman:** Research and development programmes, the member for Riverdale.

**Mr. J. Renwick:** Mr. Chairman, there is a substantial increase in the amount to be voted under this estimate over the preceding years. I wonder whether the minister would list for us the items which are now under consideration, or proposed to be under consideration, under the law research and development programme.

**Hon. A. F. Lawrence:** You are going too fast for me. We are on 910?

**Mr. Chairman:** Vote 910.

**Hon. A. F. Lawrence:** Well, does the member want me to run through the projects that are presently commissioned, is that the idea?

**Mr. J. Renwick:** Yes; and proposed.

**Hon. A. F. Lawrence:** Well the Ontario Law Reform Commission, the Sunday observance legislation one is already finished.

No. 1, already initiated by the commission, is the family law one. It has produced two reports already, part I on torts tabled by my predecessor in the middle of December of 1969; part 2 on family law, marriage, tabled May 6, 1970. Work is well advanced on the drafting of a report on family law property subjects, and policy decisions have been taken by the commission as a basis for the re-organization and drafting of other areas of the study.

No. 2, another project, enforcement of judgement debts; No. 3, motor vehicle accident compensation; No. 4, a mammoth work, at least it sounds to me as if it is going to be a mammoth work by the time they get done, a comprehensive study of the law of property, and of course the fourth part of that, on land registration, I tabled here just within the last two weeks.

Section 7 of that study, the basic principles of the law of real property; section 8, landlord and tenant law; section 9 of that general study, The Trustee Act and related statute; section 10, community planning and land use control.

The commission was requested to give priority to this project, to a study of the problems involved in development control. Work is well now advanced on this phase. The commission proposes to enter the second phase of this project, the study of the official plan, as soon as approval has been given to the appropriation requested in these particular estimates.

Another study is the law of evidence. A number of research studies have been completed on that and that is proceeding. There have been a number of projects added to the programme of the commission last year — that is referred to the commission. They are: One, the law relating to the sale of goods; two, The Coroners Act; and of course that one they have already reported on. I filed that report this year; three, administration of Ontario courts, which again is a very large project and the terms of reference to that have been published and they have been hearing briefs on it.

Other projects initiated by the commission, which they are still doing preliminary study and review on: 1. Occupiers liability; 2. The Mortgages Act, section 16. Let us see, that was the one, too, which was presented and I tabled that one in the last 10 days; 3. Emergency medical aid and tort liability, the good samaritan legislation; 4. The change of Name Act; 5. Actions against representatives of deceased persons, and that certainly was one that has been completed and I have tabled; 6. The Solicitors Act.

Those are the projects — I hope I have dealt with them all — now being undertaken by the Law Reform Commission.

**Mr. Chairman:** vote 910 carried.

Vote 910 agreed to.

On Vote 911:

**Mr. Chairman:** Supervision of police forces programmes.

**Mr. Nixon:** Mr. Chairman.

**Mr. Chairman:** The hon. Leader of the Opposition.

**Mr. Nixon:** Thank you, Mr. Chairman.

**Mr. Lawlor:** We let the Law Reform Commission get off easy this year.

**Mr. Nixon:** Did you want to go back on that other one?

**Mr. Lawlor:** No.

**Mr. Nixon:** I wanted to ask the Attorney General what studies he has made under this vote, the Police Commission vote, for the employment of Indians in the OPP? An announcement was made about three months ago that Indians with certain connection with the OPP — but as I understand it, not full trained or sworn in members of the OPP — were going to have certain responsibilities in some of the band areas. Surely we ought to be considering in those communities where there are large numbers of Indian people hiring from the community itself — No?

**Hon. A. F. Lawrence:** This is 911 which is the Ontario Police Commission, as distinct from the OPP.

**Mr. Nixon:** I am sorry. Is police training involved in this?

**Hon. A. F. Lawrence:** Yes, but —

**Mr. Nixon:** How many Indians are you training for inclusion in the Ontario police forces?

**Hon. A. F. Lawrence:** Police training is a pretty wide phrase. Certainly, I do not believe there are any Indians presently at the Ontario Police College at Aylmer. The Ontario Provincial Police, as a result of their own efforts and an emphasis on it by the minister—

**Mr. Nixon:** OPP efforts — you say their own?

**Hon. A. F. Lawrence:** Yes. I think they have one probationary constable on Manitoulin Island. They have others in training and we are now embarking on a programme which is still rather nebulous — because the negotations and details of it still have to be worked out — in which the OPP will be training Indians on the reserves for minor police duties on some of the reserves, at least in southern Ontario.

Hopefully, this will later be expanded in northern Ontario as well.

The hon. member, because of his knowledge of the area, will be aware of certain police problems that have been occasioned over the last couple of years, respecting their own internal problems, on the Six Nations reserve. I have had them in to see me and the reserves are rather a grey area as far as policing is concerned.

We feel there is a provincial responsibility to police anywhere in the province. Yet it has always been the recognized, traditional idea, in any event, that the Indian reserves were to be policed by the RCMP. There has been a gradual reduction and withdrawal of RCMP forces on the reserve — sometimes to our knowledge, sometimes without our knowledge — and we have felt that we had to move into what was a vacuum in some cases. Hopefully now we are devising a scheme whereby, in some of the reserves in any event, there can be some sort of training of the Indians themselves to do some of the minor police duties on some of the reserves, if not all of the reserves.

This, as I say, is still in a stage of negotiation with the federal people, with the old Indian branch—I have forgotten what they call it now—and we are involving, on a consultative basis, officials from the Provincial Secretary's department. They are gathering some opinions for us in this respect.

I am now told that three Indians did graduate two weeks ago from the Ontario Police College at Aylmer; they are now in the OPP. As well, we have an Indian corporal on Manitoulin Island.

**Mr. Nixon:** I have asked about similar matters for a number of years—three that I can recall—and I am shocked to hear the Attorney General say that OPP supervision in some cases was as a result simply of the withdrawal of RCMP supervision without consultation.

I would not for a moment question whether or not the minister is right, but I have asked

similar questions over the past years and there has never been any indication of such a sorry state of affairs. If in fact the police services to the Indian community are dealt with in such a cavalier way by the administration that has the responsibility, I find it shocking.

**Hon. A. F. Lawrence:** Well, the Indians themselves came to us about the Six Nations, for instance. You know the hassle they were involved in last summer, and actually it might break out again this summer, in respect of the hereditary chiefs—

**Mr. Nixon:** The RCMP left there more than a year ago.

**Hon. A. F. Lawrence:** No, but I think it has been always understood that on the reserve itself the RCMP were always looked to as the police force. Where extra police duties are required on the Six Nations reserve now—this is the riding of my friend—we are told simply that the nearest body of RCMP personnel of any number at all is in Hamilton, and that they will not come in the event of problems on the reserve. Somebody has to do it. We do it. We do not like it. We think that there should be some—

**Mr. Nixon:** The Indians do not like it.

**Hon. A. F. Lawrence:** Well, the Indians merely want policing services. I think that is fair to say; they want somebody to do it. We would much rather the RCMP do it, but we have to do it, and I gather our budget has been strained in many ways over the last few years because of instances where this type of thing requires an unlooked-for contingent of men.

As I say, we have now embarked on a measure to find out the opinions of the Indians themselves in this matter—

**Mr. Nixon:** I understand the minister asked them up to London to confer with him.

**Hon. A. F. Lawrence:** —and one survey that I have seen is that, with one or two exceptions, most of the reserves would rather have the OPP do it than the RCMP. This may be an ingrained belief in some minds about the RCMP; I do not know. I have heard a number of expressions of opinion along that line. But this is something that was unlooked for—I think it is fair to say —as far as the police budget in the province is concerned.

**Mr. Nixon:** Mr. Chairman, I would ask the minister if he would table the correspondence, if any, that he and his predecessors over a number of years might have had with the responsible parties in the government of Canada on the policing of the reserves, because I have never been satisfied with the answers that have been given.

I should say that the answers this minister has given have certainly been frank, franker than any I have received in the past and I would like to know, as the representative for the area, the circumstances around the transference of the police jurisdiction.

I would also say that during the recent difficulties on the Six Nations reserve there has been no complaint whatsoever about the role played by the OPP, which I think was excellent. I think that you may find, however, there are some substantial problems, not entirely unrelated to the unfortunate death while on duty of one of the OPP constables a year ago, a very tragic circumstance indeed. The minister talks about a survey which indicates the Indian people would prefer the OPP.

I would also be interested in seeing the results of that survey because I can tell you that the opinions expressed to me, while they were in no way anti-OPP, on the other hand do favour the detachment which was kept on the reserve in former times,, staffed by the RCMP itself, so that there was a police force there on the scene at Oshwegan.

Now the detachment in Brantford gives the best service it possibly can, but they cover a very large area indeed. Many rural townships which have no other police or bylaw enforcement are on call 24 hours a day, and while this is not germane to this discussion, there are a number of complaints that perhaps there are not enough officers on duty at all times even under those circumstances.

So for the minister to indicate, to say bluntly, that Ontario was forced into this extra duty without any negotiation or recompense or a transference of the jurisdiction in any legal or rational way, I find shocking and I would like to see the correspondence which ended with this responsibility resting on this minister's shoulders.

**Hon. A. F. Lawrence:** It is one of those many, many grey areas in this country which unfortunately afflict the Indian reserves north and southeast and west in this province. There are many, many matters in which there

is a very grey area with no legal justification whatsoever, that the federal government was responsible for—

**Mr. Nixon:** They have been for years, until four years ago and the OPP never went in there.

**Hon. A. F. Lawrence:** Right! And certainly if we came down to it, that is what we would desire because we are hard pressed at the moment in all sorts of budgetary ways to provide policing services for the areas which we knew very well were our responsibility.

To have some of these matters land on us, sometimes with no warning at all—

**Mr. Nixon:** Not in the Six Nations case, surely?

**Hon. A. F. Lawrence:** Well, in the Six Nations case, I am told, just a couple of weeks ago here in my own library by the chiefs and the elected councils, that they want the OPP to continue their services. Which we will provide, there is no question about it.

The problem is that they need more and better service and they need it 24 hours a day and this is what—well, I do not know whether we can afford to do that or not, we will try to do it. We are making every effort to do so, but ancilliary to this there is the general feeling in my mind that the Indians themselves—if we are going to treat them in other respects as a self-sustaining unit within the economy, looking upon them as a municipality of their own—I think they would be much happier, and it might be cheaper—it might not be—but they would be much happier with the Indian bands treated as a government unit of their own and providing their own policing services.

This may be impossible. It may be far-fetched, but at least I think it is an object that we should strive for, and I think the majority of the thinking Indians within the province would agree with this.

There is no question that the Six Nations reserve desires the present service it has and does not want to change. That service at the moment is the Ontario Provincial Police, and it has been for the last couple of years. Like a number of other communities, they would like it increased. We are trying to find ways of doing that, but other than that I do not know what else to say about it.

**Mr. Chairman:** Vote 911.

**Mr. S. Farquhar** (Algoma-Manitoulin): Well I would suggest to you, Mr. Chairman, that there is probably a very good reason why the Indian reserves really would prefer OPP at the moment. We must realize that in most of the Indian reserves, troubles caused by Indians—by, from and through Indians—usually happen in the adjoining towns. They do not usually happen on the reserve, though I know of isolated cases where there is really a problem on a reserve, sometimes pretty drastic.

But the reserves do not have alcoholic outlets. The adjoining towns do, and that is where the Indians get into their problems. That means that the jurisdiction with respect to that adjoining municipality is policed by the Ontario Provincial Police, and we cannot possibly expect that any other jurisdiction or any other law enforcement organization can move into that situation in a town.

**Mr. Chairman:** Order, please. It is 10:27; I should have an order for the House to rise.

**Mr. Farquhar:** I will just complete then, Mr. Chairman.

I think that is the main reason why, at least in my area, which includes one of the largest reserves in Canada, it could not possibly be policed in any other way. The problem does not occur on the reserve. Nine out of 10 of the problems occur in the adjoining municipality.

**Mr. Chairman:** Will there be further discussion on vote 911?

**Mr. J. Renwick:** Yes, Mr. Chairman, there will be further discussion.

Hon. Mr. Wishart moves the committee of supply rise and report that it has come to certain resolutions and ask for leave to sit again.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker: the committee of supply begs to report it has come to certain resolutions and asks for leave to sit again.

Report agreed to.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, tomorrow morning we will go to the order paper and I would expect to call second readings of

items 27 to 31 on today's order paper, as well as items 37 and 9, 10 and 11. Those are second readings. There are two items left in Committee of the Whole House which I would hope to deal with; that is, Bill 89, The Highway Improvement Act; and Bill 92, The Workmen's Compensation Act. We may not accomplish all of that in the morning. Then in the afternoon we will go to the estimates of The Department of Justice.

**Mr. R. F. Nixon** (Leader of the Opposition): No matter how many bills we complete in the morning?

**Hon. Mr. Wishart:** I think it would be reasonable to approach it that way.

Hon. Mr. Wishart moves the adjournment of the House.

Motion agreed to.

The House adjourned at 10:30 o'clock, p.m.

# CONTENTS

**Tuesday, July 13, 1971**


**Civil Rights Statute Law Amendment Act, 1971,** bill intituled, reported ..... 3917

**Compensation for Victims of Crime Act, 1971,** bill intituled, reported ..... 3919

**Judicature Act,** bill to amend, reported ..... 3927

**Fort William Land Titles and Registry Office Act, 1917,** bill to repeal, reported ..... 3928

**Surrogate Courts Act,** bill to amend, reported ..... 3929

**County Courts Act,** bill to amend, reported ..... 3930

**Surveys Act,** bill to amend, reported ..... 3930

**The conservation, protection and propagation of species of fauna and flora that are threatened with extinction,** bill to provide for, reported ..... 3931

**Public Lands Act,** bill to amend, reported ..... 3934

**Financial Administration Act,** bill to amend, reported ..... 3936

**Third readings** ..... 3936

**Estimates, Department of Justice,** Mr. A. F. Lawrence, continued ..... 3937

**Motion to adjourn,** Mr. Wishart, agreed to ..... 3944

No. 96

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT—DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Wednesday, July 14, 1971

**Morning Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

5

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

## CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

WEDNESDAY, JULY 14, 1971

The House met at 10 o'clock, a.m.

Prayers.

**Mr. Speaker:** This morning we are pleased to have with us in the west gallery the English language class from Orde Street Public School, Toronto, which is just down the street from us here.

Orders of the day.

**Clerk of the House:** Third order, committee of the Whole House; Mr. A. E. Reuter in the chair.

## HIGHWAY IMPROVEMENT ACT

House in committee on Bill 89, An Act to amend The Highway Improvement Act.

**Mr. Chairman:** Are there any comments, questions or amendments to any section of this bill?

**Mr. I. Deans** (Wentworth): Yes.

**Hon. A. F. Lawrence** (Minister of Justice): Was it the NDP that was objecting to attendance yesterday morning?

**Mr. Chairman:** If so, which section?

**Mr. R. F. Nixon** (Leader of the Opposition): As usual, Mr. Chairman, I would just draw to the House leader's attention that the implication in his forewarning yesterday was that he was going to do the second readings of the bills standing in the name of the Minister of Municipal Affairs. We are quite prepared of course to go ahead with this, if you will just give us a moment to get the bill before us.

**Mr. V. M. Singer** (Downsview): Can we ask him if he can reverse the order?

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): I did indicate, Mr. Chairman, that we would do as the Leader of the Opposition says, but I did also indicate we would go to Committee of the Whole House. The actual order of the approach to these, I think, is not too significant.

**Mr. Nixon:** Well, we do not want to always be troubling the House leader with this, but we are now doing the transportation bills.

**Mr. Singer:** Mr. Chairman, on a point of order, it is a little difficult—we were working on some amendments yesterday, and one of our members at least has three or four amendments that he is prepared to introduce somewhere during these discussions.

**Mr. R. K. McNeil** (Elgin): Where is he?

**Mr. Singer:** Would there be anything wrong in dealing with some second readings and coming back to this, say in half an hour or an hour's time? It would at least give us a chance to get ready. We can go, if you insist on this, but it just places a terrible inconvenience and burden on the opposition members who attempt to reasonably discuss these bills.

**Hon. Mr. Wishart:** Mr. Chairman, last evening at the close of the day, and close to the hour of 10:30, I said—and I read from the Instant Hansard:

> Mr. Speaker, tomorrow morning we will go to the order paper, and I would expect to call second readings of the items on today's order paper. Those are second readings. There are two items left in Committee of the Whole House which I would hope to deal with; that is Bill 89, The Highway Improvement Act; and Bill 92, The Workmen's Compensation Act.

Now, surely, the hon. members had knowledge and warning.

**Mr. Nixon:** Why would we presume, when Mr. Speaker is in the chair, the House leader would start off with second readings as indicated by his announcement?

**Hon. Mr. Wishart:** Well Mr. Speaker—

**Mr. Nixon:** We are ready to go ahead with this. Let us do it.

**Hon. Mr. Wishart:** Mr. Speaker comes to the chair and opens the House.

**Mr. J. Jessiman** (Fort William): There are not too many NDPs around to handle them. There are only three.

**Mr. Chairman:** Bill 89 has been called, An Act to amend The Highway Improvement Act.

Are there any questions, comments or amendments to any section of this bill? The hon. member for Huron-Bruce, on which section?

**Mr. M. Gaunt** (Huron-Bruce): On section 5, Mr. Chairman.

**Mr. Chairman:** Are there any comments prior to section 5? If not, the hon. member for Huron-Bruce on section 5.

**Mr. Gaunt:** Well Mr. Chairman, this section does concern us. The way the section is drawn under 50(1) the minister has the responsibility for advising every county, in this section and in the other sections. In section 8 it is the township, in section 10 the same thing applies and also in section 89c of part X-A, the very same thing applies.

I want to make the point in this section, Mr. Chairman—and the same point will apply in the various sections which I have mentioned—that the minister has the responsibility of advising the county in the case of section 5, 50(1) of the amount of money that the department will have available for road construction and maintenance in any given year.

It seems to us that it is rather arbitrary that there are no actual guidelines implied in the section as it is presently drawn. We would feel much more comfortable about it if the section were drawn in such a way as to indicate that there were certain principles, certain guidelines upon which the minister would make that recommendation or deliver that advice to the municipality, such as the debt load of the municipality, the population, the requirements of the municipality in so far as new roads and maintenance are concerned.

What I am saying is that, in our view, there has to be a formula. I do not think it can be left to the whim of the minister to say, "Look, Treasury Board, this year has been unusually tough. We are not going to have nearly as much money available this year for road construction and road maintenance as we had last year. Therefore, I am advising you that we are only going to be able to offer you half the amount of money we offered last year because of these restrictions."

You see, the way the section is drawn it almost implies that the minister will go around annually with his little black bag and distribute the largess to the municipalities in the province. Now as far as we are concerned in this party, Mr. Chairman, we subscribe to the philosophy that the municipality should be as autonomous as possible. They should be dealt with on the basis of the unconditional grants; this would allow them to set their own priorities and to draw up their own programme and in effect to run their own show. However, that really involves a programme of total tax reform and I really do not want to deal extensively with that.

I just make that point to indicate to the minister, through you, Mr. Chairman, that this is our concern. We think the situation as outlined in this bill, whereby the minister comes along annually and says to the municipalities, "This is the money you shall have this year, like it or not," is not a particularly good system.

Unless the minister can give us some sort of assurance that this is going to be done, I have an amendment to move. But I want to make those points with the minister and I want his reaction, because if it is going to be a willy-nilly sort of thing, whereby the minister actually chops or increases according to Treasury Board's mood at any given point in time, then I think the counties and the municipalities are going to be in some difficulty to undertake a long-range planning programme in so far as road construction and road maintenance are concerned.

I think the drafting of this section should actually imply some type of formula or some type of system whereby the municipality knows the rules of the game, rather than relying upon the mood of the minister; this should be incorporated in the actual bill itself. I want the response of the minister.

**Hon. C. S. MacNaughton** (Minister of Transportation and Communications): Well, Mr. Chairman, I would explain to the hon. member that it is not a major departure from the present method of dealing with this. As it presently stands, an indication is given annually to each county or each municipality. There are several sections in the bill that are really the same; so if we deal with this one, it will probably deal with them all.

There is indication given to every municipality or county as to what their normal bylaw will be, so that in the same manner an indication of the available funds that would presently match the now normal bylaw procedure will be made. Subsequent to that, of course. The purpose of this is to in-

dicate the initial allotment of funds that they can all expect.

Again, under the present procedures this is followed up by the referral to the department of a supplementary bylaw. It is in the supplementary bylaw where the needs of the county or municipality, as the case may be, are really adjusted.

The only variation that is being proposed here is to remove the necessity for the submission of bylaws. Instead of that, the county or municipality, as the case may be, through the Treasurer, shall submit an indication of its funds and against that it will receive normal approval and it will be followed up by approval in supplementary terms.

It is a well known procedure. It eliminates a rather substantial amount of paperwork. From our contacts with the counties and municipalities prior to writing in this new section they would appear to be very satisfied. They understand the new procedure. It is just going to minimize a certain level of detail, but it is not going to change the allotments materially from what the present system provides.

**Mr. Gaunt:** The minister says it will not change the allotment substantially from what it already is. In effect, he is saying—

**Hon. Mr. MacNaughton:** There is no material difference as far as the fund allocation difference is concerned, there is no material difference.

**Mr. Gaunt:** In effect, the minister is saying that the programme will not be that much different from what has been undertaken for a number of years. The townships and the municipalities understand that, so there should be no problems. I accept that.

I accept that from the minister. I think that is so, but I really believe that it should be more properly indicated in the drafting of the bill. The minister and I concur on the point that perhaps it would not be that much different. Perhaps there is an unwritten understanding between his department and the municipalities as to what actually will be forthcoming next year, the year after, and so on.

But that being so, I think it comes down to a question of draftsmanship on the bill. In my view the amendment which I propose is much clearer and actually sets out to a greater extent what I think both the minister and I have in mind, and we know how the system works.

I am going to read the amendment because I feel the matter has now boiled down. I have been satisfied in my own mind the minister has established this rapport with the municipalities and that he is going to continue to undertake the business on pretty much the same level and through the same system as he has previously.

All right, let us put that aside. So then we now deal with the question of clarification and draftsmanship. In my view, my amendment, with all modesty sets it out in the more precise way. Let me read it to you, if I may, Mr. Chairman. This is an amendment to section 5, subsection 50(1). We delete that clause and in its place we incorporate the following:

"The minister shall annually advise every county that has established a county road system and adopted a plan of road construction and maintenance of the moneys to which it is entitled for road construction and maintenance and the county shall file with the minister not later than the 31st day of March a detailed estimate showing how such allocation is to be spent."

The key change there is the incorporation of the phrase, "to which it is entitled," and also we knock out the words "proposed" and leave in the "to be spent."

Now let me just explain the reason for that again. I think the way our amendment is drawn it clearly implies a system, a formula, a procedure, by which and through which the department gives its grants to the various municipalities. When we come to the word "proposed" perhaps the minister may say this is really nitpicking, I think we all know what we have in mind. But the point I wanted to make here is that when the word "proposed" is injected into that sentence it indicates a veto power on the part of the department.

The municipalities come in with their proposed plans of spending and the department then comes along with the red pencil and says, "We are sorry, that is out." In our view I think the townships are very responsible people. I think if they come in with a proposal for road construction and for road maintenance for any given year they have thought it out fairly well and very carefully, they have arranged their own priorities.

There may be some basis for negotiation whereby the department says, "Well now

look, we do not think you really have to undertake this particular road construction programme this year; you may wish to undertake it next year. But let us talk about that. We do not know whether we can arrange to supply the funds to you this year or not." That is a negotiation which is undoubtedly undertaken from time to time.

But the fact that you have in that clause the word "proposed" really means that the show is being run from Toronto, and I do not think that is what you want or what you intend. So I think it is just a question of semantics really and I suggest to you that "how such allocation is to be spent" is more appropriate under the circumstances than the phrase "proposed to be spent."

**Mr. Chairman:** Is the hon. member submitting a motion to the committee at this time?

**Mr. Gaunt:** Yes; I am sorry, yes.

**Mr. Chairman:** Would the hon. member so move?

**Mr. Gaunt:** I so move, Mr. Chairman.

**Mr. Chairman:** Mr. Gaunt moves that sub-clause 1 of subsection 50 of section 5 of the bill shall be amended as follows:

> The minister shall annually advise every county that has established a county road system and adopted a plan of road construction and maintenance of the moneys to which it is entitled for road construction and maintenance. The county shall file with the minister not later than the 31st day of March a detailed estimate showing how much allocation is to be spent.

The hon. minister.

**Hon. Mr. MacNaughton:** Yes, well with great respect, I would have to repeat what the hon. member said, he is dealing with semantics rather than reality. The allocations that are made—and that is under the bylaw procedure and has been lived with for decades—are based on entitlement. But if we were to put the word "entitlement" in there, or "entitled" in there, I would suggest we would get a variety of opinions from every municipality and county across the province.

If it was left to the municipalities to determine entitlement I suggest that their ideas of entitlement, to use that word, are often at considerable variance with The Department of Highways. I will not recite all the methods of determining entitlement, but I would have to suggest to you that in the initial situation, or initial circumstances represented presently by the normal bylaw, the minister, and quite properly so, is restricted to the distribution of the funds allocated to him for this purpose.

If we were to change from allocation to entitlement, I would ask the hon member to consider the disparities that could exist in the submission of their requests for funds. If they were to make the determination as to entitlement without some discussion and deliberation with the department; well it would be an invitation to do so if we used the word "entitlement."

They are quite familiar with the present process. They discuss these matters with the municipal engineer in the respective districts across the province, so at that point in time they are quite familiar with how the matter is going to be handled.

So I would have to suggest to you, Mr. Chairman, I would not only be reluctant I could not see my way clear to change the word "allocated" to "entitled."

Now the real essence of how we reach their entitlement, or as close to its as possible within the limitations of funds, comes up in the next section, and that is what we now call the supplementary bylaw. The normal bylaw, or in lieu thereof the amended section that is being proposed here, is to indicate that they have a basic allocation of funds to start with and then from that they can determine a supplementary requirement, so then, again, they follow up with another bylaw.

All we are doing is to replace the bylaw procedures and the detail of work that is involved at the local municipality, by simply requesting a statement of the funds proposed, certified by the appropriate authority. It is going to eliminate some detail work but it is not going to change the context of the performance materially at all. It is the supplementary bylaw where the adjustments are made to ensure that as close as possible, and again within the limitations of funds, their entitlement is reached.

We are in the process at this moment, for further explanation, of determining what the supplementary approvals will be. It is difficult if not impossible to indicate what supplementary approvals will be until we have the requests for supplementary funds from all, because then we equate them fairly and within the limitations of entitlement again. So I would say, Mr. Chairman, with

some reluctance, I cannot accept what I am sure is a studied proposal by the hon. member, because there would be grave dangers in it. I would have trouble with my hon. colleague, the Treasurer (Mr. McKeough) I think if I were to open it up to that extent.

**Mr. Gaunt:** As a matter of clarification, I do not want to leave the impression that the municipalities themselves make the determination as to their entitlement. I want to scratch out that impression if indeed I left it. What I really had in mind was the procedure whereby the department goes to Treasury Board, it is given so much money for a budget year, for a current year, and then the department allocates that in the various programmes.

The department, in essence, really makes the allocation. The entitlement of the municipality is then based on some type of well known formula, or formulae, known by the municipalities and known in such a way by them that they have a rough idea at any rate as to what they are going to get. The minister advises them of the entitlement which they will get in any current year and then they go on from there.

Of course, the supplementary estimates can come in and be dealt with at that time, but I just wanted to erase the impression that perhaps I gave. If the minister got the impression that I was suggesting the municipalities would actually set their own entitlement and arrive at their own entitlement on their own, separate and apart from the department, that really is not what I meant. I meant that the department has the allocation of funds available for that particular vote, and then the entitlement of the municipality is based on a number of factors. I mentioned three or four at the outset—population, debt load of the municipality, need—all of these things.

As a matter of fact, it may not be all that different from what is done now. I know that you have some type of formula now. I know that. You just do not do it willy-nilly. You have some guidelines, and this is really what I meant when I said entitlement.

**Hon. Mr. MacNaughton:** It is fairly flexible.

**Mr. Chairman:** The hon. member for York Centre.

**Mr. D. M. Deacon** (York Centre): Mr. Chairman, as an example, to illustrate to the minister some of the thoughts behind this amendment and the one that we would apply to section 6, is the experience that some municipalities, and I as a member of a council of a municipality, had in the past with the present method of dealing with the department grants.

We recognize, as my colleague has stated, that it is necessary for the Treasurer to have full control over the total—

**Hon. Mr. MacNaughton:** Mr. Chairman, may I ask a question? Is reference being made to section 6 at this moment?

**Mr. Chairman:** I heard the hon. member mention section 6, but I think—

**Hon. Mr. MacNaughton:** We are getting into section 5.

**Mr. Chairman:** —he was just referring to it relative to section 5.

**Mr. Deacon:** Just in case the minister did not hear me, I mentioned that this amendment, together with an amendment we will be proposing for section 6, is to change an emphasis that has been given in the past. It is not designed to take control of the total allocation away from the Treasurer or the minister. We recognize that after all that is his responsibility. He must have jurisdiction over that.

What we are suggesting in this proposal is that the decision with regard to the actual place the money will be spent by the municipality will be the municipality's decision rather than the department's.

As my colleague and the minister have stated, there is already a formula for working out the actual total initial bylaw. The department has a system here.

**Hon. Mr. MacNaughton:** Yes, I am quite aware of that—very aware of it.

**Mr. Deacon:** We are aware of that too. We are saying that the decision as to how that first bylaw money is spent should be the decision of the municipality, not the department. The department says, "You have this money"; the local municipality or the county decides where it is going to spend it.

Back in 1954 or 1955, after Hurricane Hazel, I well remember the terrific amount of time and effort that the local council in my municipality spent in working out priorities for rebuilding the roads in that area. They worked out priorities that would, in their view, best meet the local needs. They then put their proposal in, as is outlined here

by the minister, which must be done before March 31.

But the department changed the priorities to suit what it felt were to be the needs. Our decisions and our thoughts were really pushed to one side. We were locally elected to take the responsibility to meet the local needs, but we could not get the grant unless we agreed with the department's decision.

In our view the department should be there to advise and give their reasons, but the decision should be that of the local people who are elected to deal with the local roads. It seems incongruous to us that the department should try to go into the detail it does in making these approvals, particularly with regard to that first bylaw.

So I urge the minister first of all to recognize that by this amendment the Treasurer and the minister would still have control of the total amount that they are going to be allocating. This is not one where the municipality is deciding that. The minister is deciding the entitlement.

The second thing is that the local municipality is being given the responsibility for deciding priorities and how the money is to be spent. That way there is no hesitancy; they know they will have this entitlement; they can proceed with their plans—and plans and preparations can certainly be made long before the departmental final approvals are received.

I feel this will cut out some unnecessary paperwork, unnecessary interference and in no way reduce the control of the minister over the amounts he is handing out. I urge the minister to change his view on this in light of these comments.

**Mr. Chairman:** Any further discussion on this amendment?

All those in favour of Mr. Gaunt's amendment will please say "aye."

As many as are opposed will please say "nay."

In my opinion, the "nays" have it.

I declare the motion lost and section 5 shall stand as part of the bill.

Are there any further questions, comments or amendments to any section of this bill?

The hon. member for Wentworth. On what section?

**Mr. Deans:** Mr. Chairman, I have amendments that come in section 91.

**Mr. Chairman:** Are there any comments or questions on any section prior to section 91? The hon. member for York Centre on section 6 of the bill.

**Mr. Deacon:** This is the same point as in section 5 to a degree, Mr. Chairman. It now reads:

> Upon receipt of the statement, declarations and request, the minister may direct payment to the county treasurer out of the moneys allocated—

Again it is a question, in our view, of the municipalities not knowing whether they are going to get the funds or not. I think the section would not diminish the ability of the minister to control the expenditure if we move this amendment; therefore I so move, that section 6, subclause 2, be amended by its deletion and the following words be inserted:

> Upon receipt of the statement and declarations, the minister shall direct payment to the county treasurer out of the moneys allocated under section 50 of an amount equal to 50 per cent, or in the case of a bridge or culvert an amount not exceeding 80 per cent, of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the minister is final.

I so move that. I have copies of it.

**Mr. Chairman:** Mr. Deacon moves that subclause 2 of subsection 2 of section 6 of the bill be amended to read as follows:

> Upon receipt of the statement and declarations, the minister shall direct payment to the county treasurer out of the moneys allocated under section 50 of an amount equal to 50 per cent, or in the case of a bridge or culvert an amount not exceeding 80 per cent, of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the minister is final.

Any discussion on this motion?

**Mr. Deacon:** I would appreciate the minister's reasoning or comments on what I mentioned about his loss of control. What is he losing by this change and does the municipality not gain in its knowledge of the programme it can proceed with?

**Hon. Mr. MacNaughton:** Mr. Chairman, I touched on that, perhaps not as completely as I might have, but reference is now made back to section 5, subsection 50, clause 2.

In this instance, we are dealing with supplementary funds, not initial allocation. So I would very much hope the hon. member would see the difficulty, if not the impossibility, of allowing the minister some discretionary authority here, because we get back again to the total allocation of supplementary funds.

In most cases I would be the first to admit that the supplementary requests for funds are well developed, well conditioned, in every sense of the word, because I can assure the hon. member, Mr. Chairman, that counties and municipalities are very, very familiar with the procedure.

But to suggest that that degree of finality shall be vested in the county or the municipality, in the proposal by the hon. member, one has then come back to what I stated previously in this respect that the supplementary allocations cannot be made until all the supplementary requests are in. Now if they exceed the allocation that Treasury Board approved, as provided for in the estimates of the minister, then of course some adjustments have to be made across the board.

In those circumstances—and it does not always happen—it is often possible to provide for that supplementary request. But to bind the minister to that request in supplementary form by the counties or municipalities, I say to you, Mr. Chairman, it simply would not work. There is no way.

Let us use the case of Markham township as an example. If their supplementary request for funds, together with the requests from a number of other municipalities exceeded the total funds available, then we have to review them all and adjust them fairly among the municipalities. Equity would not be done fairly if one municipality could get its full supplementary request, and because of that we have had to reduce others. I suggest that amount of discretion must be left to the minister or it would be totally unfair.

**Mr. Deacon:** Mr. Chairman, I agree with the minister with regard to the supplementary allocation, which is over and above the initial allocation. I may have misunderstood in not comprehending the actual legal portion here; my colleague and I, in going through that, may not have fully understood the implication of each of these clauses with regard to the supplementary portion. Definitely the minister has to be completely in control of that, including whether he is going to recommend to the Treasurer that these extra amounts, over and above the original allocation that is discussed here, the original amount the—

**Hon. Mr. MacNaughton:** Mr. Chairman, maybe I could clarify that for the hon. member. His reference was to section 6, subsection 2, clause 2, and this one relates back to clause 2 in the previous section which deals with supplementary estimates.

**Mr. Deacon:** Mr. Chairman, the original in section 5, the amendment of section 50, says the minister should annually advise every county that has established a county road system of the moneys he has allocated to the county. Now that has nought to do with this supplementary, as I understand; that is the basic amount the minister is allocating.

**Hon. Mr. MacNaughton:** That is right.

**Mr. Deacon:** And when we talk about this, we are talking only about the basic amount. Now when it comes to supplementary allocations, my colleague and I completely concur with the minister that the county has to make a case for any supplementary grant it is to receive, and the minister then has to look at all the supplementary applications before he then makes his decisions.

We concur with that completely. In referring to these amendments, our wish is to have the minister amend the procedure only—

**Hon. Mr. MacNaughton:** The member's reference confused me.

**Mr. Deacon:** —with regard to the original allocation. If the minister would concur in whatever language is necessary so that the original allocation and the programme of those original funds is at the discretion of the local municipality, then we are satisfied that the municipality can go ahead with its basic programme. It knows it has those funds as soon as the minister has allocated them; it has the responsibility to tell the minister what it is doing, so the minister knows that. And when it puts in for a supplementary, the department is then familiar with the whole programme and can decide in its wisdom whether it is going to give it any supplementary or not. This is what we are trying to get across, Mr. Chairman, and I would ask the minister to reconsider it in the light of that.

**Mr. Gaunt:** He did in the first—

**Hon. Mr. MacNaughton:** Well, I will. The hon. member's original reference confused

me, because he made mention of the reference in the one section, back to the supplementary section of the other one.

**Mr. Deacon:** Right!

**Hon. Mr. MacNaughton:** Now even in terms of the original allocation, I would say that the instances where those approvals are interfered with are few and far between. But when we find that the allocations are for the improvement of a road that from a deficiency point of view should not have the priority that it is being given, normally those arrangements can be worked out amicably between the municipality and the minister. Because there are situations where they would apply their capital funds to roads that are not as deficient as others within, shall we say the county system. We had a county needs study a few years ago—it is being updated now—when determinations were made as to the level of service, condition and desirability as far as the county roads system was concerned. In that area the minister prefers to work out with the municipality the application of funds in those areas where the deficiencies are the greatest within the system itself.

There are occasions when municipalities will wish to apply funds to the improvement or restoration or reconstruction of a road that by any set of standards is not as deficient as another one. We like to reserve the right to review these matters with the municipalities involved and normally we are able to come to satisfactory arrangements and that is why it is in here.

In the broad sense there are few, if any, problems, but we do encounter these and, on a basis of past performance, there has been little, if any, serious problem; and nothing that is being proposed here changes the pretty satisfactory working arrangements that presently exist. The only thing we are proposing to do here is get away from the bylaw. That is all that is proposed in fundamental terms in these various sections.

**Mr. Deacon:** Mr. Chairman, I am pleased to have the minister's explanation and statement that there have been very few changes made. I agree that there have been very few places where agreement has not been reached, but the reason for that is the minister has the real wallop. He has that grant money which he gives or does not give.

What we are trying to bring out here is the fact there are two bosses with regard to the original, what we call entitlement. We are concerned about the fact that all over the province people are elected locally to assume responsibility and then they have an out. When a situation arises, they say: "Well, look, we do not really control that expenditure. Sure we raise some taxes for it, but The Department of Highways really controls it."

I mentioned in the estimates consideration a situation in the county of York last year and asked that this whole matter of road needs and priorities be studied. I was pleased to know that the department does carry out such a study in co-operation with the counties, and there is such an analysis being done. But in my view the decision—and my colleagues in this party share this view very strongly—the decision is for them to make. Even what in the department's view is a mistake should be the decision of the locally elected people and then they have to be accountable to their people for it.

If they go against the need study of the department because of local circumstances, that should be their right because then they have to bear the responsibility when they go to their electors.

Our real problem with local government in this province today is the fact that this province, this Queen's Park government, so often interferes with the local decisions and then nobody knows who is responsible. The local councillors, time and time again, say: "We really do not have the say. Queen's Park with their grants controls everything that happens."

This party is very strongly of the view we have to change this and this change is proposed in these two amendments. I ask the minister if he will again reconsider this, because I think that he is making a great mistake to interfere with local autonomy, as this bill does, as now drafted.

**Mr. Chairman:** Any further discussion on the motion?

**Mr. C. G. Pilkey** (Oshawa): They go right over the community.

**Mr. Chairman:** Those in favour of Mr. Deacon's motion will please say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

I declare the motion lost.

Section 6 shall stand as part of the bill?

Section 6 agreed to.

**Mr. Chairman:** Are there any further questions, comments or amendments to any other sections of this bill?

**Mr. D. C. MacDonald** (York South): Mr. Chairman, on the formula we have been talking about, having listened to this debate, may I elicit from the minister if there is set down the components of the formula which leads to the original entitlement?

**Hon. Mr. MacNaughton:** The formula is made up by a number of criteria.

**Mr. MacDonald:** Is it set down or is it so flexible that it differs from case to case?

**Hon. Mr. MacNaughton:** No, the county road standards are well known to the counties. They are well set out. Obviously they vary from the standards for a municipal or a township road with conditions, a variety of things. The county system of roads is also well known—that is the roads which should be in the county system and those that should be a township road. In all these circumstances—we are under this section dealing with the counties—the minister is advised by the county engineers' advisory committee. Each and every step of the way the criteria or the formulation is worked out with the county road advisory committee. It is improved from time to time so that I do not possess all the criteria or the standards, but they are well known. The counties are well informed through a committee of county engineers.

These things are established first and then revised, improved as we go along. We meet with their advisory group and of course it is well known that the county engineers are the officers who advise the counties with respect to their road system; they work against the deficiencies that occur in any year and lay out their spending plans in concert with the road committee of the county.

We think we are well advised. We think in turn that the counties are well advised because we use their own advisers to advise us. Beyond that I am not in a position to spell out all the precise elements of the criteria—I do not know that needs to be my problem—but I do know that the relationship and the level of communication is excellent. With few variations I have no reason to believe that it is not working fairly and well.

**Mr. MacDonald:** Would it be possible to set it down, could the minister make a brief word of explanation?

**Mr. Chairman:** I do not want to be too restrictive. There should not be any lengthy debate at this time. The defeat of that motion carried that section. We are on to further sections. I do not want to unduly restrict the hon. member. The section has been carried.

**Mr. MacDonald:** Okay. We cannot be ingenuous. We will get it in somewhere.

**Mr. Chairman:** All right. Now are there any comments, questions or amendments to any other section of the bill? Which section?

**Mr. Gaunt:** Let us go to section 8 then.

**Mr. Chairman:** Which section?

**Mr. Deans:** Section 91. Can I just leave you until you get to 91? You will tell me when you get there?

**Mr. Chairman:** Ninety-one? There are not that many sections in the bill. Anything in section 7?

**Mr. Deans:** Section 13.

**Mr. Gaunt:** Section 8, Mr. Chairman. I just wanted to—

**Mr. Chairman:** Section 7 is passed over and carried then. Section 8. The hon. member for Huron-Bruce.

**Mr. Gaunt:** We ran into the same problem here and this is the place where we can actually pursue the matter of the formula. Now I know the formula is very well known to the municipalities insofar as the standards for construction are concerned.

I am not so sure that the formula for entitlement is so well know. The minister says that it is—that townships and the municipalities know exactly and in precise terms the basis upon which they receive their money. I am interested to have that comment from the minister because I was under the impression that they did not.

**Mr. MacDonald:** Let me add my bit now before the minister—

**Hon. Mr. MacNaughton:** There may be some who would make that statement, but I would have to quarrel with that, Mr. Chairman, because the same information is available to all townships.

They know very well that they are going to get a normal allocation; presently it is by bylaw but it is going to be done in another form. They also know that they will be put in a position to apply for supplementary moneys and they have been very familiar with that procedure. To say that they do not know the working arrangements in these terms is not a correct statement.

**Mr. Pilkey:** They have guys hired just trying to figure out what the minister is doing.

**Hon. Mr. MacNaughton:** No, we know very well.

**Mr. Chairman:** Anything further on section 8?

**Mr. Pilkey:** No, full-time guys are being hired!

**Mr. Chairman:** Anything beyond section 8?

**Mr. MacDonald:** I will not take much time but I want to make a point with the minister. In order to achieve the objective, which we all agree with in principle—namely that there should be as full autonomy as possible at the local level—it seems to me that we have got to attempt to set down clearly, so that they can be picked up and handed to anybody who asks for it, formulas for entitlement on basic grants.

I am not talking about the supplementary grants for the moment. I can see that there are many factors involved here. They are being reviewed all the time by the advisory committee of county engineers with the result that at any given time they may be subject to change. It seems to me that it would be useful to be able to set that formula down. Presumably a county would then know that they have X number of miles in their particular road system—

**Hon. Mr. MacNaughton:** The member is talking about townships now.

**Mr. MacDonald:** —okay, townships in this instance—or whatever jurisdiction it happens to be. There are other factors regarding certain standards that must be maintained. They are below it, therefore they must be brought up to it; certain maintenance standards and so on, so that you would have a clear picture of what their basic original entitlement is.

The reason we in this party are interested is that it is vital to the whole municipal foundation approach. Every municipality should know what its entitlement is. In the initial stages of the municipal foundation programme, I do not think roads are being brought in, at least as the programme was pioneered in Nova Scotia. I think that is a next step. I can see that it is complicated enough, so there will have to be a next step. But now is not too early a date to attempt to work out the formula, so that we have a clearer picture of that original entitlement. Then they know that they are not engaged in a political pressure game in order to get their desserts. They are entitled to it, because it flows directly from what has been laid down as a formula. That is the point I am attempting to make with the minister.

**Mr. Deans:** It is a good point.

**Hon. Mr. MacNaughton:** Mr. Chairman, they know the formula. In general terms—I will not take more than a minute to do this—the townships have a roads superintendent. He would recommend to the council of a township what he thinks should be the road improvements in his jurisdiction for the upcoming year. He would present those to the council with an estimate of the costs, and his determinations would be made up by this formula that is jointly developed with the department.

He would have to take into account the level of service the particular road requires to provide. That would be related to the traffic over the road in question. It would be related to the actual deficencies as to whether it needed to be regraded and built up, and a construction contract, or whether under the maintenance side it can be improved to meet the standards required.

These are a few of the criteria. They are all well known to the municipalities and advised by the roads superintendent. I do not think there is any confusion on the part of the municipalities in that respect. I suppose it is possible to document this for the members. I cannot do it now, but it is a possibility. I think anybody that wanted to go up to Downsview and talk to the municipal road engineers could have this laid right out before him. That is no problem.

**Mr. Chairman:** Anything on section 9?

**Mr. Gaunt:** Section 13, Mr. Chairman.

**Mr. Chairman:** Anything before section 13? All right. The hon. member for Huron-Bruce.

**Mr. Deans:** You have got to be kidding.

**Mr. Chairman:** I must correct the hon. member, I am not at all kidding. The hon. member for Huron-Bruce. I recognize his position in the official opposition, and the last speaker was from the New Democratic Party. I am not kidding in the least. The hon. member for Huron-Bruce.

**Mr. Gaunt:** Mr. Chairman, I want to make a few comments on this section having to do with the 50 per cent, insofar as subway construction is concerned.

Under the rules of this House, we cannot direct the payment of money in any way, shape or form, and so it is impossible to move an amendment in this section. If it were possible, I would certainly do it. However, I will talk about it in any case.

What the department is doing here is really a catching-up action. They are catching up. Previous to this bill, they gave a grant and allocated money for subway construction to the extent of about 20 per cent. That programme has caused all kinds of problems in the bigger urban municipalities across this province—

**Mr. Chairman:** If the hon. member would not object, perhaps I would interrupt him for a moment to indicate to him and the committee that the minister does have an amendment to this particular section, which may or may not influence the remarks he is making or will make. However, if he wishes to continue, it is perfectly in order, as far as I am concerned.

**Mr. Gaunt:** The minister has an amendment to this section?

**Hon. Mr. MacNaughton:** I have an amendment to add a clause to this section, yes.

**Mr. Gaunt:** Let us hear it then.

**Hon. Mr. MacNaughton:** Mr. Chairman, I do not know that this is relevant to that to which the hon. member is addressing himself. I think the amendment is one that was overlooked before in terms of achieving the same relationship to rapid transit as presently applies to roads. I think we should hear from the hon. member first. This will come up later on; it will be a new clause, a new subsection.

May I suggest we hear further from the hon. member, because I do not think there is a direct relationship in this amendment to what he is talking about.

**Mr. Chairman:** I have no objection one way or the other. The hon. member may continue.

**Mr. Gaunt:** I will if there is no direct bearing on what I am talking about here.

**Hon. Mr. MacNaughton:** I do not see any yet. I may as the member goes along, but I do not see any yet.

**Mr. Gaunt:** Well, I will complete my remarks, Mr. Chairman.

I just wanted to say that the department, in terms of its grant structure, over the years has been discouraging subway development, particularly in Metropolitan Toronto. I think that is the most obvious example. It has had all sorts of repercussions. I need not go into those.

Spadina, of course, is really a result of the grant structure of the department over the years. It was a traumatic experience, I am sure, for the government to reverse itself and change its emphasis. It could have been done on a gradual, staged basis without any tremendous shift and tremendous reversal, causing all sorts of problems in so far as planning, development, construction and what have you are concerned.

The point I am making here—and I want to eventually come to it—is that the 50 per cent is still not adequate. We are engaged in a sort of a rearguard action here; we are catching up. And in my view—I stated this on second reading—I think it should be 75 per cent. We are still giving 75 per cent for the construction of expressways in the large urban centres, and the statement of the Prime Minister (Mr. Davis) when he introduced this legislation, saying that it was landmark legislation, really is not true.

It is not true, because the action does not follow the words. If it is landmark legislation, that implies a pretty dramatic shift; it should be understood that under the Prime Minister's so-called people programmes, if he is going to move all the way, the subsidy for construction for subways certainly should be equal to or better than the subsidy provided for expressway construction.

At the moment there is still a 25 per cent discrepancy, and I suggest to the minister that that discrepancy is still going to weigh in favour of the construction of expressways, notwithstanding what has happened to Spadina, because the municipalities respond to money. They move in the direction of the money; if the money is there they are going to respond to it. And in my view—

**Mr. Chairman:** The hon. member has spoken at length on this topic. It is more the principle of the bill, and in any event it was discussed earlier at second reading and it is repetitious.

**Mr. Gaunt:** All right. I will conclude, Mr. Chairman. I just want to say that in my view the 50 per cent in this section should

be at least 75 or 80 per cent, because if we are going to indicate to people that there has to be a shift, trying to encourage them to use the public transportation as much as possible. The minister I think has said—and I am paraphrasing him—but he said something in committee when we were dealing with his estimates to the effect that the age of the motor car may very well pass in the next number of years.

**Mr. Pilkey:** That is heresy in Oshawa!

**Mr. Gaunt:** Well I am paraphrasing the minister, but I think he was indicating—

**Hon. Mr. MacNaughton:** Not accurate!

**Mr. Gaunt:** —the shift. I do not think he was indicating that it would disappear. I do not think he meant that it would disappear. He just meant that people would be using public transportation and it would be a mode of transportation which would become more and more appealing to people.

I suggest that is right, and, that being so, I think the department should do everything possible to encourage the municipalities to embark upon programmes of public transportation rather than to continue the programmes which we have had over the years.

**Mr. Chairman:** Does the hon. minister wish to reply at this point?

**Hon. Mr. MacNaughton:** I have very little to say other than what was said on second reading, Mr. Chairman. I simply cannot concur.

I think we may hear from the hon. member for Wentworth along similar lines.

**Mr. Chairman:** Right.

Might I ask the hon. member for Wentworth if he does have an amendment to produce?

**Mr. Deans:** Yes.

**Mr. Chairman:** I must point out that I have an amendment by the minister to section 15.

**Mr. Deans:** That is not my fault, he could have introduced it.

**Mr. Chairman:** That is quite correct. I must only point out that if the hon. member presents a motion and it is defeated the section is carried.

**Mr. Deans:** Mr. Chairman, I am positive that the amendment that I have to introduce will not be defeated. I feel quite confident that the minister will accept it.

**Mr. Chairman:** I am not in a position to express an opinion whether it will be or will not be, but the minister's motion should be presented first.

**Hon. Mr. MacNaughton:** Mr. Chairman, just to avoid any determination or conclusion by the hon. member, let me put my amendment and clarify the issue.

**Mr. Deans:** Now if his is defeated is the motion carried?

**Hon. Mr. MacNaughton:** The member has not heard the amendment yet.

Mr. Chairman, I move that section 91(b) of section 13 as enacted by section 13 of the bill be amended by adding thereto the following subsection:

> (8) Where a contribution has been made from any source whatsoever toward an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure and a statement submitted to the minister unless the minister otherwise directs.

**Mr. Chairman:** Shall the motion carry, the amendment to section 13?

No? There is discussion on this motion?

**Mr. Deans:** I want to get the import of the amendment.

Would I be correct in assuming that this amendment would mean that if the federal government decided through its Urban Affairs department to make moneys available for subway construction and the like, that the provincial government would deduct any moneys made available by the federal government from its share of the subsidy, rather than deduct it from the municipality's share?

**Hon. Mr. MacNaughton:** Not necessarily.

**Mr. Deans:** It strikes me that that is what the minister is saying.

**Hon. Mr. MacNaughton:** Yes, but a lot of things strike the member that are not quite correct, so let me explain that to him.

**Mr. Deans:** That is true, especially when the minister says it.

**Hon. Mr. MacNaughton:** Mr. Chairman, I agree with you, I think an explanation of this bill is in order.

This is an exact repetition of a similar clause in the present Highway Improvement Act as it applies to contributions to roads.

I think the pertinent statement here is "unless the minister otherwise directs." When we examine that I think we will find that a contribution from any other source can be excluded with the direction of the minister, so that the total subsidy applies without reducing it. It is the wording that makes that provision. Let me illustrate this.

**Mr. MacDonald:** What if the province, as well as the municipality, shares in the contribution from elsewhere—benefits from it?

**Hon. Mr. MacNaughton:** There was a time when, for instance, a municipality—let us use a project value of $10,000 and some other agency would make a contribution of $2,000. In those circumstances the $2,000 would be deducted and the $8,000 would be shared on the basis of the subsidy rate. This was added to permit the minister to waive that former position and allow those contributions to be made without any impairment of the subsidy on the total amount. So again $10,000—$5,000 from another source—is still subsidized in the normal manner.

**Mr. Chairman:** Ready for the question?

**Mr. Deans:** No.

**Mr. Chairman:** The member for Wentworth.

**Mr. Deans:** There has been a movement afoot of late to have the federal government involve itself in direct expenditures at the municipal level. I think that considering the fact that the government has decided it will only make grants available for subway construction up to the level of 50 per cent, if the federal government determined that it wanted to enter into the field with a direct subsidy to the municipalities, this ought not to be considered by the provincial government. In other words, the saving should go directly to the municipal taxpayer in that instance. I say that it should, and they should know that it should.

**Hon. Mr. MacNaughton:** Mr. Chairman, I point out to the hon. member that that is why I am introducing this amendment to this section of the Act.

**Mr. Deans:** This is the problem then. It is not why—

**Hon. Mr. MacNaughton:** Yes, it is.

**Mr. Deans:** The minister is doing it in order that he can make up his mind at some point whether or not the provincial government will give as much money as it had previously been committed for. He is not making the Act in such a way that the municipality will automatically benefit from any contributions by the federal government.

**Hon. Mr. MacNaughton:** No, not specifically, but the proviso is here. It was not here previously. I am putting it in now.

**Mr. Deans:** He is not. Up until now, if the federal government had passed legislation saying that it was going to make moneys available to municipalities for subway construction, there was nothing in this Act that would have permitted the provincial government to reduce its contribution because of the federal contribution.

**An hon. member:** Right.

**Mr. Deans:** The minister has put something in the Act—

**Mr. Stokes:** The minister is just making it discretionary.

**Mr. Deans:** —that will permit the provincial government to reduce its contribution.

**Hon. Mr. MacNaughton:** And also, Mr. Chairman, I point out, permit the minister not to do that.

**Mr. Deans:** Well, of course, but this is the whole regulation bit again, where the government passes Acts and then suddenly takes to itself all of the powers of determining how the Act will be enforced. It is never clearly laid out. The municipality does not know.

If the federal government decided it wanted to enter into the field, would it have to first come to the provincial government and ask them: "Will you or will you not be expecting to receive some of this money?" Will we have to have some agreement with the federal government in advance in order to determine what the expenditure of the province would be?

Or could the federal government, say in the case of Metropolitan Toronto, which is going to embark on a massive subway building programme, could the federal government say it is prepared to make available millions of dollars for subway construction in Toronto under the present legislation? And if it could, could it do it without the province demanding its opportunity to state its preference in

regard to how the money should be allocated? I just feel this is detracting from the possibility of the federal government becoming involved in direct municipal assistance.

**Hon. Mr. MacNaughton:** No.

**Mr. Deans:** I think it is.

**Hon. Mr. MacNaughton:** I would say, Mr. Chairman, I do not have to agree with the hon. member.

**Mr. Deans:** That is right. And by the same token I do not have to agree with the minister, and therefore I will not support his amendment.

**Hon. Mr. MacNaughton:** That is fine. Then let us stay on that basis, shall we?

**Mr. MacDonald:** Well look, if the minister really means what he says, namely that he does not want to interfere with the federal government's right, and the possibility of exercising that right, of making money available to municipalities, then he does not need to move this section.

**Hon. Mr. MacNaughton:** Yes, we must move this.

**Mr. MacDonald:** No!

**Mr. Deans:** Why?

**Mr. MacDonald:** Because then the federal government can make its contribution, it goes to the municipality and presumably applies wholly against the municipality's 50 per cent obligation. That will happen if the minister does not pass his amendment. True, the minister has the right to waive the amendment, but the minister also has the right to say that the federal government's money will come off the top and therefore the province will benefit in the 50-50 division of the remaining amount. In short, the federal government is going to subsidize the provincial treasury to some extent, rather than just subsidizing the municipality, so do not let the minister say that he has to do this to permit the federal government to move into the picture. The federal government can move into the picture, and without this amendment, the whole of the amount of money is for the assistance of the municipality. If this amendment is passed and the federal government moves in, it may not be wholly for the municipality, depending on the minister's discretion.

**Mr. E. W. Martel** (Sudbury East): Right. The hon. Minister of Transportation and Communications wants his pound of flesh.

**Mr. Deans:** It reduces municipal autonomy.

**Mr. MacDonald:** This is offensive, and unnecessarily so.

**Mr. Chairman:** Has the member for Wentworth finished?

**Mr. Deans:** No, I want—

**Mr. Gaunt:** The hon. Minister of Transportation and Communications is hedging his bets.

**Mr. Chairman:** The member for Wentworth shall continue.

**Mr. Deans:** No, I am sorry. I was not finished. I do not understand why the provincial government should be at all concerned in regard to the manner in which the municipalities raise their 50 per cent.

**Mr. MacDonald:** In fact, I thought you wanted to help the municipalities in that.

**Mr. Stokes:** You just want a piece of the action, that is all.

**Mr. MacDonald:** No, a piece of the money.

**Mr. Deans:** I do not see any reason why the provincial government should be concerned in that matter. The provincial government says that it is prepared to make 50 per cent available, and I agree with the member for Huron-Bruce—50 per cent is not adequate. But if the provincial government says in its formula that it is prepared to make 50 per cent of the total expenditures available, it should not care how the municipality raises the remaining 50 per cent, as long as it is done legally.

If the federal government is prepared to enter into some agreement with municipalities to make grants for the purpose of providing subway construction, then the provincial government should be happy about that and should be prepared to allow it to happen without interference. This gives the minister the opportunity and the right to interfere and I do not agree that is the kind of discretion—

Interjection by an hon. member.

**Mr. Deans:** —that ministers of the Crown should exercise in this regard. If you are going to make the money available, then make it available. If you are not going to, then say so. But what you are saying here is that at some point, you will be able to de-

cide whether or not you are going to allow the money to be given without any reduction in the provincial subsidy. I do not agree with that. I think that is the wrong way to run a government and I say to you that we will not support your amendment.

Mr. Chairman: The member for Downsview.

Mr. Singer: Mr. Chairman, I am concerned about a number of things in section 13 and the latest thing, of course, that I am concerned about is this amendment proposed by the minister.

You recall, sir, that the history of this new Act related in some way to the victory of people over cars. The government promised that they were going to have alternative systems made available just as quickly as possible so that people would dominate over cars.

Hon. Mr. MacNaughton: I do not think this is related to the motion.

Mr. Singer: You do not think it is related to it? I would have thought that when you have a section that deals with subway construction, the only place in Ontario that you can possibly be talking about, with great respect to my colleague from—

Mr. Gaunt: Owen Sound.

Mr. Singer: —from Owen Sound is the municipality of Metropolitan Toronto. I do not know of any plans that are available immediately to build subways in Wiarton or Goderich or Hamilton or Windsor or North Bay or anywhere else. In fact, you have precluded yourself—

Hon. Mr. MacNaughton: Mr. Chairman, may I rise on a point of order so that we can get on with this? There is a motion before the committee. The motion before the committee is in specific terms. Can we deal with that and still come back to an examination of the overall section?

Mr. Deans: I have other amendments.

Mr. Singer: No, no, Mr. Chairman. With great respect to the minister's point of order, if the amendment carries, the section will carry with it. Presently before us is section—

Mr. Deans: On a point of order, the previous chairman pointed out—

Mr. Chairman: We should deal with just this amendment and then we will have further discussion on 13 if necessary.

Mr. Deans: I want to have it clearly set out, because I was going to move amendments prior to the minister. The previous chairman asked that I not move them until after the minister's amendment was moved and carried. He stated clearly that the only time it would carry the section was if it were defeated.

Hon. Mr. MacNaughton: Mr. Chairman, we are not amending the section that is in the bill. We are amending the overall section to introduce a new section. I would think that the member would have a perfect right to examine the other matters that are involved in that section of the Act.

Mr. Chairman: That is right. Whatever happens to the amendment, the section is still open for discussion.

Mr. Singer: I wish you fellows would get together and tell us what the ground rules are.

Mr. Chairman: If the amendment is carried, the section is still open for discussion.

Mr. MacDonald: Let us not argue, as long as it is open.

Mr. Singer: Well, that is the point.

Mr. Chairman: If it is defeated, the section is carried.

Mr. Singer: Mr. Chairman, if it is your opinion that we can debate this amendment and whether or not the amendment is carried the remainder of the section is open for discussion, I would be quite content with that. I just do not want to preclude myself from remarks I feel are somewhat germane to the rest of section 13. Now I will certainly accept your ruling.

Mr. Chairman: I am informed that if the section is carried, the rest of the section is open for discussion. If the amendment is defeated, then it carries the section.

Mr. Singer: Then, Mr. Chairman, it is perhaps not too likely, but it is not inconceivable that the amendment could be defeated—

Mr. MacDonald: It should be.

Mr. Singer: —and at that point—it should be defeated; certainly we are going to vote against it—

Mr. MacDonald: Right!

Mr. Singer: —and at that point the section would carry. So, with great respect to the

minister, his point of order is invalid, because at this point I should be able to discuss the whole of section 13, because within the rules it is quite possible that the amendment could be defeated and the section thereby carried. So if that is your interpretation, Mr. Chairman—am I correct now?

**Mr. Chairman:** That is what I am advised, yes.

**Mr. Singer:** All right. Then it would be in order to discuss not only the amendment but certainly everything else that is in section 13 at this point. Right?

**Mr. MacDonald:** On a point of order, may I clarify another point?

Suppose we stack them. If this vote were stacked and dealt with at a later stage, would that not leave it open to raise any other question and any other amendment? Does this get you off the hook?

**Mr. Chairman:** I do not see how it could be stacked with the two alternatives as proposed.

**Mr. MacDonald:** We have a stacking rule. Stacking is the only way to avoid a vote which may be a loss and then preclude anything else being considered.

**Mr. Deans:** I want to speak to this point. I yielded the floor to the minister in order that he could move the amendment. I did so with the understanding that I would be able to move the amendments that I wanted to move. Now I want to have it clear, here and now, that regardless of the outcome of this vote, the section will remain before the committee.

We are dealing with this section by section; this is a subsection of this section. There are any number of amendments that can be moved to this section. If we are to be allowed to move only amendments to an entire section with seven subsections, then there is something drastically wrong with the rules. We should be able to move amendments to any subsection within the section without carrying the section.

**Mr. Singer:** Whether they are carried or not.

**Mr. Deans:** Whether carried or otherwise.

**Mr. Pilkey:** Could I follow up on the point that—

**Mr. Chairman:** Order please! You have got me a little—

**Mr. Pilkey:** —my colleague made just for a moment? He relinquished the floor because, had he put his motion and that motion was defeated, the section would have carried and the minister could not have presented his at all. As a result of that, the member for Wentworth yielded the floor.

Surely there must be some procedure where the government can get its amendments in without the section being carried. Had that motion been made, the government would have been in a very invidious position of not being able to present its amendment.

**Mr. Chairman:** I think we can clarify this. Irrespective of what happens to this amendment, there can be further amendments to any of the other subsections in section 13.

**Mr. Pilkey:** All right.

**Mr. Chairman:** So you are all right. The member for Downsview.

**Mr. Singer:** Irrespective of what happens to this amendment, we can continue to deal with the rest of part XII?

**Mr. Chairman:** With the subsections, yes. With the other subsections.

**Mr. MacDonald:** The other subsections?

**Mr. Singer:** The other subsections of 91b?

**Mr. Chairman:** Of section 13.

**Mr. Deans:** This is a new subsection.

**Mr. Singer:** I still am not sure that I follow you, because if this amendment should fail does that mean that 91b carries? Is that what you are saying?

**Clerk of the House:** You can deal with 91b by subsections.

**Mr. Gaunt:** 91b carries?

**Mr. Singer:** 91b carries.

**Mr. Gaunt:** —but not 91a.

**Mr. Deans:** Well let us revert to 91a; this is what I wanted to move amendments on. This is nonsense.

**Mr. Singer:** Let us deal with it subsection by subsection. That is the only way to do it, because we are going to get all bound up in these various interpretations of these rules, and somewhere along the line somebody is going to say, "You cannot discuss it anymore." I think the object, Mr. Chairman, with respect, is to discuss everything

that is here, and it would be my suggestion, whether it is within the rules or not, we start at 91(2)(1) and do (a) and (b), (2) then go down and so on.

**Mr. Gaunt:** Right!

**Mr. Singer:** I think if we do it that way, then everybody will know what we are doing and we will be able to discuss it logically.

**Mr. Gaunt:** That solves the problem.

**Mr. Chairman:** Shall we deal with 91a first then?

**Mr. Deans:** Yes, all right.

**Mr. Singer:** Then 91(1) is what I particularly want to deal with.

As I was saying, Mr. Chairman, obviously this is designed only for the municipality of Metropolitan Toronto. That becomes apparent when you look at section 91a(1)(b) which defines a subway as the Bloor-Danforth subway and the Yonge Street subway.

My substantial question there, and I raised it in second reading, is what is the point of putting Bloor-Danforth subway when the Bloor-Danforth subway has been completed already and has been in operation for four or five years. The only subway under construction in the municipality of Metropolitan Toronto presently is a portion of the Yonge Street subway from Eglinton north to Finch Avenue, so why do you have in 91a(1)b(1)—

**Hon. Mr. MacNaughton:** Section 91a.

**Mr. Singer:** Subsection (1)(b)(1)—saying the Bloor-Danforth subway?

**Hon. Mr. MacNaughton:** —clause (b)(1), and as a matter of fact clause (b)(2) are in there for the purpose of defining those subways that are not yet completed or that may be extended. They exist now. Of course, the Yonge Street subway is not completed. They are in there so that the effect of the elements of the new Act shall apply to the continued extension of the Yonge Street subway or any further extensions to the Bloor-Danforth subway. That is why they are in there.

They are also in there to—

**Mr. MacDonald:** That will be extended out to New Woodbine.

**Hon. Mr. MacNaughton:** No, they are in there—they are defined for that purpose, so that the application of the proposals of this Act shall be of benefit to these existing situations.

**Mr. Singer:** Mr. Chairman, I am more confused than ever by the minister's explanation. There are no plans that I am aware of, and I think I am reasonably knowledgeable about this, for the immediate or even reasonably soon extension of the Bloor-Danforth subway in any way.

The Yonge Street subway, certainly; an extension to it is presently under construction.

**Hon. Mr. MacNaughton:** That is right.

**Mr. Singer:** We have talked—some of us, and, even the minister—about the possibility of having something that might perhaps be known as the Spadina Road subway or the Bathurst-Dufferin subway, or something like that.

As I understand the definition section, if that kind of alternative should come up immediately and it should involve the kind of expenditures that are later dealt with in 91a(2), until the statute is changed that would not be eligible for any grants.

**Hon. Mr. MacNaughton:** No, that is not—

**Mr. Singer:** What then is the purpose of the minister's limiting definition—

**Hon. Mr. MacNaughton:** May I—

**Mr. Singer:** —of subways to the Bloor-Danforth subway and the Yonge Street subway, without as I see it, at least in his definition section, any ability to expand that definition?

**Hon. Mr. MacNaughton:** I think the very wording of 91(1)(b) clarifies that.

> Subway means a rapid transit system or part thereof designated by the Lieutenant-Governor-in-Council and includes those parts of the rapid transit system known as,
>
> (I) Bloor-Danforth subway, and
>
> (II) The Yonge Street subway.

I think that is quite clear.

**Mr. Singer:** There is a principle in law, Mr. Chairman, expressed in the Latin phrase —what is the Latin phrase? the Latin phrase as interpreted is: "If you include one, you exclude the other"—"Expression unius exclusio alterium"— if my knowledge of Latin is correct. The hon. Minister af Labour (Mr. Carton) is nodding so I think I have got it about right. It would seem to me that there might well be some doubt about that. I do not know why the minister just does not say that a subway means a subway and let it go at that.

I do not think the minister adds anything to any hopes or aspirations of people in Metropolitan Toronto have by listing the Bloor-Danforth subway and the Yonge Street subway. A subway is a pretty obvious thing. A subway is a method of public transportation that runs on rails, that has cars or trains running on it.

Why does the minister not just do something like that and let it go at that? Because I think the minister gets into the ridiculous when he puts in the Bloor-Danforth subway, when there are no known plans for its expansion, when you do not talk about the immediate possibility of some kind of subway or other rapid transit planning that might be done to serve the northwest section. It would be my thought that you should delete the whole of this (b) because as you phrased it it adds very little to the thrust of the Act, and in fact causes some of us to doubt your motives.

**Hon. Mr. MacNaughton:** I doubt very much whether our motives should be dealt with in the manner of the words of the hon. member. Certainly they are not intended to be that way.

I think this is written so that any rapid transit system designated by the Lieutenant-Governor-in-Council becomes eligible for this type of assistance. But we wanted to ensure that it was also applicable to the Yonge Street subway, which is still under construction, and apply also to the possible extensions of the Bloor-Danforth subway. We wanted to make that particularly clear and specific.

I would go further and say that the application of these sections will be upon the bill receiving royal assent, so from that point on, the change in the form of assistance as outlined in this bill, will become immediately applicable to the Yonge Street subway.

To ensure that that is categorically stated in the bill is the purpose of putting it in this way. So if our motives are suspect on that score, I fail to see why they should be. I cannot understand that. The purpose and the intent of this type of legislation is clear to me and it certainly does not lend itself to any suspicion of motive.

**Mr. Singer:** Mr. Chairman, the minister has talked, but he still has not answered my substantial question.

**Hon. E. Dunlop** (Minister without Portfolio): Sure he has.

**Mr. Singer:** Why do you have Bloor-Danforth subway in when there are no known plans for the extension of it—no idea at all at the present time of embarking on any extension of the Bloor-Danforth subway?

**Hon. Mr. MacNaughton:** I do not know that. Maybe you do. I am not privy to that information.

**Mr. Singer:** Oh, you are certainly privy to that. You are privy to all of the information about this kind of planning. Have you asked the TTC? Have you asked the council of Metropolitan Toronto about what their plans are? You are not privy to that?

What kind of nonsense is that? Oh come on. Be credible anyway. When you say you are not privy to information about this kind of construction in the capital city of the province, that is nonsense.

**Hon. Mr. MacNaughton:** Mr. Chairman, I ask the hon. member to refrain from using the matter of motives and credibility—

**Mr. Singer:** Yes, well you are incredible. That is your problem. That is the problem of the whole government. Anybody who can put his signature on a contract and then be a part of reversing that without any ifs, ands and buts, is incredible, and you are more incredible when you bring this statute in.

I would suggest, Mr. Chairman, that this would make much more sense if everything after the word "council" was deleted. I would therefore move that subsection (b) be amended by deleting therefrom all of the words after the word "council."

I do not have that written out, but it is quite simple and there cannot be any doubt about what I mean:

> Subway shall mean a rapid transit system or part thereof, designated by the Lieutenant-Governor-in-Council.

At least that would make a little more sense.

**Mr. Chairman:** Could we have it in writing in case someone wishes to discuss it?

**Mr. Singer:** Well all right. I will put it in writing if there is any doubt about it.

**Mr. Chairman:** Is there any discussion on this?

**Mr. MacDonald:** We are trying to resolve some semantics here. The hon. member for Downsview has half a point, but he destroys the half he has by coming up with the wrong solution.

In my view, if he wants to get away from the proposition, which is a bit confusing, of designating a couple of existing subways and thereby appearing to exclude others that might develop later, it seems to me the real answer is to have the section read, "Subway means a rapid transit system," and then describe it in general terms. After all, a subway is under the ground, or partially above the ground or something of that nature.

But the net effect of the present wording is that the Lieutenant Governor does not need to designate these two because the Act in effect will do it. Then any subsequent new subways will have to be designated before it becomes eligible for the grant. That is the net effect of it.

I do not know if that is really worth battling over.

**Mr. Chairman:** I will place the motion.

Mr. Singer moves that all the words after the word "council" in 91(a), subsection 1, be deleted.

All those in favour of Mr. Singer's motion will please say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

I declare the amendment lost.

The hon. member for Wentworth.

**Mr. R. F. Ruston** (Essex-Kent): He cannot count very well. There are more members in the Liberal Party than in the Conservative Party.

**Hon. Mr. MacNaughton:** We can call in the members if we have to.

**Mr. Deans:** Mr. Chairman, I have a series of amendments to section 91(a)(2). And I would like to deal with them one by one with the alphabetical designations a, b, c, d as they appear underneath section 91. I raised with the minister during the second reading that I was not convinced, in the definitions—

**Mr. Ruston:** Something wrong with your arithmetic.

**Mr. Deans:** —that there was sufficient indication that the government was prepared to pay its share of lands required for parking purposes. I have read it over and I am still not convinced that it could not be misinterpreted and that it would be entirely possible for the government not to carry its share of the rather heavy cost of providing commuter parking facilities at the various terminal points of the subway.

For that reason, without going into any great lengthy debate on the matter, I want to move three amendments, all of which are related to this particular problem. I want to move under section 91(a), subsection 2, as enacted by section 13 of the bill that clause (b) be amended to read: "The acquisition of land required for subway right of way, stations and yards, and commuter parking facilities."

**Mr. Chairman:** Could these all be put together?

**Mr. Deans:** Could I move all three at the one time?

**Mr. Chairman:** If they are all related, it would be appropriate I think.

**Mr. Deans:** They are all related. I also want to move under section 91(a), subsection 2(c) as enacted by section 13 of the Act; "Clearing the right of way, stations and yards and commuter parking facilities of the subway of any obstructions."

I want to move further, that section 91(a)(2)(h), under construction, as enacted by section 13 of the Act, to add a new clause (i); "commuter parking facilities."

I am sorry I do not have copies. I wrote them out. I will tell you what I will do. I will send you over the original and you can take a look at it. Okay? Send it back!

**Hon. Mr. MacNaughton:** It is helpful to have a copy.

**Mr. Deans:** I agree it is helpful. Did I get a copy of yours before?

**Mr. Chairman:** Are those the three amendments? If so I will present them.

**Mr. Deans:** Those are the three amendments to that section that are related one to the other.

**Mr. Singer:** On a point of order, before you read them, Mr. Chairman. The hon. member's amendments, after they are put by you, will be dealt with and either carried or defeated. Does that then preclude any other amendments, because I have an amendment?

**Mr. Chairman:** To subsection 2?

**Mr. Singer:** Subsection 2. When do you want me to put it? After we have dealt with his amendments or before?

**Mr. Chairman:** I think we should consider these first and then leave it open—

**Mr. Singer:** All right, as long as I have the opportunity to put mine in after his.

**Mr. Chairman:** We will accept yours. Mr. Deans moves that section 13 of the bill which covers section 91(a) of the Act, subsection 2, clause (b), be amended by making it read:

> The acquisition of land required for subway right of way, stations and yards, and commuter parking facilities.

And in the same subsection 2(c), the words shall read;

> Clearing the right of way, stations and yards and commuter parking facilities of the subway of obstructions.

In the same subsection, clause (h); an additional subclause (i) the words, "commuter parking facilities."

Does the minister have any comments on this? Does the minister wish to comment on this addition?

**Hon. Mr. MacNaughton:** Yes, I think we are back to what we discussed in more general terms on second reading.

I am still of the opinion, Mr. Chairman, that section 13, subsection 91(a)(2)(i), the last item in that subsection, makes provision for these requirements. I admit it gives the minister some right to determine those things and I think that is quite appropriate as I shall try to point out, particularly with respect to parking facilities. The authority to provide parking facilities is clearly there subject to the approval of the minister. I will read it to you, Mr. Chairman. That sections reads:

> Such other equipment, works or services required for or in connection with the subway, as the minister may approve.

It is my contention that a parking lot, if it can be clearly determined as being in connection with the subway, and I think it can, is eligible for approval. But to be specific about it, as the hon. member proposes, could lead to some difficulties because he does not define it as being connected with the subway. I do not think we are ready to consider subsidization of parking lots unless they are connected with the subway.

As I read this, "commuter parking facilities," it is quite conceivable—it may be stretching the point a little bit—they could be parking lots and they could be commuter parking facilities, but they might not be connected to make it a part of the subway. Our proposal here is to make it an actual part of the subway project.

**Mr. MacDonald:** You are ignoring the first part of the subsection—"For the purpose of this part—"

**Hon. Mr. MacNaughton:** Yes?

**Mr. MacDonald:** "For the purpose of this part" which is subway construction.

**Hon. Mr. MacNaughton:** I am suggesting to you that it is generally covered in the section I just referred to, Mr. Chairman.

**Mr. Deans:** If I may, Mr. Chairman, I feel that if the minister is serious about altering the mode of transportation in the downtown areas—particularly Metro Toronto, but perhaps in other major metropolitan areas—he has to recognize quite clearly that parking is an integrated part of it, very much so.

Now the minister's statement that it does not necessarily flow from my amendment that these parking facilities must be attached to subways is, of course, erroneous. In that section (b) it says,

> The acquisition of land required for the subway right of way, stations and yards and commuter parking facilities.

"Subway commuter parking facilities," it is quite clearly said. As I recall, the other sections all deal with exactly the same thing.

The minister has my only copy, but it says quite clearly in all of the sections that we are dealing with matters pertaining to the necessary additional things that go with the subway. All I am asking the minister to do is to make it perfectly clear—not vaguely clear, perfectly clear—that the minister is prepared and the government is prepared to make the moneys available for the construction of parking facilities associated with subway construction, and that is spelled out.

**Hon. Mr. MacNaughton:** It is spelled out in this general section.

**Mr. Deans:** The general section deals with any number of matters which may or may not be considered important. The truth is that you cannot run a subway without providing some reasonable parking facilities.

**Hon. Mr. MacNaughton:** Except that then there should be no concern about them being included under the section that is in the bill.

**Mr. Deans:** It is fairly clear that the minister does not agree that provision of commuter parking is a necessary part of the development of a subway system, otherwise he would have spelled it out.

The general section (i) under 91(a)(2)(i) is to deal with matters the minister cannot think of at the moment. He has got that in there simply to cover things that may turn up in the future, matters that he may not have included in the bill.

**Hon. Mr. MacNaughton:** Not true!

**Mr. Deans:** It is a general, all-encompassing section that allows the minister discretion on matters which, when the bill was drafted, did not come readily to mind.

**Hon. Mr. MacNaughton:** Now how can you read minds like that?

**Mr. Deans:** I think I can read your mind in that regard.

**Hon. Mr. MacNaughton:** No, no! You claim to be clairvoyant, and you are not, you know.

**Mr. Deans:** It may surprise you. I have—

**Hon. Mr. MacNaughton:** You always claim an element of clairvoyancy and extrasensory perception that you do not really deserve.

**Mr. Deans:** I think if you read subsection (i): "Such other equipment, works or services required for or in connection with the subway as the minister may approve"; that was written obviously to give the minister discretion to deal with matters which he did not have in the bill, matters which he may or may not decide are important in subway construction.

But we are all agreed that providing commuter parking facilities is a vital and important part of any subway construction. It is as important as any of the other specifically named components and therefore it should be spelled out so the community knows full well that upon embarking on a subway construction programme that moneys will definitely be available for certain things, having once got that commitment. They will be available for roadbed; they will be available for the providing of communications; for the providing of the rolling stock. They are available for any number of things, and it should be said clearly that they will also be available for providing commuter parking facilities.

It should not be left to the minister's discretion whether he thinks it is necessary. It is as necessary as any of the other components in this day and age; and to say that it is in the general section, that is incredible. You could tell me that anything is in the general section. You might as well just have written the general section and left the rest out, if that were the case.

**Hon. Mr. MacNaughton:** Now you are becoming incredible.

**Mr. Deans:** I am not becoming incredible. It is entirely possible to write one general section—

**Mr. Singer:** The member may be "becoming," but the minister is incredible.

**Mr. Deans:** It is entirely possible to write one general section leaving it to the discretion of the minister and not spelling anything out. That is becoming the way the government is doing things anyway. For that reason I think it is necessary to spell it out and I urge support of the amendment.

**Mr. Chairman:** Any further questions?

Those in favour of Mr. Deans' amendment will please say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

Call in the members.

Shall we stack this? I guess we cannot very well.

The committee divided on the amendments moved by Mr. Deans, which were negatived on the following vote.

**Clerk of the House:** Mr. Chairman, the "ayes" are 35; the "nays" 50.

**Mr. Chairman:** I declare the amendment lost.

Hon. Mr. Wishart moves that the committee rise and report.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the Committee of the Whole House begs to report progress on Bill 89 and asks for leave to sit again.

Report agreed to.

**Mr. Speaker:** The House will now recess in accordance with the motion of last week and we will resume at 2 o'clock.

It being 12:15 o'clock, p.m., the House took recess.

# CONTENTS


Wednesday, July 14, 1971

**Highway Improvement Act**, bill to amend, in committee ..... 3949

**Recess**, 12.15 o'clock, p.m. ..... 3969

No. 97

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Wednesday, July 14, 1971

**Afternoon Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**

**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

5

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

WEDNESDAY, JULY 14, 1971

The House resumed at 2 o'clock, p.m.

**Mr. Speaker:** Statements by the ministry.

Oral questions.

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker, I had hoped the Treasurer would be able to make a report to the House on the meeting of finance ministers.

**Mr. Speaker:** Well, I have a note that the Treasurer has a statement, so presumably when he comes a little later we will revert.

**Mr. Nixon:** He will be in a bit later? Thank you, Mr. Speaker.

The shooting gallery over there has a few holes in it.

There is one matter that did occur to me which is of more specific importance that might be put, Mr. Speaker, to the Attorney General.

**Mr. J. Jessiman** (Fort William): Where is the NDP front bench? They are all missing.

## LEGISLATION IS URGED FOR ABANDONED APPLIANCES

**Mr. Nixon:** Is there any consideration that the government might bring about legislation requiring that abandoned air-tight appliances like iceboxes, refrigerators and so forth, by law must have the doors removed? We had a rash of very unfortunate accidents a few years ago, and it seems to be breaking out again this summer.

**Hon. A. F. Lawrence** (Minister of Justice): If I remember rightly, a few years ago the government considered the question more directly in relation to abandoned refrigerators, but I suppose the hon. member is referring to the unfortunate death of the two young boys in a clothes dryer the other day.

Other than indicating our concern and regret in this tragedy, I am not too sure what we could be doing about that particular situation. I will be glad to take the matter under consideration.

**Mr. Nixon:** A supplementary, Mr. Speaker: Would the minister not agree that clothes dryers are just now becoming rather superfluous as new ones are being purchased and the old ones are being set aside in garages and storerooms and perhaps just put out in places where junk accumulates, and that some sort of regulation might be possible making it illegal to abandon air-tight compartmentalized pieces of machinery like that?

**Mr. D. M. Deacon** (York Centre): Would it not be possible to merely change the description from "abandoned refrigerators" to "abandoned appliances"?

**Hon. A. F. Lawrence:** Would it be possible to what?

**Mr. Deacon:** Change the present regulations. From what I understand, it is against the law to abandon a refrigerator with a door still on it; so change it to where the law states—

**Mr. D. M. De Monte** (Dovercourt): Any container.

**Mr. Nixon:** Any appliance.

**Mr. Deacon:** —it is against the law to abandon any appliances with the doors still on.

**Hon. A. F. Lawrence:** I indicated we would take the matter under consideration.

**Mr. M. Makarchuk** (Brantford): By way of supplementary, Mr. Speaker, could the minister ensure that all these appliances have catches on the inside that would release the doors? In other words, could we insist that the manufacturers install catches whereby the doors can be opened from the inside?

**Hon. A. F. Lawrence:** I know that was a matter that was taken under consideration a couple of years ago in relation to refrigerators, and the feeling then was that it was not technically possible, Ontario being a little bit of an island in the heart of the North American consumer and manufacturing continent. But I would be glad to take

that matter under consideration as well. To me, it would seem to add considerably to the cost of such appliances. Whether we have the jurisdiction to do it or not, again is something that I would not want to give a hasty opinion on. But we will certainly take the matter under consideration.

**Mr. Nixon:** I do not think those kids would have opened it from the inside.

**Mr. Speaker:** Perhaps the House would allow us to revert now to statements. The provincial Treasurer advises me he has a statement upon which, I presume, the Leader of the Opposition, and others will want to ask questions.

Statements by the ministry.

**Hon. W. D. McKeough** (Treasurer): Mr. Speaker, I thought the House might be interested if I commented briefly on the topics discussed and the progress made, or not made, at the federal-provincial meeting of Ministers of Finance earlier this week.

The subjects were tax reform, the economic situation and intergovernmental fiscal arrangements. Those are the major items on the agenda.

On tax reform I presented a statement setting out Ontario's views and reactions to this point on the new federal income tax legislation. In my statement I raised four major concerns about the content and thrust of the federal tax reform programme.

One, the new federal tax system does not go far enough towards providing incentives to encourage greater Canadian investment and participation in Canadian business. Ontario, therefore, is prepared to do more along these lines on its own with its own taxes.

Second, the complete withdrawal by the federal government from gift and death taxation, beginning in 1972, raises serious problems of equity and revenue maintenance for the provinces. Ontario's concerns about this potential gap in the Canadian tax structure was shared by all other provinces. Accordingly, it was agreed to refer this matter, and the similar matter of provincial resource taxation, to the continuing committee of officials to explore ways in which future provincial tax actions could be harmonized.

The new federal legislation persists with the exemption approach to tax relief, rather than adopting the more imaginative and effective method of tax credits. Yet nearly all provinces are in favour of the tax credit approach which, you will recall, was advanced and fully documented in Ontario's papers and studies on national tax reform. Mr. Benson agreed, however, to look at this matter, particularly the possibility of incorporating provincial tax credits within the national tax collection machinery.

My department will be setting out complete details of the kind of property tax and sales tax credits Ontario favours and will be exploring with the federal government ways to implement such a credit system within the new income tax framework for the benefit of Ontario taxpayers.

The new federal tax reform appears to have been designed completely independently of related reforms in unemployment insurance and family allowances. Since it is the combined impact of reforms in all three areas which determine the incidence of burdens and benefits on Canadian families, Ontario has strongly urged an integrated and coordinated overall approach to reform.

The apparent failure by the federal government to follow this logical approach has produced a number of serious anomalies in overall incidence, as well as significant disincentives for families to earn more income at some points on the income scale. These equity anomalies and disincentive effects were documented at the meeting by Ontario in a short paper containing pertinent tables and examples, a copy of which I will table today, along with my general statement on tax reform, for the benefit of all members. Mr. Benson has agreed to study our paper and the further details on this important consideration which we expect to bring forward.

The second important agenda item dealt with the state of the economy. I summarized Ontario's views in a short statement to the conference, a copy of which I shall also table here today.

Essentially, our assessment indicates that the economy is moving on a recovery path, but that this recovery will take place only gradually. Comments by the federal Minister of Finance appear to confirm this assessment. Mr. Benson, however, would not set out what are the federal targets for full employment and optimal economic performance over the next 18 to 24 months, even though this was explicitly asked for by some provinces. There was a general concern about the value of the Canadian dollar and its depressing effect on industrial sectors reliant upon exports, such as the pulp and paper industry.

Major discussion of fiscal arrangements centred around a new equalization arrangement for the coming five years. I reiterated Ontario's basic support for this important programme to help poorer provinces, but called attention to two related considerations:

(a) Huge federal equalization payments to poorer provinces are largely financed out of Ontario and this has created a large fiscal drag on our economy. The total federal withdrawal out of Ontario probably exceeds $2.3 billion this year;

(b) the federal equalization programme should be integrated with and take into account other federal programmes directed to poorer provinces, particularly the regional economic expansion programme which now spends over $400 million per year towards this objective.

In any case, it was agreed to recommend to the first ministers that a new five-year equalization agreement be approved, incorporating a number of technical improvements over the existing formula.

There was little discussion on other aspects of fiscal arrangements, such as the post-secondary education fiscal transfer and cost-sharing programmes generally. It was agreed to refer these matters and the matter of health and welfare joint programmes to the first ministers, although they are to be discussed at another meeting of finance ministers prior to the meeting of first ministers.

**Mr. Nixon:** Mr. Speaker, further to the Treasurer's statement—

**Mr. Speaker:** I think it would be best left to the oral question period.

Oral questions.

The Leader of the Opposition now has the floor.

## ECONOMIC OUTLOOK

**Mr. Nixon:** Thank you, Mr. Speaker.

Further to the Treasurer's statement, will he give further information on his views as to Ontario's, and perhaps Canada's, recovery path? I like the phrase. He indicated in his remarks that he was confident that this recovery path was going to be in the best interests of our people over the next 18 months. Can he give us a bit more information as to what the dips and valleys might be in the next 18 months?

**Hon. Mr. McKeough:** Basically the member will see from the statement which I tabled that we are optimistic, for example about improvements in the employment situation. We would hope that the real growth of gross provincial product this year would reach five per cent; we are expecting price increases in the three to four per cent range. I think Mr. Benson said 3½ per cent, so we are in the same ball park. As I recall, he was expecting about a five per cent real increase in GNP.

We pointed out that our own economy is working at about five per cent below full potential. If we are to return to what we consider full employment levels by the end of 1972 we would have to have real growth of about 10 per cent—and we have achieved 10 per cent I think only once, in 1958; only once since the war at any rate. Ten per cent would be a very optimistic target for real growth.

**Mr. Nixon:** For real growth?

**Hon. Mr. McKeough:** Pardon?

**Mr. Nixon:** For real growth? The Treasurer is expecting something just under five per cent this year?

**Hon. Mr. McKeough:** Five per cent this year, and we would hope that we would see real growth accelerate to about seven per cent next year with prices up again by another 3½ to four per cent.

If all this happens, we are hoping that unemployment will average about four per cent in 1972 and possibly by mid-1973 we would be back down to three per cent.

**Mr. Nixon:** Which the Treasurer considers to be the goal?

**Mr. T. P. Reid** (Rainy River): Is that full employment?

**Hon. Mr. McKeough:** Which we consider full employment. Now we made the point in our comments—and so as a matter of fact did the Province of Manitoba—that Mr. Benson's budget of June 18 did not set out explicitly goals which, for example, we had set in our budget. He will not give his definition of full employment; his definition of full employment is—and I am not being critical when I say this—

**Mr. Nixon:** Heaven forbid!

**Hon. Mr. McKeough:** —is that everyone who wants a job should have a job, but he will not get into a numbers game of whether that is three or four or five per cent. As you

know, Canada in the last 20 years has averaged something close to five per cent. We in Ontario have averaged close to the three per cent mark. He would not name his goals nor, therefore, could he express how soon he expects to get to those goals, but his assessment of when he thought everyone who wanted a job would find one was in 1973, as is ours.

**Mr. Nixon:** A supplementary, Mr. Speaker: Did Ontario specifically support the Minister of Finance for Quebec in asking for a pegging of the value of the Canadian dollar?

**Hon. Mr. McKeough:** No.

**Mr. Nixon:** The Treasurer was not prepared to set forward Ontario's goals in that regard?

**Hon. Mr. McKeough:** No, and I think the press reports I saw were inaccurate. Mr. Garneau took the opportunity after lunch that day to correct what had appeared in the press; he said that he thought it was unrealistic for Canada to peg at, for example I think he used the figure 90 cents or 92½ cents. I think all ministers—I am sure all members of this House—realize that it is probably the most enormous difficulty facing Mr. Benson and his officials. I was going to say we are in the laps of the gods in trying to control it—or he is—but it is really more in the laps I think of the United States than any place else.

All provinces are convinced that we must get back to a pegged dollar. How soon and at what rate, no one can say with any definiteness and we did not express an opinion other than to say that at the present time it was hurting our export industry.

**Mr. Nixon:** Will the minister indicate what sort of advice the technical committee might give him and other Ministers of Finance concerned with abolition of the estate tax at the federal level? Must we look forward in this Legislature to a change in the rates of our succession duties in order that revenue will not be lost by the province?

**Hon. Mr. McKeough:** It might be a logical first step for us simply to accept the fact that the federal government will not be collecting death taxes next year and—I am not sure of this—that our rate of tax would be a first step downwards just to collect, in other words, about the $75 million which we now collect, as opposed to the extra $25 million we get from Ottawa.

I am not sure of those figures but that is roughly the proportion. That might be a first step or alternatively we might want to amend our Act. We, of course, in this province, I think, are in a bit of a fortunate position—in the driver's seat—as are Quebec and British Columbia. We do have a mechanism still in effect which we can use and could, presumably at the fall session of the Legislature, amend to collect the kind of money which we thought was necessary. Not only from the point of view of revenues but for this very serious matter which frankly concerns me more than revenues—the matter of equity.

You know somebody who dies today and leaves $1 million, can expect to pay, I suppose, about $400,000 in death duties. It seems to me that there would be something morally wrong if that person died on January 2 and left the same $1 million and paid not one penny of tax on it.

We have always taken the view in the government, and in our papers that we have advanced, that we believe we should get out of the death duty business as a capital gains tax came in and matured. We think the maturity will take three to five years, and I think we have started studies to see how we could phase out of death duties—for example, over a three to five year period—and see where the lines cross the graph in terms of revenue coming in. Ultimately, I think there will be more revenue from a capital gains tax than there are from death duties.

The problems of the other provinces, of course, which concern us are that they do not have the mechanism to collect taxes. I suggested to Mr. Benson that Ottawa might well undertake to collect death duties on behalf of the provinces, charge those who wanted that service for it for a stated period of time, with federal legislation winding down death duties, say, over a three or five-year period. Mr. Benson undertook to take a look at that.

Our real dilemma will be that if the seven provinces who do not have death taxes now—do not collect their own—do not feel that they can introduce the mechanism by January 1, our competitive position, if I can put it that way, in Ontario will be seriously impaired. The maritime provinces make no bones about it. They do not know how they could gear up with staff and with legislation to collect a penny of tax on January 1.

**Mr. Nixon:** A final supplementary, as far as I am concerned, Mr. Speaker. Can the Treasurer account for why the Globe and

Mail in its news columns, described his activities in Ottawa as politicking and posturing?

**Hon. Mr. McKeough:** The Globe and Mail, I am sure, as do a number of other people in this province undoubtedly recognizes—as do the people of Ontario—that whatever this government does is good politics—continually—and we will be proving that before too long!

**Mr. Nixon:** What about the posturing?

**Mr. J. R. Breithaupt** (Kitchener): Not much support for that one.

**Mr. Speaker:** A supplementary?

**Mr. S. Lewis** (Scarborough West): Could I ask a supplementary of the minister which will allow him to posture for a moment or two longer? What additional tax incentives for Canadian business had he in mind in the content of this statement?

**Hon. Mr. McKeough:** I suppose I might also add that Mr. Rolfe, I think that was the correspondent's name, wrote on Tuesday morning—I must say, we were very flattered—about tax credits as though it was some entirely new idea. I think that was drawn to his attention on Tuesday and it may be that in drawing it to his attention, he decided that we were posturing, but I would have to say that he showed an abysmal lack of ignorance, as did the copy editor—

**Hon. A. Grossman** (Minister of Trade and Development): Abysmal ignorance!

**Hon. Mr. McKeough:** Abysmal ignorance in writing about something that we have been talking about for three years as something new—

**Mr. Lewis:** That is what happens when one is over-sensitive.

**Hon. Mr. McKeough:** —even in Canada's national newspaper. Now, what was the question?

**Mr. Lewis:** The Treasurer has won John Rolfe's support—

**Hon. Mr. McKeough:** Right.

**Mr. Lewis:** —now who else does the minister—

**Hon. Mr. McKeough:** In terms of tax incentives we think that the tax credit machinery which we started this year might be applicable in some way specifically to Canadian industry. The actions already taken by my colleague, the Minister of Trade and Development, in terms of his legislation and policies under ODC and NODC, the direction we took, which was followed by Mr. Benson, in terms of making interest expense a deductible item—I think, to be quite frank, about this our corporation taxes—

**Mr. H. Peacock** (Windsor West): Not to Canadian firms.

**Hon. Mr. McKeough:** Pardon?

**Mr. Peacock:** That was available to every firm, U.S. as well as Canadian.

**Hon. Mr. McKeough:** Yes, quite right, but put them on an equal footing with a company that was located in the United States, and it has so happened that it has applied mainly to companies operating in Canada, I will put it that way.

It so happens that our corporation taxes have followed identically the corporation taxes at Ottawa, practically word for word over the years. What we indicated in the last budget, by two moves, was that we were prepared to move independently and we are particularly prepared to move independently from Ottawa to encourage the development of Canadian-owned business. Just how specifically at this moment I cannot say, but we are prepared to strike out on our own.

**Mr. Lewis:** I see. So that, by way of supplementary, other than those things which have been introduced by way of the budget—

**Hon. Mr. McKeough:** No, we have nothing further in mind at the moment.

**Mr. Lewis:** Nothing further when the minister writes this in his—did he indicate that he might make the five per cent rebates on machinery and equipment perhaps applicable to the Canadian sector alone at some point?

**Hon. Mr. McKeough:** No, what I have just said is that form of tax credit—

**Mr. Lewis:** I see.

**Hon. Mr. McKeough:** —that established use of tax credits could be used in a variety of ways.

**Mr. Lewis:** Just one other question, because this has gone on for a long time, Mr. Speaker. Am I to understand—

**Hon. Mr. McKeough:** The hon. member does not want to be accused of posturing.

**Mr. Lewis:** –that Mr. Benson said that he would not allow to the provincial governments anything more by way of percentage revenue beyond the natural growth of the economy over the next several years, there would be no alteration at all?

Has the minister–

**Hon. Mr. McKeough:** Well–or the guarantee would not hold.

**Mr. Lewis:** I see.

**Hon. Mr. McKeough:** The guarantee of revenues–go ahead.

**Mr. Lewis:** Right. Has the Minister of Finance or his people done a projection in dollar terms yet of what that would mean, let us say on a five-year period, in actual additional federal dollars, as it were, coming into the provincial coffers by way of tax, so that we could see whether or not we will have to impose our own income tax, although doubtless not within the next two months?

**Hon. Mr. McKeough:** That really is not the point. The point is whether we would have to raise our share. In other words, under the old proposal we were getting 28 points; 30 new points equal–I think that was proved to our satisfaction–28 old points. There is a difference; that means we would be collecting about 23 per cent of what one would send in to Ottawa on his tax return.

There will be nothing to prevent us, for example, from raising that 23 per cent to 25 per cent or 30 per cent, but if we do so prior to January 1, 1972–

**Mr. Lewis:** Right.

**Hon. Mr. McKeough:** –we will lose the federal guarantee.

**Mr. Lewis:** I see.

**Hon. Mr. McKeough:** I must say I did not share, and we do not share, the worry which other provinces have about the guarantee–we are quite convinced of the elasticity of the personal income tax system and we think the figures, either under the old system or the new system, are going to take off–in any case, are taking off–and do grow.

Perhaps it is easier for Ontario to be less worried about the guarantee than it is for some of the smaller provinces, but we did not share that concern particularly.

**Mr. Lewis:** By way of supplementary, the minister implies that he is happy with the growth, that as a basis for subsequent additional income, much of the expressed anxiety of Ontario of the need to opt out, to have additional points, the possibility of a separate income tax system, but all of this seems to be taking second place to the Treasurer's confidence in the natural growth of the economy giving him the income he requires.

**Hon. Mr. McKeough:** No, that is a gross oversimplification. I think the figure for Ontario is a difference. The difference on something like $8 billion of personal income tax collected in the country, the amount of the guarantee at the end of the third year, might be something in the neighbourhood of $40 million. Ontario's share of that, as I recall, I think, is $14 million. Obviously with the amount that we are callecting in personal income taxes now, something close to a billion, is it?–we are not going to be terribly worried about that $14 million. I think we can count on that much growth on the new system, that we are not that concerned about a guarantee.

## NATIONAL PARKS IN ONTARIO

**Mr. Nixon:** A question of the Minister of Lands and Forests.

Has he any announcement, further to his agreement that he signed with the federal authorities on Pukaskwa National Park, about the setting aside of other lands north of Sudbury, which were mentioned in the House as a possibility of an area for agreement with the government of Canada as a further national park preserve?

**Hon. R. Brunelle** (Minister of Lands and Forests): Mr. Speaker, I am not aware of a statement in the House about other areas north of Sudbury. I should add, Mr. Speaker, that there are several other areas in northern Ontario that are being considered by both the federal government and our government as possible national parks.

**Mr. Nixon:** South of Timmins and north of Sudbury.

**Hon. Mr. Brunelle:** The Leader of the Opposition's colleague, the hon. member for Sudbury (Mr. Sopha), often referred to a certain number of townships between Sudbury and Timmins, but he was referring to a wilderness park where other uses could be made. He even inferred that they could be–I forget exactly. A wilderness park has strictly wilderness–no camping except wilderness camping, no campsites, no roads, no nothing, no visitors.

**Mr. Nixon:** A supplementary: Does the province have a financial commitment to servicing the new national park with roads and has that agreement been entered into?

**Hon. Mr. Brunelle:** Mr. Speaker, with reference to the proposed national park at Pukaskwa, the roads within the park will be built by the federal government. Access will be provided to the northwestern section of the park from Highway 11 going south, which is approximately 12 miles of road. At the present time, it is a bush road, and it will be the responsibility of the provincial government to upgrade this road.

**Mr. J. E. Stokes** (Thunder Bay): That would be Highway 17.

**Hon. Mr. Brunelle:** Pardon me—Highway 17.

**Mr. Speaker:** The member for Scarborough West.

## PRINTING PHASE-OUT AT RYERSON PRESS

**Mr. Lewis:** I have a question, Mr. Speaker, of the Minister of Trade and Development.

Is the minister aware of the strong suggestion that the printing operations of Ryerson Press may be phased-out by July 31?

**Hon. Mr. Grossman:** No, Mr. Speaker, I am not aware of that.

**Mr. Lewis:** By way of supplementary, has the minister been informed of any sale of the printing aspect of Ryerson Press to another firm, and what will happen to the employees thereafter?

**Hon. Mr. Grossman:** Mr. Speaker, I had better make it clear that when I say that I am not aware of this, that does not mean necessarily that it has not come to the attention of my office and that my staff may not be working on it. There are many occasions on which my staff gets information of this nature and immediately goes to work on it and only brings to me any information which it thinks needs my attention. So all I can say to the hon. member in respect to the direct question he has asked, this has not been brought to my attention.

**Mr. Lewis:** One final supplementary: Since the minister has become minister of this department and Ryerson Press's publishing aspect was sold to McGraw-Hill, has he been in contact with the company about what might happen to the rest of their operation as a result of that?

**Hon. Mr. Grossman:** No, I have not personally, Mr. Speaker.

## SUBMISSIONS BY ONTARIO TO NATIONAL ENERGY BOARD

**Mr. Lewis:** Mr. Speaker, a question of, I suppose, the Minister of Mines and Northern Affairs.

What effort is to be made on the part of the Province of Ontario before the National Energy Board hearings to indicate what energy requirements there are for this province? Has any formal submission been made by the government of Ontario as yet?

**Hon. L. Bernier** (Minister of Mines and Northern Affairs): Mr. Speaker, there have been no formal submissions made to the National Energy Board. As I pointed out before, on some other occasion in this House, we are there as observers at the moment.

**Mr. Lewis:** Mr. Speaker, by way of supplementary, is there anyone in the Province of Ontario who knows what our natural gas energy requirements will be over the next five, 10 or 15 years, on which basis major decisions are now being made by the National Energy Board?

**Hon. Mr. Bernier:** Yes, there are, Mr. Speaker. We have people within the National Energy Board within my department who are aware of this.

**Mr. Lewis:** By way of supplementary, would it be posible to table in the Legislature a document indicating Ontario's assessment of our energy requirements in various areas?

**Hon. Mr. Bernier:** I will look into this request, Mr. Speaker.

**Mr. Speaker:** A supplementary? The member for Rainy River.

**Mr. T. P. Reid:** Mr. Speaker, to the minister: Does he not feel that the Ontario government, supposedly with this knowledge that he just outlined, should take a position on behalf of the people of Ontario, rather than leave it up to an individual or a small municipality to fight the case before the National Energy Board in situations like this?

**An hon. member:** Hear, hear.

**Another hon. member:** Provincial policy.

**An hon. member:** No I—

**Mr. T. P. Reid:** I am asking the minister if we have a provincial policy in these matters. Rather than go to these hearings, as just referred to by the member for Scarborough West, as in the case of Fort Frances versus Boise Cascade, does he not feel that the government should go there as an active participant and put forth a position in the interest both of the municipalities and the people of Ontario?

**Hon. Mr. Bernier:** Well, I think in the case the member for Rainy River refers to—the case of Fort Frances and Boise Cascade—this has been done.

**Mr. T. P. Reid:** It has not been done.

**Mr. Speaker:** The member for Scarborough East has a supplementary? The member for Scarborough West.

## MEDICAL AUDIT BILL

**Mr. Lewis:** A question, Mr. Speaker, of the Minister of Health, I ask it now with reason. Am I right to assume that it is his intention to send the medical audit bill to a committee of the Legislature for public representations?

**Hon. A. B. R. Lawrence** (Minister of Health): I have not decided, Mr. Speaker, what course I would recommend to take.

**Mr. Lewis:** By way of supplementary, does not the minister feel that it would be beneficial for the various medical association groups and representatives to submit their views to the legislative committee as a whole rather than just have these private exchanges with the minister, when we are being asked to vote on and approve this piece of legislation?

**Hon. A. B. R. Lawrence:** Well, there has been no lack of communication in this field, Mr. Speaker.

**Mr. W. G. Pitman** (Peterborough): Not with us.

**Mr. Lewis:** Not with the Legislature.

**Hon. A. B. R. Lawrence:** Whether or not these associations feel that they would wish to do so, I suppose is up to them, and at this point they have not suggested to me, and as far as I know no one else, that they want this particular privilege. If they do, of course, it will weigh in my judgement.

**Mr. Pitman:** If I may, a supplementary: If the minister did receive a request from the medical associations to appear before a session of the human resources committee before this bill was passed in the Legislature, would the minister acquiesce in such a request?

**Hon. A. B. R. Lawrence:** I think I will wait until I receive such a request, Mr. Speaker.

**Mr. D. C. MacDonald** (York South): A supplementary question: Does the minister's position preclude the committee requesting them to make their representation so that we could have the benefit of the exchange, as well as the minister, before we make up our minds?

**Hon. A. B. R. Lawrence:** It would have to be decided upon first whether it would go to the standing committee.

**Mr. Speaker:** The member for Cochrane South, a supplementary?

**Mr. W. Ferrier** (Cochrane South): Yes, my supplementary is in terms of the statements that the medical associations have made that the standard of medical care will deteriorate in the province. Would it not be desirable that the doctors come to a legislative committee and explain what they mean by the statement that they have widely circulated in the province?

**An hon. member:** That would take explaining.

**Mr. Pitman:** Spending a lot of money, telling us they spent $100—

**Mr. Lewis:** Why should this bill, among all the bills, be precluded from the committee?

**Hon. A. B. R. Lawrence:** I have not, Mr. Speaker, suggested and I have not said this afternoon that I am precluding it going to a committee, or whether it go to the House in Committee of the Whole, or any alternative that might come to mind. I am just not prepared as of this afternoon to commit myself or the government as to its course.

**Mr. MacDonald:** Why not?

## CONSTRUCTION GRANTS TO METRO AREA HOSPITALS

**Mr. Lewis:** By way of a last question, Mr. Speaker, again of the Minister of Health—actually two questions, one he can answer quickly.

Has the minister yet received the dossier on the construction grants to Metro area hospitals for expansion, which he at one point was going to inform the House about?

**Hon. A. B. R. Lawrence:** Parts, Mr. Speaker. I have received more than a dossier, really a memorandum which I am studying and interpreting. It gets into, as the hon. member will know, quite a lot of detail on bed use and different kinds of use of facilities.

I do not think that I would present it as a dossier, I think what I undertook some weeks ago to do, was to make a statement—

**Mr. Lewis:** Yes.

**Hon. A. B. R. Lawrence:** —relating to the superficial contradiction in active care bed use that may be interpreted as being involved in some of the hospital developments and the report of the planning council and others insofar as a de-emphasis of this particular use is concerned. I will try very hard to get that done within the next few days, Mr. Speaker.

## APPOINTMENT OF U.S.-TRAINED HOSPITAL ADMINISTRATOR

**Mr. Lewis:** One last question of the Minister of Health, which I ask with care, because I do not want undue implications derived from it.

As I understand it, The Department of Health has just appointed a new administrator to the Ontario Hospital in Aurora, who comes from Creedmore State Hospital in New York, with training in the Middleton State Hospital, New York, and the St. Lawrence State Hospital, New York, graduated in health care administration from George Washington University in Washington. I wondered as I read it, whether, internally, in Ontario, we have not been able to generate with people from this province that level of administrative expertise and how it is that that is the case.

**Hon. A. B. R. Lawrence:** In this case I would say, Mr. Speaker, that I would consider that to be an administrative decision. But certainly, if it relates to any incipient policy that would work against equally qualified persons in Ontario, I will find out and advise the member.

**Mr. Lewis:** I appreciate that.

**Mr. Speaker:** The member for Scarborough East.

## FINANCIAL ASSISTANCE TO PUBLISHING HOUSES

**Mr. T. Reid** (Scarborough East): I have a question of the minister responsible for the Ontario Development Corporation, the Minister of Trade and Development.

Has the Ontario Development Corporation received any correspondence from any of the remaining Canadian-owned publishing houses for financial assistance, possibly along the lines of the financial assistance promised by this government, and I believe already partially made to McClelland and Stewart?

**Hon. Mr. Grossman:** Mr. Speaker, my recollection is that we had one letter from at least one company, but I am not too sure whether there was a request for funds or whether they were commenting on the assistance we gave to McClelland and Stewart. I would be glad to ascertain that and provide the member with the information.

**Mr. T. Reid:** Could the minister also ascertain, Mr. Speaker, if there has been any such letter to his department—and I know there has been one specific request in writing—whether or not the officials of his department have bothered to reply to that request, and would the minister ensure that a reply is forwarded?

**Hon. Mr. Grossman:** I certainly shall, Mr. Speaker.

**Mr. Speaker:** The member for Cochrane South.

## TIMMINS-SUDBURY BUS SERVICE

**Mr. Ferrier:** Mr. Speaker, I have a question of the Minister of Transportation and Communications.

Does the minister agree with the reason given by the Ontario Northland Transportation Commission to a Timmins councillor that the reason the Ontario Northland Transportation Commission is not exercising its franchise to run a bus between Timmins and

Sudbury over Highway 144 is because Highway 144 is not passable?

**Hon. C. S. MacNaughton** (Minister of Transportation and Communications): Mr. Speaker, I cannot agree with that. The question raised by the hon. member has not come to my attention as yet. I may even follow his line of discussion and pursue the matter, but I cannot agree with the sentiments he has expressed.

**Mr. Ferrier:** Then will the minister take action to see if, in fact, there is a demand for bus service between Timmins and Sudbury and, if such a demand exists, that a service will be instituted as soon as possible?

**Hon. Mr. MacNaughton:** I will go so far as this, Mr. Speaker. The minister will take some action.

**Mr. Speaker:** The member for Rainy River.

## REIMBURSEMENT OF LAWYER'S FEE TO TOWN OF FORT FRANCES

**Mr. T. P. Reid:** Thank you, Mr. Speaker, I have a question of the Minister of Energy and Resources Management.

In view of the fact that the National Energy Board cannot under legislation award costs in a hearing, will the Ontario government, through the minister's department, take steps to reimburse or subsidize the town of Fort Frances which, alone and singly, was forced to pay the high cost of a lawyer to fight the application of Boise Cascade to export hydro-electric power from Fort Frances to International Falls, Minnesota?

**Hon. G. A. Kerr** (Minister of Energy and Resources Management): Mr. Speaker, such an arrangement of course, would be quite a new precedent by the province, whereby we would reimburse the town which of its own volition has hired a lawyer and has opposed an application before the National Energy Board.

I think this would be establishing quite a precedent. I can see us possibly being involved with many other municipalities and many other such hearings across the province. So naturally I could not make any commitment on such as award at this time.

I think also that the hon. member should know, if he does not already know, that the town has opposed these applications quite regularly during the past decade or so, so I am not just quite sure what different circumstances are involved in this particular application which would require us to make an award at this time.

**Mr. T. P. Reid:** By way of supplementary, if I may, Mr. Speaker, is the minister not aware first of all, that the town was really the only one that raised any opposition to this export, and that the Ontario government did not raise any opposition to this export? Secondly, that they had to pay the cost of the lawyer on their own, and being a small municipality this is going to hurt their budgetary provisions for other municipal programmes?

**Hon. Mr. Kerr:** I might say, Mr. Speaker, that I had understood there were at least three other parties involved in opposing this application.

**Mr. T. P. Reid:** Not with a lawyer.

**Hon. Mr. Kerr:** Oh, I see.

**Mr. T. P. Reid:** Not with that kind of expertise that you have to have—

**Mr. Speaker:** Order.

**Hon. Mr. Kerr:** Well there is no question of the expertise and the quality of counsel that the town of Fort Frances had—no question they had the best. But as I say this would be establishing a precedent, and I am surprised to hear the hon. member say that the board under the circumstances is not able—is in fact prohibited from awarding costs on hearings of this kind. I will look into it for him.

**Mr. Speaker:** The hon. member for Wentworth.

## JUG MILK COMPANIES

**Mr. I. Deans** (Wentworth): A question of the Minister of Financial and Commercial Affairs.

Will the minister take some action in view of the statement by the committee studying franchises that it was unable to exercise jurisdiction over the problem of the Becker Milk Company and its employees?

Will the minister set up an independent study to study that particular problem as it affects Becker's and all other operations of similar kind, to determine the status of the employees in regard to either The Labour Relations Act or the franchising legislation that might be proposed?

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Well, Mr. Speaker, we have the report which I tabled some two or three weeks ago. That committee—the committee which prepared the report—has a great deal of information. My own staff has been instructed to study the recommendations to see what might be done to implement them into legislation.

I am not at all inclined to think that I need to set up another committee to study the question of franchises. I think the thing I need to do is to see what can be done, see how feasible those recommendations are, if they can be written into legislation and if they can be administered. I think as the hon. member is aware, Mr. Speaker, that at the federal level, Mr. Basford, my counterpart in Ottawa, has taken some action in the way of legislation and the formation of a committee with very wide powers.

I am proceeding to study it with a view to implementing the recommendations. If I need further information I am quite certain that the committee which prepared the report has evidence to which we have access upon actual individual, specific cases which led them to these recommendations.

**Mr. Deans:** A supplementary question, Mr. Speaker: Has the minister read the report?

**Hon. Mr. Wishart:** I have read the report, every word, and more than once.

**Mr. Deans:** Okay, well then—

**Hon. Mr. Wishart:** And I have discussed it with my staff and given instructions for it to be studied with a view to implementation insofar as that is possible, not only on franchising, but on pyramid selling and many other matters that we have met before.

**Mr. Deans:** May I, by way of a final supplementary question, ask the minister if—recognizing the fact that the committee stated it did not feel it had jurisdiction to deal with the specific Becker problem—he will set up, or will he require either his own department or the Attorney General's department or The Department of Labour, to investigate the status of the employees of Becker to determine under whose jurisdiction they fall and take appropriate action to ensure they are properly protected?

**Hon. Mr. Wishart:** Mr. Speaker, what I propose to do and what I am doing is to have my people study the recommendations in that report. One of the recommendations is qualified by the question of jurisdiction. That jurisdiction reference may have been to other departments in this government. There certainly was a reference to the jurisdiction between the province and Ottawa. Immediately upon receiving the report I wrote the Hon. Mr. Basford and drew his attention to the recommendations and I am hoping to cooperate with him in what he is doing to achieve results which are recommended here.

Certainly when my staff is ready to report to me, which I think will be soon, if I find that I can get help, or need help, or that my jurisdiction does not extend to what some other departments should be doing, the member may be certain I will be working with my colleagues in government.

**Mr. Speaker:** Has the member for York South a supplementary?

**Mr. MacDonald:** Does the minister believe in any sense, as did the Province of Alberta, that implementation of the recommendations with regard to franchises as they relate to the gasoline companies is really beyond provincial jurisdiction and is a federal responsibility?

**Hon. Mr. Wishart:** I am aware, Mr. Speaker, that the Province of Alberta, having made the study with respect to franchises, particularly as they relate to the gasoline industry, did nothing, having got the report. They apparently were of the opinion that they could not act. I am not sure that they are right.

We are looking at our recommendations and I think the hon. member for York South is aware that the committee which produced our report said that possibly it was a jurisdictional question and a question of our ability to implement the recommendations. For that very reason I got in touch with Mr. Basford and said, "Here is what we find, How can we work this out together? Somebody has got to see what can be done to implement these recommendations."

**Mr. MacDonald:** In other words, the minister assures us that there will be joint action—but some action, joint or province—initiated?

**Hon. Mr. Wishart:** I certainly think so.

**Mr. Speaker:** Any further supplementaries? The member for Windsor-Walkerville.

## LAYOFF OF WORKERS AT WINDSOR FORD PLANT

**Mr. B. Newman** (Windsor-Walkerville): Mr. Speaker, I have a question of the Minister of Labour.

Has the minister been made aware by the Ford Motor Company that they intend to lay off 320 workers effective August 9 of this year?

**Hon. G. Carton** (Minister of Labour): Yes, I have been, Mr. Speaker.

**Mr. B. Newman:** Will the minister investigate the charges of Mr. Steve Harris, president of the local, that Ford is gradually reducing its Windsor operations and channelling work to the company's Cleveland engine plant in the manufacture of the 351 engine?

**Hon. Mr. Carton:** Mr. Speaker, yes. Perhaps I can answer the member now. I had some information that was received from the vice-president of Ford. There is one pertinent fact that I would like to point out first. The total hourly rated employment in Ford's Windsor operations in June was 4,240 which was an increase of 465 employees over the 3,700 in June of last year.

Relative to the question asked by the member, production of the 351 engine at Cleveland has also declined and during the last quarter of 1970, Cleveland was producing 1,500 of the 351 engines per day. This subsequently dropped to a current production level of some 1,200 of the 351 engines per day. In comparison, the new production scheduled at Windsor will be about 1,230 engines per day.

There is one other point in connection with Flat Rock, Michigan, I may as well answer it at the same time, sir. It has been rumoured that work at the Windsor foundry will be phased out and transferred to the Flat Rock, Michigan, facilities. The answer to that is the rumour is groundless. The layoffs at the Windsor foundry are based on the reduction of castings for the 351 engine required by Windsor plant No. 1.

**Mr. Speaker:** The member for Brantford.

## ONTARIO'S ENERGY NEEDS

**Mr. Makarchuk:** I have a question of the Minister of Trade and Development.

In view of the headlines in the papers indicating that there is some confusion before the National Energy Board as to Ontario's requirements of energy, and in view of the fact that Ontario's growth is directly related to the availability of natural gas, will the minister ensure that strong and knowledgeable representation is made on behalf of the Province of Ontario before the National Energy Board in the current hearings?

**Hon. Mr. Grossman:** Mr. Speaker, in view of the fact that this matter is being handled by my colleague, the provincial Treasurer, I refer that question to him.

**Mr. Makarchuk:** Mr. Speaker, may the provincial Treasurer answer that question?

**Hon. Mr. McKeough:** We have intervened along the lines which you have suggested, to the effect that we want to make very sure —and want the Energy Board to make very sure—that there will be gas for Ontario's requirements.

**Mr. Makarchuk:** A supplementary then: Can the minister indicate why there is the apparent confusion existing right now as to Ontario's requirements of energy, as was indicated in the articles in the Globe and the Toronto Star?

**Mr. Lewis:** Ask the Minister of Mines and Northern Affairs.

**Hon. Mr. McKeough:** The national Energy Board is going to have some conflicting opinions, which will be sorted out by the National Energy Board.

**Mr. MacDonald:** Not from the same government.

**Mr. Lewis:** By way of supplementary, no more than 15 minutes ago, Mr. Speaker, the Minister of Mines and Northern Affairs told me that Ontario's status was only that of an observer and there was no submission. Now the provincial Treasurer says that there was an intervention, which implies a submission, made by the Province of Ontario. I take it that seniority rules and the provincial Treasurer is right in this instance?

**Hon. Mr. McKeough:** Perhaps the member should ask the Attorney General, because the intervention is in his name.

**Mr. Lewis:** Right. Well, maybe I could do that. Was there an intervention made?

**Hon. A. F. Lawrence:** Yes, an intervention has been made, yes. The estimate of future fuel requirements of this province is readily available. It will be made available, yes.

**Mr. Lewis:** It will be made available? Perhaps someone might tell the Minister of Mines and Northern Affairs what the rest of the cabinet does.

**Mr. Stokes:** Perhaps the minister should tell his colleague, the Minister of Mines and Northern Affairs.

**Mr. C. G. Pilkey** (Oshawa): Those guys just do not talk to each other.

**Mr. Speaker:** The member for Parkdale. Has the member for Parkdale a question? He was on his feet a short time ago.

**Mr. J. B. Trotter** (Parkdale): Yes, Mr. Speaker.

**Mr. Makarchuk:** I have a supplementary, Mr. Speaker.

**Mr. Speaker:** There have been sufficient supplementaries on that.

**Mr. MacDonald:** These new boys have to sit in the wings for a long time.

**Mr. Lewis:** It is not a pit or quarry, you know. It is natural gas. There is a difference.

**Mr. Trotter:** Mr. Speaker, I have a question of the Attorney General.

Does the—

**Hon. A. F. Lawrence:** I cannot hear the hon. member. Would he please speak up.

## CRIMINAL CODE

**Mr. Trotter:** Okay. Does the Attorney General intend to approach the federal Minister of Justice in the hope that The Criminal Code could be amended, so we would not have a situation that took place in Toronto recently where a barrister named Mr. McEwen was found guilty of contempt of court?

**Hon. A. F. Lawrence:** I am not so sure that that is a matter that calls for the wholesale revision of either The Criminal Code or—

**Mr. Trotter:** Well, that section.

**Mr. J. Renwick** (Riverdale): That matter was dealt with in the minister's estimates.

**Hon. A. F. Lawrence:** Does the member mind if I answer now?—that the whole matter respecting contempt of court be looked at simply because of that particular circumstance. I have undertaken, it seems to me I have undertaken, I think to the hon. member for Riverdale that as soon as I get a few moments I certainly will be taking that matter under very close scrutiny, and hopefully there will be some resolution of a very difficult problem in the public interest.

**Mr. Speaker:** The oral question period, as extended, has expired.

Petitions.

**Hon. Mr. Grossman:** Mr. Speaker, I rise on a matter of privilege.

In today's Star under the heading: "Students Must Vote at Home, Not at University," in the content of that article there is the following:

> Kathy Robinson, president of the Ontario Student Liberals, said today the move reflects the government's fear that students would band together to defeat Conservative candidates in the expected fall election.

**Mr. MacDonald:** So it does.

**Mr. Peacock:** Exactly.

**Hon. Mr. Grossman:** It continues:

> The move came only two days after the government announced it would lower the voting age to 18, from 21, giving an estimated 412,000 young people the vote.

**Mr. Nixon:** Did she mention the specific riding that would be in jeopardy?

**Hon. Mr. Grossman:** We will talk about that in a moment. The article goes on:

> Scarborough East MPP Tim Reid, education critic for the Liberals in the Legislature—

**Hon. A. F. Lawrence:** Is that what he is?

**Hon. Mr. Grossman:** I continue:

> —said today the government is trying to cancel any political disadvantage in its decision. "They want to get the advantage of lowering the voting age," Reid said in an interview—

**Mr. Deans:** What is the minister's point of privilege?

**Mr. T. P. Reid:** What is the point of privilege? We get cut off for something like that.

**Mr. Speaker:** The official opposition do not get cut off and they read very extensively and quote from the newspapers. The minister will make his point in due course.

**Mr. T. P. Reid:** What is his point of privilege? We have not seen it.

**Hon. Mr. Grossman:** To go on:

> "They want to get the advantage of lowering the voting age," Reid said in an interview, "but they want to make sure that it does not hurt them at the 15 university ridings" across Ontario.

And further down:

> Reid claimed Allan Grossman there was "smiling like a sphinx last night" as the proposed election—

**Mr. T. P. Reid:** Do not read the whole article.

**Hon. Mr. Grossman:** To continue:

—regulations were booed and hissed by the opposition.

**Mr. V. M. Singer** (Downsview): Oh, that is terrible.

**Hon. Mr. Grossman:** And further:

> He said the 30,000-student University of Toronto campus is part of Grossman's St. Andrew-St. Patrick riding.

First of all, Mr. Speaker, I do not know how one smiles like a sphinx.

**Mr. R. F. Ruston** (Essex-Kent): Only the minister can do that.

**Mr. T. P. Reid:** Look in the mirror.

Interjections by hon. members.

**Hon. Mr. Grossman:** Mr. Speaker, the university from which I received my doctorate tells me that the mien on the face of the sphinx is inscrutable. How he can tell that I do not know. Why there would be any implication that I would smile at that is also beyond me, because—

**Mr. Lewis:** He is the most powerful minister in the cabinet. First they stopped Spadina for him and now they disenfranchise the students.

**Hon. Mr. Grossman:** —in the polling booths on campus in my riding I had a plurality of the votes and my colleague, the member for St. George (Mr. A. F. Lawrence), had the same experience. We are not afraid of it at all. I would think that the plurality would increase in the coming election.

**Mr. T. P. Reid:** Mr. Speaker, on a point of order, every day in the newspapers and in various media there are various statements made by members of the opposition about cabinet ministers opposite and vice versa. If we are to be subjected every day in this Legislature to a minister who has become increasingly sensitive since he took over his present portfolio through this kind of point of privilege, I suggest that the whole situation is going to degenerate even further than it has.

**Mr. Speaker:** I would point out that every day I sit here and listen to members on both sides of the House but, particularly to my left, reading similar things from the newspapers and either complaining or asking questions about it.

**An hon. member:** It shows they can read.

Interjections by hon. members.

Petitions.

**Mr. J. Root** (Wellington-Dufferin): Mr. Speaker, on a point of personal privilege—

Interjections by hon. members.

**Mr. Lewis:** Come now, this is a memorable event. This is twice in one week.

**Mr. W. Newman** (Ontario South): Oh, be quiet, the member just shoots his mouth off and does not know what he is talking about.

**Mr. T. P. Reid:** It is back-benchers' day.

**Mr. Ruston:** We are going to hear from all 45 of them.

**Mr. T. P. Reid:** There is the other end of the sphinx.

**Mr. Speaker:** The member for Rainy River and others will please give the member the floor.

**Mr. Root:** Mr. Speaker, on a point of personal privilege.

Last Friday, July 9, there was considerable debate on the orderly conduct of the House and I endeavoured to make some contribution to that debate. As usual, I was rudely interrupted by members of the opposition.

**Mr. Pilkey:** The member was interrupted, but not rudely.

**Mr. Root:** The hon. member for Oshawa made a statement that his party had five members in the House. At the time I referred to there were only two—and the member would not know because he was not here.

But the point of personal privilege that I want to refer to is the interruptions of the hon. leader of the NDP. You will find his remarks on page 3742:

*Mr. Lewis*: And how would the member for Wellington-Dufferin know how many we had present? He has not been in the House for three months.

I say that is a deliberate distortion of the facts.

Mr. Speaker, I am drawing that to the attention of the House because that went out in 3,000 copies of Hansard. I read a report in the Ottawa Citizen that made reference to another comment that he made. There was no reference to what I had said.

I think if the member is an honourable member he will withdraw the statement that I have not been in the House for three months because my record shows in the record of votes and proceedings of this House that I have been here for as many votes as the leader of the NDP has been.

Interjections by hon. members.

**Mr. Speaker:** Order.

**Hon. A. F. Lawrence:** Actually the members record is better than the member for Scarborough West's.

**Hon. Mr. MacNaughton:** Oh, substantially.

**Hon. A. F. Lawrence:** Where is he? Biafra or Montreal?

**Mr. Speaker:** Order.

Presenting reports.

Hon. Mr. Carton presented the annual report of the Workmen's Compensation Board of Ontario for the year ending December 31, 1970.

Hon. Mr. Yaremko presented the following:

The report of the Minister of Education of Ontario, 1970.

The 24th annual report of the Liquor Licence Board of Ontario, March 31, 1970.

The 65th annual report of the Ontario Municipal Board for the year ended December 31, 1970.

The annual report of the Ontario Northland Transportation Commission, for the year ending December 31, 1970.

**Mr. Speaker:** Presenting reports.

Motions.

Introduction of bills.

**Hon. D. A. Bales** (Minister of Municipal Affairs): Mr. Speaker—

**Mr. Nixon:** Oh, good!

**Mr. Singer:** More today?

**Hon. Mr. Bales:** Yes, sir.

## ASSESSMENT ACT

Hon. Mr. Bales moves first reading of bill intituled, An Act to amend The Assessment Act, 1968-1969.

Motion agreed to; first reading of the bill.

**Hon. Mr. Bales:** Mr. Speaker, there are a number of provisions in this bill. Some of them deal with routine matters and are designed to alleviate administrative problems in the present legislation. There are, however, several other amendments that I would like to explain briefly.

First of all, the bill amends the Act so that land will not be assessed at a greater value because of the presence of orchards.

Secondly, it also proposes amendments to provide that when an entry is made in the collector's role to tax a value or increase in value of any building or a portion of a building which has been erected, altered or enlarged, the tax should commence upon the date of occupancy rather than when such building is reasonably fit for occupancy. This has particular reference to apartment buildings.

The calculation of the basic shelter tax rebate to tenants will also start at this time and this will allow each tenant of an apartment building to receive the proper amount of basic shelter tax rebate.

I am also recommending that the legislation be amended to provide that assessment appeals are lodged with the regional registrar of the assessment review court instead of the local assessment commissioner who made the assessment.

We propose that the 1970 assessment role continue as the municipal tax base until reassessment is completed in 1974. It will be revised from time to time to include the addition in value of property where existing structures have been altered or new structures have been erected, providing the market value of such alterations or new structure is more than $2,500.

The 1970 assessment role will also be updated to include the reduction in value

of any structure destroyed by fire or demolished.

Property owners and occupants also will have the right of appeal against their assessment on an annual basis at any time during the year, up to and including October 31.

The bill will also provide that the time for bringing an action before the courts in reference to assessment matters will not be limited to 60 days, following its return to the role, but that such an action may be commenced at any time during the year.

The assessors also will provide the municipal clerks with lists of changes in school support, ownership and other necessary administrative detail. The clerks will update the assessment rolls annually to include any and all corrections recommended by the assessors, provided that such corrections are ordered by the assessment review courts.

This bill will hasten the completion of the re-evaluation reassessment programme because it will streamline administrative procedures and at the same time will give the municipalities a stable tax base until the reassessment is completed in 1974.

## MUNICIPALITY OF METROPOLITAN TORONTO ACT

Hon. Mr. Bales moves first reading of bill intituled, An Act to amend The Municipality of Metropolitan Toronto Act.

Motion agreed to; first reading of the bill.

**Mr. Trotter:** Is this amalgamation?

**Mr. J. Renwick:** He is going to abolish it.

**Hon. Mr. Bales:** Not quite.

**Mr. Singer:** He is going to do away with the Bloor-Danforth subway.

**Hon. J. W. Snow** (Minister without Portfolio): Renaming it Downsview subway.

**Mr. J. Renwick:** Explain! Explain!

**Mr. Nixon:** The minister's staff might have been provided these amendments a couple of months ago.

**Hon. A. F. Lawrence:** They were busy with estimates.

**Mr. Nixon:** It is only July 4.

**Hon. Mr. Bales:** Mr. Speaker, this bill contains provisions to make it clear that members of the Metropolitan police force are employees for the purpose of receiving pension, and there is a further amendment which authorizes the Metropolitan corporation to enter into water supply and sewage agreements with other regional municipalities, and also to permit Metropolitan Toronto to negotiate boundary road agreements with an adjoining municipality.

In addition, there is a provision in the bill for the establishment by Metropolitan Toronto of a mall on Yonge Street in August between Gerrard and Dundas Streets.

**Mr. Speaker:** The hon. minister has a bill?

## MINING ACT

Hon. Mr. Bernier moves first reading of bill intituled, An Act to amend The Mining Act.

Motion agreed to; first reading of the bill.

**Mr. J. Renwick:** I thought the minister was going to amend The Pits and Quarries Act.

**Hon. Mr. Bernier:** Not yet.

**Mr. J. Renwick:** He would be smart to.

**Mr. Lewis:** Does he have a statement with this bill?

**Hon. Mr. Bernier:** Mr. Speaker, the amendments here are—

**Mr. J. Renwick:** He must not put his foot in it.

**Hon. Mr. Bernier:** —partly in the nature of streamlining and housekeeping and will lead, I trust, to greater efficiency in the administration of The Mining Act. The amendments deal with a number of separate matters from the issuance of a permanent miner's licence without fee after 25 years, with no need to reapply, to the clarification of certain requirements of the operating companies who are now doing unprecedented exploration work in the Winisk River and the James Bay lowlands.

**Mr. Lewis:** Are there any Indians involved?

**Hon. Mr. Bernier:** Yes, there are.

**Mr. Lewis:** Does the minister have an unintentional oversight?

**Hon. Mr. Bernier:** Not to my knowledge.

**Mr. Speaker:** The member for Peterborough.

SCHOOLS ADMINISTRATION ACT (1)

Mr. Pitman moves first reading of bill intituled, An Act to amend The Schools Administration Act.

Motion agreed to; first reading of the bill.

**Hon. Mr. Snow:** Bringing in this legislation so late? Where has the member been all year?

**Mr. MacDonald:** It is good to hear from that new minister without portfolio. I think it is the first time.

**Mr. Jessiman:** It is the first time the member has opened his big mouth lately.

**Mr. Speaker:** Order please, for the first reading of this bill.

**Mr. Stokes:** That was very unkind.

**Mr. Nixon:** I wonder if the member for Peterborough would give us a few words of explanation.

**Mr. Pitman:** Mr. Speaker, the purpose of this bill is to provide a school council for every school in Ontario and to allow for parents, teachers and ratepayers and students to have a place on this council. It might be interesting to those who are involved in another committee of this House, that it provides for perfect parity of student, teachers and parents on that committee.

**An hon. member:** Hear, hear!

**Mr. J. Renwick:** Perhaps the House leader would call that one this afternoon.

**Hon. Mr. McKeough:** We would, but the member opposite would not be ready for it.

**Hon. J. Yaremko** (Provincial Secretary): Supposing a family had seven children?

SCHOOLS ADMINISTRATION ACT (2)

Mr. Pitman moves first reading of bill intituled, An Act to amend The Schools Administration Act.

Motion agreed to; first reading of the bill.

**Mr. Nixon:** This gives teachers a holiday on their birthday.

**Mr. Pitman:** That is a very good one.

Mr. Speaker, the purpose of this Act is simply to allow young people to leave school before the age of 16 and to provide a method by which they can be taken out of the school through the means of a committee made up of a principal of the school, a teacher, a director of the local Children's Aid Society and the parents, and a board member as the chairman of this committee.

It means that young people can find an alternative to schooling before the age of 16.

**Mr. Speaker:** Introduction of bills.

**Hon. Mr. Yaremko:** Mr. Speaker, before the orders of the day, I draw the members' attention to the fact that a nation which has been of great significance to Canada celebrates its national day today, and I refer to France, which on this day observes the 182nd anniversary of the storming of the Bastille.

Interjections by hon. members.

**Mr. Lewis:** Hear, hear. Believe me, that was not the first fortress that fell.

**Hon. Mr. Yaremko:** It is appropriate at this time to acknowledge the immeasurable contributions that those whose mother tongue is French have made to this province, dating back to Champlain, the first European to set eyes on what is now Ontario.

France has contributed so much over the centuries to what has now come to mean "Canadian," and today we continue to work to strengthen our ties with this culture and language. Of particular interest to the members, I would like to draw your attention to the fact that this national day of France will be observed in our capital city at a number of receptions and events, highlighted this evening at the Royal Ontario Museum where there has been arranged a special display to coincide with the occasion.

Au nom de tous les Ontariens, j'aimerais adresser au consul général de France, Mlle Marcelle Campana—

Interjections by hon. members.

**Mr. Lewis:** Let them eat cake!

**Mr. J. Renwick:** Are they going to storm the museum?

**Hon. Mr. Yaremko:**—ainsi qu'au peuple français—

**Mr. Pitman:** Even John Diefenbaker did better than that!

**Mr. Lewis:** This should cause an exodus.

**Mr. Pitman:** Is this Diefenbaker French?

**Hon. Mr. Yaremko:** If the hon. member will give me the opportunity to articulate it, he would be able to pass judgement.

**Mr. Lewis:** The word is "mutilate" not "articulate."

**Hon. Mr. Grossman:** The members opposite are not the best either.

**Hon. Mr. Yaremko:** Ainsi qu'au peuple français nos voeux les plus sincères à l'occasion de la fête nationale de la France.

Interjections by hon. members.

**Mr. MacDonald:** The Minister of Lands and Forests (Mr. Brunelle) cannot understand him.

**Mr. T. P. Reid:** I wonder, Mr Speaker, if I can ask the minister where he was on July 12?

**Mr. Speaker:** The answer to that is "no."

**Mr. Nixon:** He was marching.

**Hon. Mr. Grossman:** He was not there.

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** The third order, House in Committee of the Whole House; Mr. A. E. Reuter in the chair.

**Mr. J. Renwick** (Riverdale): Mr. Chairman, before the Minister of Labour (Mr. Carton) leaves, I would like the House to know that this is his birthday today.

Interjections by hon. members.

## HIGHWAY IMPROVEMENT ACT
*(concluded)*

House in committee on Bill 89, An Act to amend The Highway Improvement Act.

**Mr. Chairman:** We are still on section 13. Is there any further discussion on section 13? The member for Downsview.

**Mr. V. M. Singer** (Downsview): Mr. Chairman, since one of the objectives of this statute apparently is to provide alternatives to Spadina, one would have thought that the government would have had some concern in compensating the people who pay taxes in Metropolitan Toronto for the money that was thrown away in the building to the stage it has arrived at, the so-called Spadina Road extension.

My information is that the cost thrown away by the municipality of Metropolitan Toronto, by reason of the government's action, involve some $35 million of debentures already sold and stand as a liability to the municipality. As those debentures bear interest at some six per cent per annum and run for a period of 20 years, it would make the interest payments an additional $44 million, so we are talking about wasted costs to the ratepayers of Metropolitan Toronto of some $79 million.

I would have hoped, as I said, that the minister would have been able to suggest some form of compensation to this municipality and to its ratepayers because of the action of his government, but that suggestion has not as yet been forthcoming. Since it is the apparent objective of government to shift the thrust from roadways to means of rapid transit such as subways, and since Metropolitan Toronto has built two subways, the Yonge Street subway and the Bloor-Danforth subway, it would seem only fair, Mr. Chairman, if they received some compensation from government for the costs that they have already put up themselves.

Therefore I would think it would be reasonable if subsection (2), or part (2) of this section 91a be made retroactive, so that this could in fact be done, so that the taxpayers of Metropolitan Toronto would be able to receive, within the confines of these new grants that the government has discovered, grants for the moneys they have already spent. This would go some way to compensate them for the moneys that the government of Ontario forced them to waste.

Therefore, Mr. Speaker, with this in mind I now move that subsection (2) of 91a be amended by adding after the word "of" in line 2 of the said subsection the words, "whether made before or after this Act receives royal assent."

Now the effect of that amendment, if carried, would be to allow the payment to the municipality of Metropolitan Toronto of costs under these various headings incurred by that municipality in building the Bloor-Danforth subway and those portions of the Yonge Street subway that have already been completed.

**Mr. Chairman:** Mr. Singer moves that in section 13 of the bill, by adding to 91a (2) of the Act, after the word "of" in line 2, the words, "whether made before or after this Act receives royal assent".

Is there any discussion on this?

**Mr. J. Renwick:** Could I ask the member if he could give us—perhaps he did and I did not hear it—some estimate of what the prior cost would be that would be chargeable under the amendment which the minister proposes?

**Mr. Singer:** It is only an off-the-top-of-the-head figure, I would think I am talking about something like $30 or $35 million, but it is just a round figure.

**Mr. Chairman:** Are you ready for the question?

**Mr. J. Renwick:** Perhaps I could have some clarification from the minister, or from the member, as to what the net effect of this would be on the provincial purse, if this amendment were passed, Mr. Chairman.

**Hon. C. S. MacNaughton** (Minister of Transportation and Communications): I would have to suggest in reply to the hon. member that he has made a motion involving the expenditure of funds in a very direct way, Mr. Chairman, and it should be understood by all members of this House that legislation, or amendments to legislation, involving the expenditure of funds, of course, can only be made by ministers of the Crown.

**Mr. Singer:** Mr. Chairman, I am just extending the principle in suggesting that a series of expenditures presently proposed by the minister be made retroactively. Now, I am certainly not advocating anything that is of a contrary rule.

**Hon. Mr. MacNaughton:** Oh, now let us not have that rather smooth gloss-over. The hon. member knows that his motion involves the expenditure of funds, there is no question about it. If it is carried, of course, then it involves the expenditures of funds and he is in no position as a private member to move any such motion.

**Mr. Singer:** Well, Mr. Chairman—

**Mr. Chairman:** Order, please! Upon reflection it does imply the expenditure of money which is not contemplated in the accounts; therefore the motion would appear to be out of order.

**Mr. Singer:** On a point of order, Mr. Chairman—

**Mr. J. Renwick:** Before you make a ruling on a point such as that, the amendment proposed by the member for Downsview has a very substantial question involved in it apart altogether from the question of the expenditure of public funds.

I think we would like to have an opportunity to explore a little bit just exactly what the meaning of the amendment is, but I would, on the point of order, draw your attention, Mr. Chairman, that every bill, every bill that is introduced by either a private member or by government members, involves some expenditure of public funds. It may not be a direct expenditure. I would suggest in this instance, Mr. Chairman, that that is not out of order.

**Mr. Singer:** Mr. Chairman, on this same point of order, if I may. The hon. member for Wentworth (Mr. Deans) introduced some amendments this morning that were fully debated where he suggested that additional headings should be included in subsection (2), one dealing with parking places and one dealing with several other things. These undoubtedly, if they were included, would have involved the expenditure of funds. No one questioned at that time the question of whether or not they were in order, and I think they were in order then as is this.

The principle is here and it is introduced by the minister and my suggestion is that the application of this principle be varied by reason of the fixing of the date on which these funds are to be expended. Now on that basis, Mr. Chairman, I would think that this is in order.

**Hon. Mr. MacNaughton:** I am going to say it once more and I am going to ask you to rule as you, in my opinion, must rule, there is no basis of comparison with the motion by the hon. member for Downsview and the motion by the hon. member for Wentworth.

The motion from the hon. member for Wentworth was simply to modify a section of the bill already calling for expenditure, so he did not, in effect, change it.

**Mr. Singer:** Well, that is what I am doing.

**Hon. Mr. MacNaughton:** The hon. member's motion, if carried, and I would assume, Mr. Chairman, it is not going to be carried anyway, would absolutely and directly involve the expenditure of funds and as such the motion should not be even put.

**Mr. Chairman:** My ruling still stands that this specifically directs the expenditure of public moneys for which there is no provision in the estimates, so I declare it out of order.

**Mr. Singer:** Mr. Chairman, before you make that ruling—

**Mr. Chairman:** I have made it.

**Mr. Singer:** I would like you to read me the specific reference in the revised rules as to the rights of a member of the opposition insofar as amending existing legislation which is before us.

**Mr. Chairman:** I do not have a copy of that at the moment.

**Mr. Singer:** Well, I think we should get a copy because I do not agree with the Clerk's interpretation of that.

**Mr. Chairman:** This is my interpretation of it.

**Mr. Singer:** Well, let us hear what it is.

**Clerk of the House:** Standing order 86, Mr. Chairman:

Any bill, resolution, motion or address, the passage of which would impose a tax or specifically direct the allocation of public funds may not be passed by the House unless recommended by a message from the Honourable the Lieutenant Governor and may only be proposed by a minister of the Crown.

**Mr. Singer:** Well, Mr. Chairman, then it is obvious. This is not a bill, a resolution or—what was the other one?—motion.

**Mr. Chairman:** This is a motion and I declare it out of order. Any further discussions—

**Mr. Singer:** Mr. Chairman, with much regret I am going to challenge your ruling because I think this is a matter that we should be able to discuss here. When you make fish of one motion and fowl of another then you are saying, in effect, that different rules apply because the minister has made this suggestion.

If you are accepting any amendments here, and almost any kind of amendment that is addressed to this Act involves the expenditure of some kind of money, then I appeal your ruling.

**Mr. Chairman:** Ready for the question?

Those in favour of the Chairman's ruling will please say "aye."

Those opposed will please say "nay."

In my opinion the "ayes" have it.

I declare the Chairman's ruling upheld and the motion out of order.

Any further discussion on this part of 91a?

**Mr. J. Renwick:** Yes, Mr. Chairman, could I ask the minister, had the motion been in order what was the order of dollars that would have been involved against the public purse as a charge?

**Hon. Mr. MacNaughton:** I regret I do not have that information available, Mr. Chairman. I never anticipated such a motion being made or I might have had it. I do have some related information—but I doubt if it is in order to put it before the House at this time—as to the extent to which the new legislation will benefit Mero. But not contemplating such a motion, I am not provided with the actual facts on the other aspect.

**Mr. J. Renwick:** Perhaps I could ask the minister to give us what information he has.

**Hon. Mr. MacNaughton:** Yes. Metro would benefit for the balance of the current year—and that means with the effective implementation of this Act upon royal assent—to the extent of an additional $14.3 million; in other words, $18.6 million rather than probably $4.3 million if we were proceeding under the earlier legislation.

**Mr. Chairman:** Any further discussion on 91a then?

**Mr. J. Renwick:** Mr. Chairman, perhaps we could ask the member for Downsview whether or not the figures which the minister has just given could be made referable to the motion which he put, in order to estimate what his view would be of the additional charge on the public treasury if such an amendment as proposed, had been in order?

**Mr. Singer:** Mr. Chairman, I think the answer to that is most difficult. The Yonge Street subway was built in two or three separate sections and financed in two or three different ways.

The first part was built solely out of the funds of the TTC reserve and the second part was built partly out of Metropolitan Toronto funds and the balance out of TTC money. The third part came with some minor provincial assistance, and this part is coming solely at the expense of Metro with some provincial assistance as implemented by this.

The Bloor-Danforth subway has a similar history and I would think that I would need to get the exact figures from the treasurer of Metropolitan Toronto.

**Mr. Chairman:** Shall 91b then stand as part of the bill? On 91b, the member for Wentworth.

**Mr. I. Deans** (Wentworth): Mr. Chairman, we have not been particularly satisfied with the manner in which 91b is going to be used by the minister. We feel that in 91b(1), for example, it would be extremely difficult for municipalities to plan over a number of years any subway construction with a clause such as this in operation.

It says that the minister shall annually advise every municipality engaged in or proposing to engage in, the construction of a subway of the amount of moneys he has allocated to the municipality for subway construction for that year. That is the important part at the moment.

How could a municipality be expected to engage in any long-term planning under that kind of a prohibition—it would be extremely difficult. For that reason I want to move an amendment to section 91b(1) as enacted by section 13 of the legislation to read as follows.

The minister shall advise every municipality engaged in or proposing to engage in the construction of a subway of the amount of moneys he is prepared to allocate annually to the municipality during the period of construction of the subway, and the municipality shall file with the minister a detailed estimate showing how such allocation is proposed to be spent.

**Mr. Chairman:** Mr. Deans moves that section 91b of the Act, subsection (1), be rewritten to read as follows:

> The minister shall advise every municipality engaged in or preparing to engage in the construction of a subway of the amount of moneys he is prepared to allocate annually to the municipality during the period of construction of the subway, and the municipality shall file with the minister a detailed estimate showing how such allocation is proposed to be spent.

**Mr. Deans:** I just want to say, Mr. Chairman, to have it clear on the record, that if the municipality were to undertake a subway construction programme and it were to last a period of five years, in their view, to provide subway facilities to another point within the municipality, and they were to rely entirely on the minister making an annual grant which was to be determined by the minister in the current fiscal year, it would be extremely difficult for them to do any proper planning or any proper budgeting.

I think that when a municipality appears before the minister for funds for subway purposes they should set out the total subway project; the minister should make clear to them what the provincial involvement will be and how much can be expected to be received on an annual basis during the life term of the entire subway project. This would, perhaps, allow for more orderly planning in that municipality and would enable them to borrow wherever necessary, over a period of years, the amounts that would be required in order to make up the total sum over and above that amount made available by the Province of Ontario.

It does not preclude, and I make this clear, although the province may have committed themselves over four or five or 10 years, whatever it may be, to a programme, it probably does not go far enough and preclude the kind of precipitous action which may put a sudden stop to any project at any time. Nevertheless, I feel that in the interest of proper, careful budgeting that is required by the municipalities in the Province of Ontario, they should know exactly how much they can expect to receive during the entire term of any undertaking, and I ask the minister to consider this.

**Mr. Singer:** Mr. Chairman, before the minister gets into that, let me raise a point of order again. As I was listening to the hon. member for Wentworth it occurred to me that subsection (2) of 91a on which you rule does not deal with the expenditure at all. It deals with a series of calculations that are to be submitted to the minister. It is only 91b that determines the expenditure, so my amendment did not relate at all to the expenditure of money, it dealt with the series of calculations which the minister should use when he comes to the various conclusions he comes to under section 91b.

**Mr. Chairman:** I still think it was—

**Mr. Singer:** Well, Mr. Chairman, read it, because 91a does not have anything to do with spending money, only 91b does. Section 91a lists the number of things that are to be taken into mind when the municipality wants to charge something to subway construction. Section 91b says: the minister shall then determine, after he has received this, how much money shall in fact be spent. So it is the calculation.

**Mr. Chairman:** The purport of the amendment would have dictated further expenditure of money.

**Mr. Singer:** Mr. Chairman, how can you say that? There is nothing in 91a (1) or (2)

that in fact says anything about spending money. It says how the money is calculated. When you read 91b the minister advises how much he is going to give.

**Mr. Chairman:** Well, my ruling has been made, has been voted on and is not debatable, so that matter is closed.

Does the minister wish to reply to this?

**Hon. Mr. MacNaughton:** Yes, just briefly, Mr. Chairman. The motion by the hon. member in all fact does not vary the pursuit as it is set out in 91b (1) and (2). The determination of the amount that shall be indicated by the minister to the municipality is worked out in advance, not in reverse as the hon. member would suggest. It is worked out in advance of the determination, and I would tell the hon. member it has to be based to a very considerable extent on how much the municipality is going to spend.

**Mr. Deans:** Right.

**Hon. Mr. MacNaughton:** Yes.

**Mr. Deans:** Right.

**Hon. Mr. MacNaughton:** When those negotiations are worked out then, and only then, within that limitation and the limitation of available funds in any circumstances, is then made known. But it is no different in this circumstance than it would be if it were a road, a street, under the other sections of the Act because there is still the provision for a supplementary bylaw.

**Mr. Deans:** But you must admit it is a much greater expenditure in most instances.

**Hon. Mr. MacNaughton:** Well, the point is that the expenditure will be limited under any circumstances by the amount that the municipality proposes to raise and spend.

**Mr. Deans:** One tenth of a little is of little value, but a tenth of a lot is of use.

**Hon. Mr. MacNaughton:** In my mind, Mr. Chairman, this is an oversimplification, I say to the hon. member with respect.

**Mr. Deans:** Well, how come you are confusing it—

**Hon. Mr. MacNaughton:** I am not confusing it. I suggest that it would be folly for the minister to name an amount to the municipality until he had engaged in discussions with them to determine the extent to which they can raise funds for this purpose and then relate that expenditure of funds to what he can provide in terms of sharing. To pursue it on any other basis would be folly. It would not be responsible.

I am not prepared to accept this proposed amendment, Mr. Chairman.

**Mr. Chairman:** Those in favour of Mr. Deans' amendment will please say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

I declare the amendment lost.

Are there any comments, questions or amendments on these sections of 91b?

**Mr. Dean:** Yes, Mr. Chairman, I obviously —for reasons which are now obvious to everyone in the House—cannot move an amendment which I would have moved had I been in the government, but I am still convinced that the 50 per cent that the government is offering by way of subsidy to municipalities for subway construction is out of line with reality; that the 50 per cent should have been 75 per cent, as we said on second reading, I would like to have moved that it be 75 per cent but obviously—

**Mr. Singer:** Move it again and see what the ruling is. See if the ruling has changed.

**Mr. Chairman:** Second reading has been passed already.

**Mr. Deans:** Well, I am convinced—it is not to the principle of policy, it is to the particular of the bill. I am dealing with a particular clause in which it states that the government will make available 50 per cent. I am saying that had I the right, which I am sure you would not grant me, but had I the right I would make an alteration to that to make it 75 per cent, recognizing that it will be extremely difficult even at this point for municipalities even to raise 25 per cent that would be required—had it been 75 per cent from the province—to develop a proper subway system.

I suggest to the minister that he should reconsider that particular section, that he should recognize the great expenditures required by municipalities and the extremely narrow base on which their taxes are raised, and that he should determine at this point that it would be unreasonable to expect municipalities to raise by way of realty tax any moneys in excess of 25 per cent of total expenditure necessary to build a subway system. And with that in mind I commend it

to the minister, if not for his consideration today, at least for future consideration.

**Hon. Mr. MacNaughton:** Mr. Chairman, one observation on what the hon. member has said, and he stated it very well himself when he said, "had he the right, and following the right, the responsibility, it might be different." It is a very easy thing for somebody to propose when he does not have to make these determinations, and that has characterized many of the comments made by members of the opposition. It is easy to make such proposals when you are not going to have to face the responsibility of following it through or enacting legislation.

**Mr. Singer:** Oh, come on. You have so many sections you have got boxed in.

**Hon. Mr. MacNaughton:** It is very silly to think—

**Mr. J. Renwick:** You are totally out of order.

**Hon. Mr. MacNaughton:** I am not any more out of order than the hon. members.

**Mr. J. Renwick:** Ridiculous! You make yourself ridiculous when you indulge in that kind of debate.

**Hon. Mr. MacNaughton:** Well, let us not get into the degree of ridiculousness. I have more to do than that this afternoon. If I wanted to open up on that score I could make some more sensible observations. But it is a very easy thing to propose any level of expenditure and I repeat this, Mr. Chairman, when you do not have to do it—

**Mr. J. Renwick:** It is not easy. It is a difficult problem.

**Hon. Mr. MacNaughton:** —when you have neither the right nor the responsibility, and I have some grave doubts as to whether you ever will have.

**Mr. J. Renwick:** Discharge your responsibility too!

**Mr. Chairman:** Anything further on the first seven subsections of 91b?

The member for Sudbury East.

**Mr. E. W. Martel** (Sudbury East): If I can catch the minister's attention, I would like to comment just briefly on this clause (4) and the 50 per cent. It does not really equalize it, Mr. Minister, in that, with respect of highway costs, because there are a number of areas in highway costs where you grant 75, 80 or even 100 per cent in bridges, in culverts and so on.

**Hon. Mr. MacNaughton:** It is provided for in the bill.

**Mr. Martel:** Yes, then that really makes it more than 50 per cent towards highways, Mr. Minister.

**Hon. Mr. MacNaughton:** We also said this on second reading.

**Mr. Martel:** I am sorry, Mr. Minister, but I was also tied up with another committee on second reading and it is rather difficult to be in three places at one time. I still make the point that if you are allocating grants which total more than 50 per cent to highway construction possibly what we are saying is very realistic and that the government should be moving into an area of providing more than the 50 per cent as allocated for subway construction, because if you are aiming at equality then it should be equal to overall government expenditures with respect to highways,

**Mr. Chairman:** Shall 91b, subsections (1) to (7), stand as part of the bill?

We were earlier discussing an amendment which had been proposed by the hon. minister, which was an addition to be called subsection (8). Perhaps I should just repeat it before I place it.

Moved by Mr. MacNaughton, in section 13 of the bill, that section 91b, as enacted by section 13 of the bill, be amended by adding thereto the following subsection, subsection (8):

> Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the minister unless the minister otherwise directs.

There has been considerable discussion. Is there further discussion?

The member for Sudbury East.

**Mr. Martel:** Yes, I want to—

**Mr. Chairman:** Order please! The member for Sudbury East has the floor.

**Mr. Martel:** Yes, I want to move an amendment to the amendment, Mr. Chairman.

I move an amendment to the amendment so that the section is amended to include, after the words, "deducted from the," in line 5, section 91b, subsection (8), the following

words: "the municipality's share of the expenditure," and striking out all of the words after, "minister" in line 6 of subsection (8) so that subsection (8) shall read as follows:

> Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the municipality's share of the expenditure in the statement submitted to the minister.

**Mr. Chairman:** Mr. Martel moves that this same section is to be amended to include the words after "deducted from the," in line 5, section 91b, subsection (8), the following words: "the municipality's share of the expenditure,"—and striking out all the words after "minister" in line 6 of subsection (8), so that subsection (8) shall read as follows:

> Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the municipality's share of the expenditure in the statement submitted to the minister.

**Mr. Martel:** Mr. Chairman, the purpose of moving the amendment is to ensure that should the municipality receive contributions from sources, other than the provincial government, that those contributions will be applicable directly to the municipality's share of the cost of any undertaking. This does not give the minister the discretionary power that he might apply a portion of it as the provincial share or reduce the provincial share. In the last couple of weeks I have been simply appalled by the legislation that has come into this building. It is all ministerial discretion or regulation; it is about time that we started to pin down some of this to ensure some protection to the municipalities.

For example, what guarantee have we got, outside of the minister's word—and I do not want to dispute or discredit this minister, but we do not know who is going to be there in the future—that should the federal government, for example, give $2 million that someone, some other Minister of Transportation and Communications would take that and reduce the amount of the provincial contribution towards a project. With this in mind I just think it is a safeguard. The minister himself indicated this morning that certainly the province would not do such a thing, and therefore, I would hope the minister would accept this amendment to his amendment.

**Hon. Mr. MacNaughton:** No. I might just, Mr. Chairman, make one brief comment on that before anybody else speaks.

To use his own example, of not precisely $2 million, but let us say the federal government, in its great generosity or wisdom, decided to subsidize a project to the extent of, say, 90 per cent. It is not an impossible situation; it may be improbable, but let us use that hypothetical example. Does the hon. member propose that the minister should not have the discretionary authority, as vested in the amended section that was proposed this morning, to say: "We are still not going to subsidize the whole cost if that type of subsidy is coming from elsewhere."

There are studies taking place right now under the direction of the federal Minister of Transport in this field. I have no knowledge where they may lead, but I ask you, in those circumstances should not the minister have the discretionary authority to say: "No, we will not subsidize our full share of the project if that much is coming from an outside source"?

**Mr. D. C. MacDonald** (York South): Could I make a brief comment? I do not want to interrupt the debate.

**Hon. Mr. MacNaughton:** But this is the very purpose—

**Mr. MacDonald:** The minister himself concedes that the likelihood of the federal government doing that is very remote. I agree with him.

When the federal government, at some unforeseen time in the future, for the first time makes a grant beyond 50 per cent of the cost of a project, then we can bring in something to amend this. But meanwhile, let us give the municipality protection.

**Mr. Chairman:** The member for Huron-Bruce.

**Mr. M. Gaunt** (Huron-Bruce): Mr. Chairman, I presume that this amendment is in order and I—

**Mr. Chairman:** It does not appear, as I read it, to directly direct, shall I say, the allocation of funds.

**Mr. MacDonald:** It is a theoretical red herring the minister brought in.

**Hon. Mr. MacNaughton:** It is not a red herring. He brought it in. I did not.

**Mr. Chairman:** It takes some discretion away from the minister, but I do not see that it is anything else.

**Mr. Gaunt:** Well, we in this party certainly support the amendment to the amendment which is being proposed.

I found great difficulty in actually understanding why the minister moved his amendment in the first place. Because one just has to go back and read the statements of the Prime Minister (Mr. Davis) when he introduced the bill in the House on June 28. I remember the speech, but I just wanted to look up some of the comments he made.

The government, according to the Premier at that time was embarking on a programme designed to encourage, and to do everything possible to encourage, municipalities to embark upon modes of public transportation, and that involves a shift in emphasis. The Premier said it is landmark legislation. Let me quote just a few phrases he uses.

**Hon. Mr. MacNaughton:** We know what he said.

**Mr. Singer:** Well let us refresh your memory.

**Mr. Gaunt:** He said that they will shape public transportation systems in the final decades of this century and have a profound impact on our lives and those of our children and then he went on to say:

> This legislation introduced today is a sound example of the earnest desire of the government to encourage the use of public transportation wherever such is a viable alternative to meet urban transportation needs.

It seems to me that the government is committed, in the words of the Premier, to putting the money and the emphasis on public transportation. Its whole thrust of policy is toward encouraging public transportation.

Now you come in with an amendment which says, in effect, if another body enters in, by way of financial arrangement, to subsidize the construction of a subway system, we are going to withdraw, or we could withdraw at the discretion of the minister, the portion by which some other body contributes toward the actual construction of that subway.

I think what you have done with this amendment, you have effectively cut off at the pass any possibility of the federal government getting into the public transportation field.

**Hon. Mr. MacNaughton:** No.

**Mr. Singer:** Sure you have.

**Mr. Gaunt:** I think you have.

**Mr. Martel:** Past experience tells them that.

**Mr. Gaunt:** Mr. Chairman, I do not agree with the minister on this. I think the federal government will say to itself: "There is no point in us getting into the subsidization of public transportation systems when there could be even a remote possibility the province would withdraw a similar portion of the grant, so that in the final analysis there would be no more public assistance given to a municipality over and above the 50 per cent in subway construction."

It seems to me that the minister is just defeating the express policy and words of the Premier when he introduced the bill in the first instance. I think it is very revealing. I think the amendment really mirrors a policy of convenience, not a policy of philosophy, and I wonder how that kind of thing can happen. I know the minister is busy, we are all busy, and I suspect, although I am not clairvoyant, that—

**Hon. Mr. MacNaughton:** How busy I am has nothing to do with this.

**Mr. Gaunt:** Well, I suspect that—

**Mr. Deans:** Why does the minister not accept the kind remarks?

**Hon. Mr. MacNaughton:** Do not worry about how busy I am.

**Mr. Singer:** We worry about the minister!

**Mr. Gaunt:** I am trying to figure out—

**Mr. Singer:** The minister is too testy.

**Mr. J. E. Stokes** (Thunder Bay): Do not be so provocative. Just be patient with us.

**Hon. Mr. MacNaughton:** Tell the hon. member not to be so provocative!

**Mr. Singer:** There is not a milder member in the House than the member for Huron-Bruce. He is very kind to the minister; kinder than he deserves.

**Mr. Gaunt:** I was trying to rationalize, Mr. Chairman, why such an amendment would be put forward at this time. I just feel the department people accosted the minister in the hall and said, "Mr. Minister, we have come up with an amendment that might save the government a little money." And the

minister, being a former Treasurer, said: "If we can save some money that is fine with me." And he brought in the amendment.

I appeal to the minister, because I really think that this is—

**Hon. Mr. MacNaughton:** The member can appeal to me all he likes.

**Mr. Gaunt:** I can appeal to the minister all I like? I see I am not going to change his mind.

**Hon. Mr. MacNaughton:** Not very much. I will have a little more to say, that is all.

**Mr. Gaunt:** Maybe it is too much to hope that the minister would change his mind.

**Mr. Stokes:** The minister is becoming much too arrogant. I think he is.

**Mr. Deans:** The rest of his followers are beginning to worry.

**Mr. Gaunt:** Maybe it is too much to expect the minister to change his mind. Maybe he is firmly wedded to this amendment, but I say to him that, No. 1: He has almost—well, he has—wiped off any possibility that the federal government would be coming into the transportation field by way of subsidy. He has cut them out. I do not think they will give it a second thought now when they know the posture of the minister with respect to the subsidies toward subway construction.

The second thing is that really I do not think the amendment conforms to the government's stated policy. I think it is a reversal of the stated policy. It seems to me that the amendment is a complete contradiction of what the minister has expressed on a number of occasions. He expressed it in committee; the Premier expressed it when he introduced the bill in the House; the whole thrust and movement of the department was toward encouraging public transportation. That encouragement obviously had to take the form of subsidization.

It is the same old business, you know, the policy follows the money. The policy is laid out and then, to use a hackneyed phrase, the minister puts his money where his mouth is and the whole thing moves forward.

I had anticipated that this was a firm policy; that it was deeply held; that the minister was deeply committed to it. Now the minister comes in with this amendment and quite frankly I really do not know where we stand now. I do not know because I think the minister is completely contradicting the policies which we on this side had understood to be a fact.

I do not have any illusions about it. I am obviously not convincing the minister, but I simply say I hoped he would consider the matter. We are going to vote against the amendment.

**Mr. Singer:** Mr. Chairman, the other thing that previous speakers on the minister's amendment have not pointed out is that the minister, notwithstanding the fact that he retains very substantial discretion in 91(b)(1), where the minister shall advise annually how much money he has allocated—there is the control. At this point this proposed amendment makes it mandatory that where a contribution has been made, the amount "shall" be deducted—it does not even say may be deducted—it shall be deducted from the municipality's share.

**Mr. Deans:** That is what we said.

**Mr. Singer:** Pardon?

**Mr. Deans:** That is what we said.

**Mr. Singer:** No, no. The minister has said, "shall be deducted from the municipality's share." In other words, there is not even the discretion remaining there. He has announced to whatever people might give additional moneys that in fact if they do, the money shall be deducted from the municipality's share.

**Mr. Deans:** The member is reading ours.

**Mr. Singer:** Oh, I am sorry. Am I reading the wrong one? Am I reading the member's rather than the minister's? I am reading the wrong one. I am sorry.

**Mr. Deans:** We are trying!

**Mr. Singer:** Well, all right. Where a contribution has been made from any source whatsoever toward an expenditure toward this section the amount of such contribution shall be deducted from the expenditure submitted to the minister unless the minister otherwise—

**Mr. Deans:** That is off the top.

**Mr. MacDonald:** That is off the top.

**Mr. Singer:** Yes, that is right. I am sorry, that was the point I was making and I was reading from the wrong text.

So the minister puts in the extra added mandatory delineation that indicates in a loud clear voice to the federal government

that if its new Department of Urban Affairs is really going to get into this business, we in Ontario give you warning that if by any chance you want to give Toronto some money for the subways it is not going to Toronto, it is going to the government of Ontario.

**Mr. MacDonald:** At least in part.

**Mr. Singer:** By the same token, if there is a worthy urban project in Quebec that does not relate to a subway, that municipality would get all of its money; or the same thing in British Columbia. But not here. The minister for some reason seems to want to stifle what little initiative he is delineating in this Act which might come from the municipality of Metropolitan Toronto, because certainly, Mr. Chairman, there is no doubt that part XII-A applies only to Toronto.

The minister and his colleagues have raped Toronto already, and having raped them once they are going to rape them again. Now they give them nothing, and the little bit that they might have given, sort of in compensation for the rape, they are now taking part of it away. I think it is a disgraceful amendment for the minister to bring in. And I can see no basis in fact for it being there.

He has got all the discretion he wants under 91(b). Why he has to add insult to injury on top of that by this proposed amendment 8, I do not know. The amendment to the amendment mollifies that. The amendment to the amendment would probably be unnecessary if subsection 8, the minister's subsection, were eliminated. Either way I do not care. We will support the amendment to the amendment. We are against the minister's amendment. The whole thing makes no sense at all.

**Mr. Deans:** Mr. Chairman, the previous speaker has expressed some doubt as to the intent of the government. I have no doubt as to the intent of the government. The intent is to continue the paternalistic attitude of this government toward municipalities.

That is true; there is no intention on the part of this government to free municipalities to act in anything resembling an autonomous way. There will be no opportunity extended by this government to municipalities to enter into agreement with the the federal government for the receipt of moneys for special projects. And this is the intent of this legislation. This is the intent of this amendment. The intent is to ensure that the provincial government will always have the municipalities under its thumb. And anything said other than that is not true.

**Mr. R. Gisborn** (Hamilton East): Not even what the minister just said himself.

**Hon. Mr. MacNaughton:** These are categorical statements. The hon. member should not make them.

**Mr. Deans:** That is the situation as I see it. The provincial government has shown little regard for establishing autonomy within municipalities and this kind of amendment to an existing bill only perpetuates what has been the situation over the years.

**Mr. D. M. Deacon** (York Centre): Withdraw, withdraw!

**Hon. Mr. MacNaughton:** I do not like my thoughts being interpreted.

**Mr. Deans:** Now what we have attempted to do in the amendment is to ensure that if the federal government determines that it can afford or is prepared to spend money directly on municipal undertakings that at least up to 100 per cent of the total municipal involvement may be covered.

If the federal government decides that it can afford to spend $50 million to offset the cost to municipalities of a particular subway project, and if the cost to the municipality is somewhat less than that, then obviously the section could be drafted in such a way as to ensure that anything in addition to the amount normally chargeable against the municipality could accrue to the province. But up to and including 100 per cent of the municipal involvement, ought to be the phraseology used in determining what portion of any federal funds made available will accrue to the municipality. This is what we are attempting to do.

As I stated before, municipalities have a very difficult job on their hands of trying to raise the moneys through the very narrow tax base that exists and is open to them. Municipalities are already overburdening their taxpayers in the realty tax field and they cannot possibly continue going to that source of revenue in order to raise moneys for much-needed projects, the likes of which could include subway construction.

Now this government has said that it is its intention to encourage transit—public transit and subway—as a means of moving people within major municipalities. If it is the intention of this government, it should be making every possible effort to ensure

that the municipalities will not have to bear any unreasonable costs, and that if there are funds made available by other sources these funds will be used to offset municipal costs, simply because the municipality has a more difficult time raising money.

**Mr. Martel:** You have to have your pound of flesh, too!

**Mr. Deans:** The amendment to the amendment perhaps could be redrafted. Perhaps it could be done in a different way so that it would satisfy the minister, although I have my doubts. But it is painfully obvious to anyone reading the legislation that this afterthought of the department to attempt to ensure that it will control any moneys flowing into this province from whatever source, for whatever purpose, is an attempt to continue the "Big Brother" attitude that has prevailed throughout this government toward municipalities over the last 28 years, and we do not agree with it.

We think that if there is to be a new formula worked out for municipal financing, and if the federal government can and is prepared to be involved, then it should be done in such a way as to ensure that the municipalities benefit. And that this can be done by this kind of an amendment to the amendment.

I recognize that much of what is said in this House falls on deaf ears when dealing with this particular minister. But it should be obvious to him that an amendment of this type is completely without reason, and that had the minister wanted to assure himself that there would not be more money made available from other sources than the municipalities would have been reasonably expected to expand, then he could have done that in a different way, stating quite clearly that municipalities could not receive any more than their share as set out or their share of the burden or cost, as set out in this Act, and that any additional moneys would be used to offset provincial costs. We might have agreed with that. We would have agreed with that.

But the way the minister has stated it, the way the amendment was drafted, we find it is completely against all of the principles that we believe the Prime Minister was enunciating in his grand statement about the intent of this government to encourage the development of rapid public and subway transportation. This kind of an amendment completely destroys everything that was alluded to by the Premier on the day that he introduced the bill. We urge the House to defeat the amendment and to support the amendment to the amendment.

**Mr. Chairman:** The member for York South.

**Mr. MacDonald:** Mr. Chairman, the minister has come close to saying that he is close-minded on this issue, and that perhaps we are wasting our time. Just in the hope that I can reason with him I want to review some of the arguments that have been made, to underline them and perhaps strengthen them a bit.

A year or two ago I was rather struck by a comment relating to a federal-provincial conference when the representatives of the cities were raising their usual protests with respect to the fact that cities were ignored in the whole constitutional arrangements and the financial agreements associated with them. Some spokesman for the federal government made a statement to the effect that the federal government was considering the proposition—which is now a reality—of an urban affairs department and of direct relationships with the municipalities.

This government, with a parochialism that is sometimes characteristic of it, immediately, through one of the ministers—which one I have forgotten for the moment—in effect said: "Look, if the federal government has any assistance to give to the municipalities, let them do it through the province. They are in effect our creatures."

The thing that fascinated me about that episode, and it shows how we have developed in the Province of Ontario, was that all three Toronto dailies, including the Telegram, chastised the government and said, "This is gay nineties stuff. We are past that stage. Our urban areas are in desperate need. A growing proportion of the people of this nation are in the urban areas and therefore if the federal government can be persuaded to assist the urban areas to cope with their great and growing problems, let us not kick them in the teeth so to speak, let us encourage them and let us welcome them."

The next thing I want to remind the minister of is that this government and everybody in this House, no matter what side of the House he happens to sit on, is very, very sympathetic to the problem of the municipalities. All levels of government have tax problems; no level of government has a greater tax problem and a greater revenue problem than the municipalities. Therefore, it seems to me that if there is any move from any direction, particularly

from the highest level of government which has the greatest amount of money, to funnel more money into the municipalities, this government should be overwhelmingly in favour of it. They should welcome it.

Now as this Act stands before the minister introduced his amendment, it is a 50-50 split on the building of any public transport, including subways. Therefore if money came from somewhere else to the municipality, it would automatically be credited to the municipality's 50 per cent. That would follow if there was no amendment and this, I would think, the minister is in favour of. He wants to encourage the federal government to do something about municipal problems, and secondly, he wants to relieve the financial problems of the municipalities; therefore why would he bring in an amendment that would in any way interfere with both of those important objectives?

Yet that is the only possibility that can flow from the amendment he has brought in, that is in fact what he is going to do, because the amendment at least gives the minister the option that if money comes from elsewhere it will be taken off the top of the project so to speak. If it is $100,000 and the federal government puts in $25,000, then that $25,000 will come off the top.

Now in our view, for the two very paramount objectives that I have reminded the minister of, it seems to me that if we are going to get money from anywhere else we should encourage it and it should be directed to relieve the municipalities and to encourage them to get into public transport for the fulfillment of this noble new statement of policy that the minister has just advocated.

So I cannot for the life of me see why the minister introduced the amendment in the first place.

Now let me deal just briefly with the observation of the hon. member for Downsview. He said, "There are two ways to deal with the minister's amendment. You could vote against it, or you could deal with the subamendment that the NDP has introduced."

In one sense he is correct. If we vote against, we go back to square one again, and as I have already said, if the minister's amendment is not there any extra moneys from any other source would go automatically to relieving the burden at the municipal level. And that is what we are seeking to do.

But quite frankly, one reason why I think our subamendment would be better than voting against the amendment that the minister has brought in is that I think we should explicitly state in the legislation that if we can get money from anywhere else, particularly the federal government, the purpose of that money will be to relieve the burden at the municipal level.

**An hon. member:** Hear, hear!

**Mr. MacDonald:** And that is precisely what we said in our sub-amendment.

Now, I cannot for the life of me see why the minister is opposed to it. If the minister is speaking and acting in good faith, that he wants to relieve the municipalities, he will not bring in this amendment which gives him the option of chiseling on the aid to the municipalities, because that is what his amendment does.

Well, let the minister not shake his head. If the minister exercises his option of saying that any extra moneys will be taken off the top of the cost of the project what the government is doing is chiseling on what the municipality is going to get and taking half for itself.

**Hon. Mr. MacNaughton:** I think I had better attempt to explain this once again, Mr. Chairman, with the hon. member's permission. Prior to today this section that we are referring to was not in this part of the Act at all.

**Mr. MacDonald:** Right. Therefore any extra money should go to the municipality.

**Hon. Mr. MacNaughton:** No way. That is the point. This was put in to make it possible, as it is in the highway section of the Act, but not here. I explained earlier, the original—

**Mr. MacDonald:** Does this legalize the right of the federal government to make a grant to the municipality? Is that what the minister is trying to tell us?

**Hon. Mr. MacNaughton:** No, no!

At one time the section in the highway side of the Act did not even give the minister the discretion to deal with this matter. Then it was mandatory under the statute that any outside contribution automatically reduced the total amount. It was amended to give the minister the discretionary authority to not apply that particular side, the mandatory side. At least the discretion is there now to waive that requirement.

Now we put this in to make it the same as it is in the highway section because it was not in at all. At least it gives the minister the discretionary authority to do it, which he would not have been permitted to do otherwise.

**Mr. MacDonald:** May I ask the minister, what section in the original bill which we are amending states specifically that any extra moneys will be taken off the top of the cost of a project.

**Hon. Mr. MacNaughton:** It does not say that in the bill at all, but the point is that only the amount of the matching of the provincial contribution and the municipal contribution would have been involved. Now there are other reasons. The federal government is being belaboured here for something that may never exist.

**Mr. Deacon:** That is a little different. That is just a little different.

**Hon. Mr. MacNaughton:** Prior to that, roads were built and subsidized for municipalities, shall we say, to service a company, and the company made a contribution because that was the sole purpose of building the road. In those circumstances, the company contribution was excluded, because in other words in effect we would be subsidizing the company. Now, whether it will ever be required in this particular legislation it is in the other section of the Act, and it seemed only appropriate to put it in here to permit the minister some discretionary authority that did not otherwise exist.

**Mr. MacDonald:** What does the minister mean, the other section of the Act?

**Hon. Mr. MacNaughton:** Dealing with roads, the subsidization of roads.

**Mr. MacDonald:** The minister means in the basic Highway Improvement Act. The Highway Improvement Act states any extra moneys coming in.

**Hon. Mr. MacNaughton:** Yes.

**Mr. MacDonald:** But does it say it in reference to subways?

**Hon. Mr. MacNaughton:** No, this is to put subways on a par with roads. That has been stated from the drop of the hat.

**Mr. Deans:** But the minister does not want—

**Hon. Mr. MacNaughton:** That has been stated all the way through, to make these sections as similar to sections with respect to roads as we possibly can.

**Mr. MacDonald:** Look, Mr. Minister, if I get the point you are raising it is that in the basic Act it states: "That if money comes from any other source in the building of roads, it must be taken off the top," because sometimes it could be company money, and for the reason the minister is explaining he does not want to cut into the—

**Hon. Mr. MacNaughton:** No! Maybe I did not make it clear. What I said, Mr. Chairman, was the section read that way at one time. There was no discretionary authority for the minister to make those determinations.

**Mr. MacDonald:** Yes.

**Hon. Mr. MacNaughton:** It was amended to what it says here: "unless the minister otherwise directs." It does give him some discretion to waive that, but it did not exist before. Does the member follow me now?

**Mr. MacDonald:** I follow you now, except—

**Hon. Mr. MacNaughton:** Now, the only circumstances that I know of—over four years experience—where the minister's discretionary authority was not in favour of the municipality, was in the circumstance that I described, where a company might make a contribution to assist the municipality to build a road for its exclusive interest, and in those circumstances we exercised our authority in a different manner. The reason this section is put in here is so that it is comparable with this other section in The Highway Improvement Act. That is precisely why—

**Mr. MacDonald:** Well, no. No.

**Hon. Mr. MacNaughton:** So the minister can—

**Mr. MacDonald:** I do not want to pre-empt the debate for others who want to intervene in this, but it seems to me we are adding a section here that is dealing specifically with subways. Therefore, it can stand on its own two feet without being tied to either legal or statutory commitments or practices that this government has indulged in. The argument of the minister is that in the past when any extra money came in for road building he had to take it off the top so that both of the jurisdictions involved were going to share

in that assistance or benefit from that assistance.

In this instance, there is only one place money is going to come from for subway construction, that is from the federal government. It is the one foreseeable place at this stage. Okay; why can we not then clearly in this section, which is a new section dealing with a new kind of development to implement the policies of this government, either not have the minister's amendment at all, which means then if it comes in it will apply to the municipalities 50 per cent, or alternatively have our sub-amendment which explicitly ties the hand in this instance of the minister.

I agree it ties the hand of the minister. It takes away from him his discretionary powers. Let me be perfectly fair. When we were talking this morning about budgets and grants to townships and to counties, I can see where the minister has to have a certain discretionary power, because, ultimately, if he leaves it wholly with the municipalities they are going to be making claims on the budget which in aggregate will far exceed what the Treasury Board says it is willing to spend in any given year. Obviously a government has to have the basic right to decide how much money it is going to spend, and therefore how it is going to apportion it. The minister will have to have discretionary power.

But that problem does not exist here. What happens here is simply that the government decides it is going to spend "X" number of dollars. It will pay half and the municipality will pay half. If some sugar daddy, whether it be the federal government or anybody else, comes in and says it wants to make a grant, okay let that grant apply to the municipality, if for no other reason than that it will ease the lot of the municipality which, I thought, was another of the paramount objectives of this government.

**Hon. Mr. MacNaughton:** In those circumstances, there would be no problem.

**Mr. Chairman:** The hon. member for York Centre.

**Mr. Deacon:** I urge the minister to recognize the fact that this is a new section, as the previous speaker has mentioned. We are talking about subway, which is rail transportation—

**Hon. Mr. MacNaughton:** Exactly, and we are talking about very generous contributions—

**Mr. Deacon:** Look at the situation with regard to rail transportation as now provided for by the province in its GO Transit operations where we have longer distances between stations. It is more for the longer distance movement.

The province covers the full cost of operating that public transit service. In doing so, it not only covers the full cost of maintaining the operations of the service, it contributes toward the taxes that are paid to the municipality on that rail line and the rail facilities within that; it provides for their maintenance. In other words, in the case of that type of facility, of public transportation, which is needed as part of a total integrated public transit facility in the province, the province does take its full share and more than its full share.

But why not do the same with the short-haul rail, the subway? Why not recognize that it is part of a total public transit system, that it should be possible for the province or the federal government to take the complete load off the municipality? There is no reason for it not to do so, because at the present time municipalities are heavily subsidizing the motorist which depletes the moneys that they have available for the total public movement and transportation facility.

Surely now that the federal government is moving toward expanding its role in the provision of rail movement for people, we can also allow it to expand its role in the subways without making such a role absolutely pointless by not spelling it out clearly here that any help it gives will be in addition to that of the province.

I am dismayed that the minister talks about having something just the same as in the highway part.

**Hon. Mr. MacNaughton:** But it will.

**Mr. Deacon:** But the minister should leave no question in this legislation, so that the federal Minister of Transport or the Minister of Urban Affairs know, if they consider assistance here, that any assistance they give will be in addition to what the province gives.

Let us get away from this business of killing any federal initiative in moving into this field. We need their help. The municipalities need their help far more than the province. If the minister does make it clear in his amendment that there is no question of discretion here, that any assistance provided by another agency will be in addition to the assistance of the province, then he is surely

showing it is his clear will to encourage the municipalities to proceed with public transit.

I urge the minister to not be inconsistent, as he is being in this amendment he has here.

**Mr. Chairman:** Any further discussion on the amendment to the amendment? Those in favour of Mr. Martel's motion to amend the amendment will please say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

Call in the members.

**Mr. Chairman:** The committee is dealing with section 13 of Bill 89. Mr. MacNaughton has moved an amendment to section 13 of Bill 89 which would add a new section, subsection 8 to read as follows:

> Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the minister unless the minister otherwise directs.

Mr. Martel moved an amendment to Mr. MacNaughton's motion, to create a new section 8, which would then read as follows:

> Where a contribution has been made from any source whatsoever towards an expenditure to which the section applies, the amount of such contribution shall be deducted from the municipality's share of the expenditure in the statement submitted to the minister.

The House then divided on the amendment to the amendment which was negated on the following vote.

**Clerk of the House:** Mr. Chairman, the "ayes" are 33, the "nays" 49.

**Mr. Chairman:** I declare Mr. Martel's motion lost. Will it be agreeable to the committee to take the same vote in reverse for Mr. MacNaughton's motion?

Agreed.

**Mr. Chairman:** Section 13 then, will be amended as per Mr. MacNaughton's motion.

Now is there any further discussion in connection with this bill? Mr. MacNaughton has an amendment to section 14 of the bill.

**Hon. Mr. MacNaughton:** Mr. Chairman, I have two amendments, in fact. May I put them both at once or shall I deal with them separately?

**Mr. Chairman:** I think the combined amendments will be in order.

**Hon. Mr. MacNaughton:** Put them both?

**Mr. Chairman:** Yes, in one.

**Hon. Mr. MacNaughton:** I move that clause b of subsection 1 of section 91(c) as enacted by section 14 of the bill—

**Mr. Singer:** We cannot hear him, Mr. Chairman.

**Mr. Chairman:** Order, please!

**Hon. Mr. MacNaughton:** I move that clause b of subsection 1 of section 91(c) as enacted by section 14 of the bill be amended by inserting after "municipality" in the fourth line "or a local board thereof."

I move subsection 2 of the said section 91(c) be amended by inserting after the word "for" in the 20th line "the cost of and".

**Mr. Chairman:** Shall Mr. MacNaughton's motion carry?

**Mr. Singer:** Has he got the text—

**Mr. Deans:** They were part of the original thing.

**Mr. Singer:** Oh they are part of the original thing?

**Hon. Mr. MacNaughton:** So, Mr. Chairman, the section would now read—

**Hon. A. F. Lawrence** (Minister of Justice): Wait a minute, the member for Downsview has to put his glasses on. Now he can look at the section.

**Mr. Singer:** Would the minister come over and give me some instruction? He is so capable.

**Hon. A. F. Lawrence:** He is going to read the section as amended for you.

**Hon. Mr. MacNaughton:** 91(1)(b), the section would then read:

> Public transportation means any service for which a fare is charged for transporting the public by a vehicle operated by or on behalf of a municipality or a local board thereof, or under an agreement between a municipality and a person, firm or corporation, but does not include transportation by special purpose facility such as school buses or ambulances.

The second amendment—the section would then read:

And having regard for the cost of and the revenue produced by the operation of the public transportation service—

and so on.

**Mr. Chairman:** Shall the motion carry?

Motion agreed to.

**Mr. Chairman:** Any further comments, questions or amendments to this bill?

**Mr. Deans:** Mr. Chairman.

**Mr. Chairman:** The hon. member for Wentworth. On what section?

**Mr. Deans:** On section 14.

**Mr. Chairman:** Section 15, was it?

**Mr. Deans:** No, section 14. We are still on section 14.

I just want to make some comments. I would have moved amendments, except that it is not within the ambit of my responsibility to move amendments which dictate the expenditure of funds. But I do want to say that we believe that it is going to be extremely difficult for municipalities to properly plan an integrated system of public transportation while having to await the pleasure of the minister to determine what funds will be made available to them on an annual basis.

We think that it would be far more sensible and reasonable to set out in legislation a per capita amount that would be made available yearly to every municipality that it could use to plan future expansion and present operating. We suggested during the second reading that $5 per capita might be a reasonable figure. We produced figures to substantiate the position that we took in regard to major metropolitan areas throughuot the province. We believe that it is reasonable and sensible that municipalities should be able to predetermine the total amounts of money that would be available for budgeting purposes. This can only be done if there is already in force a formula or grant system to which they can turn.

We suggest to the minister that the system he is going to operate under is piecemeal, to say the least, and will be delayed in many aspects of its implementation. In the receipt of the moneys by the municipality from the province, the municipality will not be able to do any long-range planning, based on the minister's discretion used on an annual basis. We feel that there should be a change, a change in the entire outlook and philosophy of the government toward the financing of municipalities and that it should be based on a formula or predetermined per capita amount available to them, not only available to them but that they understand can be received and will be received in each and every year and therefore can be used as a budgetary item.

In keeping with that, had I had the right, I would have moved an amendment which would have altered 91c (2) in such a way as to ensure that municipalities providing approved public transportation would have received a per capita grant of $5. We would have, subsequent to that, made other amendments deleting a number of the areas that are laid out in the bill.

We think, in terms of the definition of public transportation, which the minister has just altered, that a more realistic definition might have been that public transportation means any provincially approved system for transporting the public, and goes on from there. We feel that there are instances, and I could cite some—the transporting of the aged, for example, where it is entirely possible that a municipality may determine at some point that it does not want to charge a fare and, therefore it will not be eligible for subsidy in that portion for which no fare is charged. I suggest that that ought to be left then to the discretion of the minister. It is one of the few areas in which ministerial discretion should be allowed, where the minister can then view in isolation, each municipality to determine whether or not it is providing a level of service sufficient to meet the needs of that community. The grant should then be based on the determination of what the level of service is, rather than on whether or not the fare box is being used as the means of providing revenue to the transportation system.

With those things in mind, Mr. Chairman, I suggest the minister should give consideration since it is all that I can ask, to altering the method of payment and to altering the discretion that he holds to himself in regard to the definition of public transportation, to give himself a wider scope and to give municipalities a better financial base from which to operate.

**Mr. Chairman:** The hon. member for Huron-Bruce.

**Mr. Gaunt:** Mr. Chairman I have one additional point that I want to make with respect to section 14 and I propose to introduce an amendment to the section. This really is a reflection of the earlier comments

which I made with respect to public transportation. We feel in this party that public transportation in all its forms should be given as much assistance and help as possible. It seems to us that one avenue through which this can be done—it is rather simple—is to refund the fuel taxes paid with respect to vehicles operating under municipal franchise.

Now in this way, this would assist the operation of public transportation systems across the province. The province is undertaking under the bill to actually provide up to 50 per cent of the deficit incurred by a public transportation system if a level of service is maintained by that system. If we do what I suggest here in the amendment which I am going to propose, I think we in effect reduce—if in fact there would be a deficit—we actually reduce the deficit.

While we may pay at one end of the scale 50 per cent of the operating deficit, I think the proposal which I suggest could, in a very real sense, reduce the deficit. We are actually, to that extent, robbing Peter to pay Paul, but in any case I think it would be a good idea. I therefore move, Mr. Chairman, that a new subsection 6 of section 91 (c) be added as follows:

> In addition to the powers given to the minister under the section, the minister shall refund the fuel taxes paid with respect to vehicles operating under a municipal franchise as provided for under The Gasoline Tax Act.

**Mr. Chairman:** It seems to me that this motion directs public funds to be disposed of in a certain manner and it is not within the authority of the hon. member to introduce such a motion.

**Mr. Gaunt:** Well, just—

**Mr. Chairman:** It is my opinion, therefore, that the motion is out of order.

**Mr. Gaunit:** On a matter of clarification, Mr. Chairman, I suggest that it is really no more out of order than was the amendment proposed by my colleague from Wentworth when he suggested that the provisions under which subway construction would be eligible for grants should be expanded to include commuter parking facilities.

**Mr. R. F. Ruston** (Essex-Kent): Right!

**Mr. Gaunt:** Certainly that involves the direction and the spending of public money.

**Mr. Chairman:** I was not in the chair when the motion mentioned by the hon. member for Huron-Bruce was discussed—

**Hon. Mr. MacNaughton:** Mr. Chairman, I made an observation at that time that I would ask you to consider as appropriate. It was a motion for which there was already a section in the bill. The section in the bill related to the same in rather broader terms, but there was a section in the bill making it possible for the minister to designate funds for parking lots and other related facilities, so a little distinction can be drawn.

**Mr. Chairman:** So it was probably within the scope of the bill at the time. This particular motion, however, is entirely different and I have no alternative but to rule it out of order.

**Mr. Gaunt:** Well all right, I tried.

**Mr. Chairman:** Any further discussion on section 14? The hon. member for York Centre.

**Mr. Deacon:** Mr. Chairman, I am disappointed that the minister has not included the concept of the elimination of fuel taxes in outlining the assistance he will provide municipalities. It seems amazing to me that we refund fuel taxes for agricultural purposes and in other instances and here we have a public service that the minister is stating he is wanting to encourage. Part of the deficit is a deficit that is incurred because of payments to the province. The province is adding to the deficit in a very substantial way.

It would probably make it possible for the minister to eliminate to a major degree any operating assistance that would be given to municipalities if this were the case.

In a previous discussion of this bill I mentioned my concern that the assistance that the minister is proposing here in assistance and moneys covers deficits only. There is no incentive to municipalities in any way to become more efficient because then they will get less assistance from the minister.

There is some incentive to the extent that they have to make up part of the deficit. But in the case of the Toronto Transit Commission, the fuel taxes paid by this operation of the Metropolitan municipality are a major portion of the operating costs. In effect it would seem to be much more sensible for the minister to give incentive and assistance

that will apply equally to all municipally-franchised vehicles operated for public purposes.

I would appreciate the minister's comments, when we are dealing with assistance to municipally-franchised public transportation facilities, as to why he has considered that the municipality should not be relieved, or their franchises should not be relieved, of this major operating cost.

**Mr. Chairman:** Before the hon. minister replies, I would just like to inject to the committee at this time that this particular section provides for a certain method of providing financial assistance to the municipalities in connection with public transportation.

This is the Committee of the Whole discussion wherein we discuss the operative part of the bill. It seems to me the submission of the hon. member for York Centre would completely change the principle of providing financial assistance.

Therefore, I simply put this out as a caution to the members, that in my view I permitted the member to continue but I do not think it is in order. I suggest that the hon. minister consider that.

**Mr. Deacon:** Mr. Chairman, part of the calculation made up here is on the cost of operations. That is the basis of my inquiry here. The calculation of the assistance is based upon a statement provided by the muncipalities or the public transportation facilities with regard to cost, and the major cost item that is included here is, of course, the matter of fuel taxes. I thought that put this matter in the orbit where we could discuss it.

**Mr. Chairman:** There is no suggestion at all in this section that any consideration be given to fuel tax as a method of providing financial assistance to the municipalities, and it is therefore a new principle.

**Hon. Mr. MacNaughton:** I would point out to the hon. member, now that you have allowed him to discuss it, for his information, if he will read the two sections again, or the one to which an amendment was proposed, which says, "having regard for the cost of and the revenue produced by the operation."

Then we move to the next section, and under that section we determine first of all their eligibility for assistance. That eligibility can lead to subsidization from 50 per cent up to a maximum of 80 per cent based on these new needs and on each and every circumstance.

When we talked about operations, as the hon. member referred to, and the cost of operation, the applicable subsidy of course reduces the cost of that particular operating cost as well.

**Mr. Deacon:** Mr. Chairman, I may have misunderstood. My interpretation of this is that the assistance is up to 75 or 80 per cent of the loss incurred, as determined by the minister.

In other words, the statement of the operations is given by the municipality to the minister and they request the minister's subsidy be paid upon those losses. The losses incurred would include expenses for fuel and this is why I bring up the question. The fuel expense is largely made up of the fuel tax.

**Hon. Mr. MacNaughton:** My observations still stand.

**Mr. Chairman:** Any further discussion on any part of this bill?

**Mr. Deacon:** There is no incentive toward a good efficient operation.

**Mr. Chairman:** Shall the bill, as amended, be reported?

Bill 89, as amended, reported.

Hon. A. F. Lawrence moves the Committee of the Whole House rise and report a certain bill with certain amendments and ask for leave to sit again.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the Whole House begs to report a certain bill with certain amendments, and asks for leave to sit again.

Report agreed to.

**Clerk of the House:** The 37th order, House in committee of supply; Mr. A. K. Meen in the chair.

## ESTIMATES, DEPARTMENT OF JUSTICE
*(continued)*

On vote 911:

**Mr. Chairman:** The member for Thunder Bay, I believe, had the floor on this matter when we adjourned.

**Mr. J. E. Stokes** (Thunder Bay): Thank you, Mr. Chairman.

When we adjourned last evening we were discussing vote 911, the supervision of police forces programme. I would like some intimation from the minister that he will take some action on the extension of police supervision to northern areas of the province that are basically without it at the present time. I have had considerable correspondence with his predecessor over northern reserves that are visited maybe two or three times a year.

When an emergency does arise in the northern community by the time that you get police personnel, the crisis is over and there is very little opportunity to investigate the situation.

The present method of policing those far north communities, and I am thinking particularly of Fort Hope and Big Trout Lake, in the words of the chiefs, is completely inadequate. We have, as I said earlier, discussed this with the minister's predecessor, and of course we were given assurance from him that he would look at the situation and try in some fashion to come up with some plan whereby they would get the kind of police supervision and the kind of assistance in maintaining law and order in those remote communities that they require and have sought.

The big problem is that, in the case of a ruckus, or a missing person or for any number of the reasons remote communities need the services of police personnel, by the time they get them up there—they have to fly as much as 300 and 400 miles north—as I say they are very little use when they get there.

One case that was brought to my attention was that of a missing person. Apparently the person had drowned in Big Trout Lake, and of course they sought the assistance of the police. The police flew in, made a cursory examination, and were not able to do anything and left. So it was left to the townspeople to find the body and look after the situation themselves.

I am told, on each occasion when I bring it up with the Ontario Provincial Police through either the commissioner or the minister, that the police make routine visits sometimes once a month or once every two months. They seem to think this is the only need of police supervision or surveillance in these remote areas. I have suggested to the minister's predecessor that we maintain a regular and a permanent flying police force for many northern communities.

We have another one that is much more accessible but just as badly in need of police supervision. That is Savant Lake, which is right on the north line of the Canadian National Railway and right on Highway 599. Unfortunately when they need the services of police personnel, they do not send to the logical place, which is down at Ignace, 80 road miles away. They send for a policeman from the Armstrong detachment, which is 50 or 60 miles by rail east from Savant Lake.

Train service being what it is all over the country today, and particularly in the north, they do not run trains to suit police officers. So in many cases it is three or four days before they get an investigating officer in. By that time the crisis has passed and in many cases the offender has flown the coop. So there is very little possibility of resolving a situation of this nature.

The former Attorney General (Mr. Wishart) did think that possibly a regular flying police detachment would be the answer. I suspect that when he got talking to police people in the OPP that he was given some reason for forgetting about the whole idea and nothing has happened. I am wondering if the minister is aware of the representations made to his predecessor in this regard, and also if he is prepared to do anything about it?

Another instance I would like to bring to the minister's attention, which I have already done in writing and he is investigating the matter, and I presume I will have a report on it in the not too distant future, is where detachments are located, particularly, say, along Highway 11 which is north of Nipigon and takes in areas such as MacDiarmid, Beardmore and Jellicoe, and where one detachment cuts off another one takes over. The town of MacDiarmid for instance, is about 40 road miles from Nipigon. If they need the services of a policeman in the community of MacDiarmid they have to phone 40 miles down to Nipigon where somebody is despatched to investigate and take appropriate action.

On many occasions in the past, emergencies have arisen and they thought it was more appropriate to call the detachment from Beardmore, which is only about 12 miles away, and of course it would be much easier for them to get down there. Of course, the superintendent stationed in Thunder Bay said: "No, we have no reason to believe that it is necessary to change the existing arrangement. If they need any help in MacDiarmid they can call the Nipigon detachement.

The specific instance that I brought to the attention of the minister was the case of a person who was seriously injured in an automobile accident. Of course they immediately phoned the Ontario Provincial Police and by the time an investigating officer got down to determine that an ambulance was needed and all of the preparations were made to remove the injured to the hospital, considerable time had expired. I understand that the accident victim died on the side of the road.

Now I am not prepared to stand here and criticize anybody. I do not have sufficient evidence to go on. I do not have sufficient knowledge of medicine to determine whether or not the delay actually caused the death, or whether he was so seriously injured that he would have expired in any event.

Nevertheless, there is always a lot of doubt in people's minds when everything possible is not done to see that injured people get to hospital with the least possible amount of delay. When you do not have your police officers stationed in such a way that they can be summonsed to the scene of an accident or to wherever they are needed in such a way that the least possible delay ensues, you are going to be criticized for it.

Now you cannot take care of every eventuality. Nobody is going to designate where an accident might happen or where a policeman may be needed at any given point in time, but surely when suggestions are made to you of specific instances, whereby changing your method of operation would cover specific situations you would look into it and take them under advisement. If they have merit you can make the necessary adjustments in order to provide the maximum amount of protection and the maximum amount of of service to people, particularly in remote areas.

It is not a problem down here in the south where you have good roads and you have adequate police personnel within easy distance. It is a particular problem in northern Ontario for the reasons that I have just mentioned.

I am wondering if the minister will comment, both on the reserves and the other instance that I drew to his attention earlier.

**Hon. A. F. Lawrence** (Minister of Justice): I suppose the last instance you are referring to—the tragedy—was the McGuire death at Beardmore. Let me merely say that the restriction or the jurisdiction of the police in the Beardmore area, I think, has been explained in the past to my friend and sounds quite sensible to me.

In respect of the actual circumstances of the death, my understanding was that there was no complaint, criticism or circumstance at all in respect of that particular tragedy which would indicate at all that there was any delay in the provision of police services. There was some criticism of the delay of the ambulance arriving at the actual scene, but not to my knowledge in respect to the police at all.

If my friend has any other information than that, any criticism of the police, I would like to get that information from him so that I can follow it up, but that certainly is the circumstance in respect of that.

**Mr. Stokes:** The minister has all the information that I have on that. I forwarded it to him.

**Hon. A. F. Lawrence:** I see. My understanding is that there was some criticism there of the length of time it took the ambulance to come, but not the police. The police were there fairly quickly. I am convinced too that really common sense does prevail as far as the police are concerned—there and right across the north for that matter—in the matter of these territorial limitations that are imposed upon them for all sorts of reasons. But in respect of that particular death, I do not think the police have been criticized by anyone at all.

In respect of the drowning incident, I have not heard of this one before. I am at a loss to understand why it would happen because the OPP do have their own scuba divers, specially trained in sometimes rather grisly circumstances of recovering bodies and what not. These people are available 24 hours a day on a province-wide basis. We do fly people in. I do not know, in any case that would require any sort of fast treatment by the police, why there would be any officer travelling by train, especially in the area—

**Mr. Stokes:** They use it quite regularly. It is the only means of transportation between—

**Hon. A. F. Lawrence:** Well for routine patrols yes; obviously, that is the only way to get in and out. But in respect of matters that would require a fast investigation or answering a complaint—if it looks like the circumstances are urgent at all and serious enough—certainly my understanding of the instructions is that they use aircraft. They

should be using aircraft and if they are not, I think the people who are hearing us tonight will make sure that in the future they do use aircraft. All right?

**Mr. Stokes:** I am glad to hear that.

**Hon A. F. Lawrence:** But in respect of routine patrols and checking out missing persons who have been missing for a while, and it is obvious that they have left the community or something like that, I would not anticipate that the police officers would use anything but the best and cheapest form of transportation into those communities and that would have to be the train. But if it is urgent; if it is more than routine patrol; if it is something that requires immediate attention or even close to immediate attention, then they should be using aircraft. If they are not—and my understanding is that they are—if they are not, then they will in the future. Does that cover the point?

**Mr. Stokes:** There is one thing. What do you normally do about police surveillance in the far north communities if you never get a complaint? Does that mean you would never go in?

**Hon. A. F. Lawrence:** No. I think every community—now I do not know what the minimum size would be, I do not think every family in the remote areas is contacted or has a police inspection once a year or anything like that; but I think in any community of any size, there must be routine police patrols visiting them.

I am told now that the OPP has increased the annual visits to extreme northern points to the extent each community is visited at least two to four times a year. I am also told, if my understanding is correct, that on emergencies they do make special flights.

The radios, of course, are in the cars and good roads save a lot of time and mileage. In many areas—I know the riding of my hon. friend, too, is one in which, like many of the communities the only way you can routinely visit these communities is by train. I imagine that is what would be done.

**Mr. Stokes:** I do not want to belabour the point, Mr. Chairman, but I do want to make a specific request of the minister. It deals with the Savant Lake situation, which is right on Highway 599. It is a good highway from Ignace, which is on Highway 17, right up to Savant Lake.

Now, the logical place from which to send an officer to investigate something at Savant Lake would be Ignace.

**Hon. A. F. Lawrence:** Yes.

**Mr. Stokes:** It is 80 miles. But they do not do that. They also have a detachment up at Pickle Lake which is 112 miles further north, which is a somewhat longer distance and quite an ardous journey. But the OPP, once a day, have people coming down from Pickle Lake to Savant Lake if they have somebody to take to court, or something like that.

**Mr. Chairman:** I wonder if I can interrupt the member for just a moment. We are on vote 911 which deals with supervision of police forces programme.

**Mr. Stokes:** That is right.

**Mr. Chairman:** Now vote 912 deals with the OPP and I would suggest that some of this discussion seems to be spreading over into 912. I have allowed the members to continue this discussion, although I think it is technically out of order under vote 911.

I do not want to restrict the dialogue here because I think we will get to it, in any event, but I do want to point out to the member that really we are still on vote 911. If we can carry 911 and get into 912, then of course I will allow this discussion to continue. But I would like to see it limited, at least to some extent, within vote 911 until we have carried it and got on to vote 912.

The member for Thunder Bay.

**Mr. Stokes:** With all respect, I am dealing with supervision.

**Mr. Chairman:** You are dealing with supervision of police forces programme under 911. The discussion which was going forward seemed to be supervision by OPP of other activities. I would ask the member to restrict his discussion to supervision within the police forces programme.

**Mr. Stokes:** I am in your hands, Mr. Chairman.

**Mr. Chairman:** The member for Thunder Bay.

**Mr. V. M. Singer** (Downsview): No, no; it is not carried.

**Mr. Chairman:** Vote 911, the member for Thunder Bay.

**Mr. Stokes:** Thank you, Mr. Chairman. As I said, when I was interrupted, Savant Lake has no police supervision, except from Armstrong. The only way to get from Armstrong to Savant Lake is by CNR. You might wait 12 or 16 hours for that train that you are going, appropriately, to send a constable on. It means an awful lot of overtime for that detachment. They have seevn people in that detachment at Armstrong, but the thing is it could mean two or three days' pay for a constable from Armstrong if you dispatch him by train.

The obvious solution to it is to take that out of the Armstrong command and put it in the Ignace command or the Pickle Lake command. But for some unknown reason, they will not do that.

If it means overtime, they say they will wait until an early train Monday morning before they go over and investigate the incident. That may be 48 or 72 hours later. By that time, as I say, the crisis is passed. Maybe the fellow has sobered up or maybe he is long gone out of the area. The policeman comes over and makes a routine inspection but everything is regular, so he goes about his business again. And this happens continually. It has prevailed over the last several years. I have written to the minister's predecessor. All I am saying is why do you not place the responsibility for policing Savant Lake on either the Pickle Lake or the Ignace detachment rather than the Armstrong detachment where it is costing a lot of money and it really does not serve any useful purpose when they get there.

**Hon. A. F. Lawrence:** Having a little bit of knowledge of all four places which the hon. member is referring to, I do not know why either. This complaint has not been brought to my attention before. I do hope—

**Mr. Stokes:** I can show the minister at least half a dozen letters which I have written.

**Hon. A. F. Lawrence:** All right. I do hope that over the next little while we will be taking a good look at the judicial districts, which have a bearing on the police districts as well. We feel the police districts have to fall in line with the judicial districts because of the difficulties of the police taking people from different areas to different courts. This will be looked at. I have not heard of this particular complaint before. We will take a look at it.

**Mr. Stokes:** Thank you.

**Mr. Chairman:** Vote 911. The member for Downsview.

**Mr. Singer:** Mr. Chairman, in my opening remarks I addressed some questions to the Attorney General concerning my dissatisfaction with the disciplinary proceedings which took place as the result of the royal commission which was recently held. I think the Attorney General is familiar with those remarks and I am not going to repeat them. I just wondered if, at this point, he has any thoughts about the future handling of disciplinary matters and whether or not any changes are going to be made, either in the statutes or the regulations. I think I outlined in the beginning of the estimates some of the problems that are pretty obvious and I wonder what the Attorney General's thinking is?

**Hon. A. F. Lawrence:** No, I think as the hon. member knows, since he made those remarks in this House I have been pretty steadily employed in this House as well. I will be honest about it, I really have not had the time seriously to consider any of the matters arising out of the decision of His Honour Judge Steen, in respect to Rodger and Wilson. I think perhaps that is all I can or should say about it at this stage.

**Mr. Singer:** Well all right.

**Hon. A. F. Lawrence:** I know it is quite unsatisfactory, but I—

**Mr. Singer:** That is all right. I can accept that.

But without trying to force the minister into any definitive statement, would it be reasonable to suggest that some concern must be felt about this kind of inequity? That there must be some revised and standardized system of logical appeal, so that you do not get caught in the anomalous situation of referring a particular matter to a county court judge, as you now have power to by order-in-council, which you did in that case? And then having the appeal go to the Ontario Police Commission, which I think is just a bit unusual and unfair.

**Hon. A. F. Lawrence:** Oh I see, that aspect of it?

I think referring it to a county court judge was the meet and right thing to do, no question about that. I see the point. Of course, from our point of view there is no appeal. I may be wrong on this but my conception of the matter was that the judge was in substitution for the senior officers judging the matter of the OPP. My further understanding—I may be wrong about it because as I said I have not had time to look at it—is that the

only appear lies at the suit of the accused, if that is the proper word, not at ours. I gather that is right.

In other words the Attorney General, or the Police Commission or the commissioner—who ever the other side on these matters is, and I am not too sure who the other side is—does not have the right of appeal. Only the men concerned have the right of appeal.

**Mr. Singer:** Mr. Chairman, I do not have The Police Act in front of me. I know that in the scheme as set out in The Police Act—and the Attorney General may be right in this—there is an appeal procedure beyond the senior officer to the Ontario Police Commission. It may be as the Attorney General says, it only lies at the behest of the policeman who is charged.

**Hon. A. F. Lawrence:** I agree with you. I agree with that point.

**Mr. Singer:** Even if that is in fact so, where it might appear that the chargers—if I can use that phrase—it might appear to this Legislature that perhaps there should be a further look at it by way of appeal, then the statute should be amended to that extent.

In addition to that, I think you have got to have a very careful look at the part that I find unusual and probably not logical. That where you do insert a county court judge—and I do not quarrel with putting a county court judge in this situation; I think that was a logical thing—but where you do insert a county court judge into the middle of that procedure the appeal should not be to the Ontario Police Commission. I would find it substantially objectionable that the Ontario Police Commission should sit in judgement on a decision of a county court judge or of any judge.

I think it should go up the ladder. If you want to change that to Supreme Court judge or to the district court or something along that order, I think it would make much more sense. I think it would be unfair to expect that the Ontario Police Commission could reasonably deal with that or should be expected—reasonably to deal with that sort of thing.

That was point No. 1. Perhaps the Attorney General wanted to—

**Hon. A. F. Lawrence:** I basically agree with your central point here, that a look has got to be taken at The Police Act, apart, altogether from the merits or the demerits of that appeal or the sentence or what. I think my friend should appreciate though, and I know he does, that the judge in this matter is a *persona designata*; he is sitting there not as a judge, but in effect as a commissioner, I guess. Therefore, it is not a question of the pecking order on a totem pole as far as a county court judge being appealed to something lesser or anything like that is concerned. In any event, I agree, getting back to his other words on the opening of the estimates in respect of the actual decision itself.

I will not bring out all the old phrases about a policemen's lot is not a happy one, or anything. We all know that. It is a particularly tough time for policemen and it is getting tougher. I am afraid that I have to add to their burden by saying that in matters of this kind I regard a policeman's conduct, or even what a policeman's conduct appears to be, of extreme importance. Like Caesar's wife—they just have to watch it, that is all.

Certainly, I do not by any means minimize the problems in morale and discipline that this particular case—all of the circumstances, for that matter, surrounding the whole Duke affair—I do not minimize by any means the impact that that has had on the public in respect to the courts, and that particular decision and the sentences handed down. I do not, I think, minimize in my own mind the importance of that in respect of morale and discipline within the force as well. I have some problems as a result of it. There is no question about that.

**Mr. Singer:** Mr. Chairman, I appreciate what the Attorney General says, and I do not think we are very far apart in our thinking about it. It may be that we are stuck in a particular situation by reason of the present inadequate position of The Police Act and the regulations flowing from it. But I accept the Attorney General's undertaking that it will be looked at and appropriate amendments made.

Only one comment arising out of what he said: The pecking order does not necessarily follow as the night the day. Since he has designated the county court judge as *persona designata* he can also designate a system of appeal; and if he wants to designate a Supreme Court judge as a *persona designata* to whom an appeal could go, that certainly is the privilege of this Legislature and can and should be done.

One other point in the same vein: It may be that my understanding of the regulations about suspension with or without pay is not really up to date. Is it in fact so that today,

if a police officer is suspended, there is no suspension of his pay until he has been tried for the matter with which he is charged? Does that apply across the board? Because there has been considerable confusion about it.

**Hon. A. F. Lawrence:** That is my understanding. I think we looked into that fairly carefully at one time and that was the conclusion reached.

**Mr. Singer:** Well, it is comparatively new then, is it not? Because I brought with me at one stage two or three decisions that had gone as far as at least the Supreme Court, possibly the Court of Appeal, where in one instance at least the court came to the conclusion that the particular officer who was the subject of this matter had no right to get his pay.

Again arising out of these two particular cases that we were talking about, the fact is that these two senior officers were suspended for something like a year and continued to draw their full pay, whereas there have been constables who have been suspended and have not been able to draw their pay.

**Hon. A. F. Lawrence:** No, this was something that was not that clear in the regulations. The regulations were changed last year, as a—

**Mr. Singer:** Yes, maybe the cases that came to my attention were before that change.

**Mr. D. M. De Monte** (Dovercourt): Maybe it was a result of that case at the Supreme Court?

**Hon. A. F. Lawrence:** Well, I do not know why; I was not in the office at the time. But the regulations were all completely revised last year, as a result of representations made by the Ontario Police Association for one thing. And on the basis of those revised regulations, the interpretation that was placed before me was that they had to be paid while on suspension prior to a conviction under The Police Act.

**Mr. Singer:** And then, carrying it one step further, if a policeman has been suspended pending the hearing of the charge and is found guilty at the hearing and then chooses to carry it on to appeal, what happens to his pay after that, pending the hearing of his appeal?

**Hon. A. F. Lawrence:** Well, I am advised that he should be paid.

**Mr. Singer:** He should be paid. And are the minister's advisers prepared to state categorically, that until those charges have been finally dealt with or until the time has expired when the last avenue of appeal can no longer be taken, that the pay continues?

**Hon. A. F. Lawrence:** Until there is a final termination, yes.

**Mr. Singer:** Until there is final termination. That apparently is abundantly clear now in the regulations?

**Hon. A. F. Lawrence:** No, no. This is an interpretation—

**Mr. Singer:** Oh!

**Hon. A. F. Lawrence:** —based on subregulation 5 of regulation 56 of The Police Act. It is not dealt with specifically in the regulations but this is an interpretation that was given to me and is still being given to me as a result of the regulation.

**Mr. Singer:** All right! If the regulations are not quite that obvious, which is what I read into the Attorney General's most recent remarks, would it not be wise in this particular reconsideration to consider them again? I may add, in connection with that particular point, that there is considerable unhappiness about what is believed to be an unfair situation in the minds of senior officials of the police association. Mr. Brown has talked to me on several occasions about what he thinks is an unfairness. I have not quite been able to get it clear nor able to track down—perhaps it is my fault because I have not looked in detail at the last regulation—whether or not this difficulty has now been removed. But we got into a row with the minister's predecessor a while back about the framing—

**Hon. A. F. Lawrence:** I cannot believe that!

**Mr. Singer:** No, neither can I, but it happened—about the framing of regulations. It would seem to me that there would be some considerable sense in preparing, perhaps, draft regulations or a white paper on regulations or a statement of policy, and then perhaps discussing them in advance with people like the police association. There are legitimate complaints. These things are going to be proclaimed into law and I would think that the minister would save himself a lot of difficulty.

**Hon. A. F. Lawrence:** The member can tell from the reaction here that is going on around me that that was done.

**Mr. Singer:** There were different versions you know. I have listened to the minister's predecessor in this House on many occasions and—

**Hon. A. A. Wishart** (Minister of Financial cial and Consumer Affairs): The member does not know what went on.

**Mr. Singer:** —and he has told me that he has consulted with everyone he thinks is interested and they had had a meeting of minds. Then, when I talked to some of the people who had the other minds, and who were there, they did not quite agree with the former Attorney General.

**Hon. Mr. Wishart:** We did not always coincide.

**Mr. Singer:** All right! But this is by way of caution. I think these are important matters insofar as they involve the whole morale of all of our police forces. I think the Attorney General has got to act very quickly to remove from the minds of any serving policemen, whether he be a constable or a chief of police or a superintendent, that they are all going to be treated with the same degree of justice and that there is not one law for a constable and one law for a senior officer that—

**Hon. A. F. Lawrence:** If there is any thought in the minds of Mr. Brown or anybody else that there are different rules and regulations applicable in respect of these matters, then I would like to clear that up. There is not. As a matter of fact, perhaps part of the difficulty, if my hon. colleague will not mind my saying so, part of the difficulty that we are faced with right here now is because perhaps some of the representations made by the association. I think the Attorney General has a responsibility to make sure that in those regulations the public interest is paramount over the police interest.

**Mr. Singer:** I agree with that.

**Hon. A. F. Lawrence:** It may well be that these regulations, which apparently have some gaps in them now, were drawn that way on the basis of representations made by the association. However, let me not paint myself into a corner with Mr. Brown and the association before we even start talking about it.

**Mr. Singer:** That certainly would not be in my mind, Mr. Chairman.

**Hon. A. F. Lawrence:** No, it would not.

**Mr. Singer:** The fact is, Mr. Chairman, that on the surface the decision of His Honour Judge Steen seemed to be at variance with similar decisions made throughout police forces, insofar as they affected constables, the lower ranks.

I know that there have been many lower rank officers who have committed offences of equal gravity or perhaps sometimes lesser gravity, than those which Judge Steen found these two officers guilty of, who have been summarily dismissed from the forces that they served on—not just reprimanded and not just given the second lightest penalty in the list of several penalties. So I was prepared to subscribe to the Attorney General's earlier statement that justice must appear to be done. I would think that there perhaps are officers who are familiar with the ultimate sanction of these disciplinary courses, that is dismissal from the force, who are a little perturbed that that ultimate sanction has been exercised in many cases for offences that appeared to be of equal or lesser gravity so far as constables were concerned. But on the higher level, it did not appear to be done.

**Hon. A. F. Lawrence:** I do not think that was the case, because there was quite an extensive review of what penalties had been imposed, of course, by the counsel who was appearing for the Attorney General—I do not know whether or not he appeared in my name—in respect of the sentencing matter. That was one of the difficulties involved; for offences that appeared in that category there had been no dismissals. In spite of that, in those cases very forthright argument was put forward by counsel at that time for dismissal.

**Mr. Singer:** All right! I do not think there is anything to be gained particularly in pursuing that because the Attorney General has undertaken to review those regulations, and I would hope that it would be done very quickly.

I wanted to ask, Mr. Chairman, on another subject dealing with the supervision of police forces, what substantial thinking has been done about raising standards for policemen across the province? I am talking about educational standards. As our educational system continues to be used, apparently to better and better degree, it would seem logical to me that perhaps the time has come to raise admission standards beyond grade 10 up to 11 or 12.

We should have—and these are remarks I have made on many other occasions—we should have available in our police forces the

highest qualified people that we can find. It occurs to me that the grade 10 qualification perhaps could and should be raised.

The other point that we have also to talk about—and I am not going to elaborate on any at great length—is the question of psychological testing which has been experimented with in many other jurisdictions. We have made this point here on several occasions. From time to time in the recruitment programme, with as many policemen as we have here in Ontario, it does in fact happen that persons are enlisted into the forces who have some psychological peculiarity that is not readily discovered without at least some kind of psychological or other kind of testing.

It may be that the ounce of prevention being worth the pound of cure idea applies here. I would like to see some real thought given now to raising the educational standard and providing higher types of testing for young men and women who are admitted into our police forces.

**Hon. A. F. Lawrence:** Generally speaking, I have no plans nor I think do my advisers, for recommending any changes in the basic requirement at the moment. I think my friend is aware that the academic requirements are grade 12, and for the specialized training we want them to go to the police college.

**Mr. Singer:** I thought they were grade 10.

**Hon. A. F. Lawrence:** You may be right here. Normal, grade 10; cadets, grade 12.

**Mr. Singer:** To start off younger you have to be a lot higher qualified than—

**Hon. A. F. Lawrence:** I am not too sure what that means, but certainly as far as the specialized training at the Ontario Police College at Aylmer is concerned, this is something I feel very strongly about. There is no question now that a policeman's job has got to be a career occupation. It is a professional career; there is no question about it, and we have to have our facilities there and our training courses to keep up with the times. It is a year-round operation now; the courses are expanding and so are the number of people who are going to it; as is the acceptability of the place. And, as my friend knows, I was able to make an announcement not too long ago about a complete rebuilding programme at that college. Our hope, of course, is that it will be one of the best in the continent, because this particular jurisdiction needs it with the diversity of the municipal forces and the diversity of the climate, the geography and what not.

I do not know what more I can say about it than that. We do not have compulsory courses yet in respect of training at the Police College for promotion in the municipal forces, but I would hope when the proper facilities, the proper courses and the space are available, that as time goes on we will be making it more restrictive all the time.

As far as I know, there has been no psychological testing of recruits. I gather the OPP and some of the larger municipal forces have used psychological testing in respect of promotion, but as far as this group is concerned we have not got into that yet. I am not that conversant with the implications arising from it, the costs or what not, but I would be glad to look at it.

**Mr. Singer:** Mr. Chairman, this is a subject that I think we could pursue at very great length. Suffice to say that in our society today, as the lawbreakers become more and more sophisticated the law enforcers must become equally more sophisticated. And once we have signed up a recruit, notwithstanding the kind of training we are going to give him after he is in, it would be easier and perhaps better if we did our testing before he in fact becomes a recruit.

By the same token, and without trying to quote any statistics about how many youngsters graduate from grade 12 or 13, it would seem to me as our educational standards in the whole broad community have improved, that our police forces should get every advantage of it, and that a very serious look has to be taken at this time to raising those standards from grade 10 to perhaps grade 12, as has been done with cadets.

I did not know that applied to cadets, as the Attorney General said, and it may be that is in somebody's mind. But it would seem logical to me, because the policeman's role in our society is a very important one. Their pay has been increasing very substantially and to get good policemen we are going to have to go and get our best young people and we are going to have to pay them well and we are going to have to select them carefully.

That is the plea I make, and I do not think the minister has done enough along this line up to the present time.

**Hon. A. F. Lawrence:** The job is getting tougher too.

**Mr. Chairman:** Vote 911 carried?

**Mr. Singer:** No, I have another point.

**Mr. Chairman:** It is now 6 of the clock. I think that the House leader will probably wish to move that the committee rise and report.

Hon. Mr. Wishart moves that the committee rise and report progress and ask for leave to sit again.

Motion agreed to.

**Mr. Chairman:** Mr. Speaker, the committee of supply begs to report progress and asks for leave to sit again.

Report agreed to.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, before I move that the House adjourn I would advise that tomorrow at 10 we will go to the order paper and I would propose to deal with items 15 to 19 inclusive—those all involve legislation presented by the Minister of Municipal Affairs (Mr. Bales)—and I believe that Bills 93 and 95, items 8 and 10—

**Mr. V. M. Singer** (Downsview): Items 8 and 10—

**Hon. A. F. Lawrence** (Minister of Justice): Surely in the afternoon I will be able to return to the estimates; surely in the afternoon.

**Hon. Mr. Wishart:** The Attorney General says, surely in the afternoon we will return to the estimates. I was hopeful today that we might—

**Mr. Singer:** He will get the same answer as we get.

**Hon. Mr. Wishart:** I was hopeful today we might have reached Bill 92 in Committee of the Whole House, but we did not manage it; and Bill 73 in Committee of the Whole House.

I am going to have to say to members of the House on all sides, including my colleagues in council, and the members on this side of the House as well as the members on the opposite sides, I propose to call any item on the order paper, and I will have to ask members to be ready, because the items have been there and they have to be dealt with. So do not say to me, "I wish you would call that one first," or "You should call that one first." I shall have to call them just as they come and as I see fit.

**Mr. Singer:** Well how do they come, Mr. Speaker?

**Hon. Mr. Wishart:** The hon. members will just have to be ready to deal with them.

**Mr. Singer:** Well, I recognize that we have a responsibility to be ready to deal with them, but it would facilitate our efforts if the House leader could even commit himself to the point that he was going to call those second readings, the seven that he listed, in advance of calling Committee of the Whole House. Is he going to do that?

**Hon. Mr. Wishart:** At 10 o'clock if tomorrow, Mr. Speaker, I shall proceed with those five bills. I will have the Minister of Municipal Affairs prepared to proceed with those, and the Minister of Energy and Resources Management (Mr. Kerr) with the other two, but some take five minutes, some take five hours.

**Mr. Singer:** So that is going to be the House leader's first order, those seven bills?

**Hon. Mr. Wishart:** Right. I shall expect the members to be ready for anything.

**Mr. J. Renwick** (Riverdale): That is tonight!

**Mr. Singer:** Subject to change tomorrow morning, yes.

Hon. Mr. Wishart moves the adjournment of the House.

Motion agreed to.

The House adjourned at 6:05 o'clock, p.m.

# CONTENTS

**Wednesday, July 14, 1971**


**Abandoned iceboxes, refrigerators having doors removed, questions to Mr. A. F. Lawrence,** Mr. Nixon, Mr. Deacon, Mr. Makarchuk ..... 3973

**Federal-provincial meeting of Ministers of Finance,** statement by Mr. McKeough ..... 3974

**Ontario's economic "recovery path", questions to Mr. McKeough,** Mr. Nixon, Mr. Lewis 3975

**Setting aside lands north of Sudbury as further national park, questions to Mr. Brunelle,** Mr. Nixon ..... 3978

**Sale of printing aspect of Ryerson Press to another firm, questions to Mr. Grossman,** Mr. Lewis ..... 3979

**Indicating energy requirements to National Energy Board, questions to Mr. Bernier,** Mr. Lewis, Mr. T. P. Reid ..... 3979

**Sending medical audit bill legislative committee for public representations, questions to Mr. A. B. R. Lawrence,** Mr. Lewis, Mr. Pitman, Mr. MacDonald, Mr. Ferrier 3980

**Construction grants to Metro area hospitals for expansion, question to Mr. A. B. R. Lawrence,** Mr. Lewis ..... 3981

**U.S.-trained administrator appointed to Ontario Hospital in Aurora, question to Mr. A. B. R. Lawrence,** Mr. Lewis ..... 3981

**Correspondence from Canadian-owned publishing houses for financial assistance, question to Mr. Grossman,** Mr. T. Reid ..... 3981

**ONTC franchise to operate bus service between Timmins and Sudbury, questions to Mr. MacNaughton,** Mr. Ferrier ..... 3981

**Reimbursement of lawyer's fee to Fort Frances re hydro export to Boise Cascade, questions to Mr. Kerr,** Mr. T. P. Reid ..... 3982

**Problem of Becker Milk Company and its employees, questions to Mr. Wishart,** Mr. Deans, Mr. MacDonald ..... 3982

**Impending layoff of 320 workers at Ford Motor Company in Windsor, questions to Mr. Carton,** Mr. B. Newman ..... 3984

**Representation before National Energy Board re Ontario energy needs, questions to Mr. Grossman and Mr. McKeough,** Mr. Makarchuk, Mr. Lewis ..... 3984

**Amending Criminal Code re barrister contempt-of-court decision, question to Mr. A. F. Lawrence,** Mr. Trotter ..... 3985

**Presenting annual report, Workmen's Compensation Board,** Mr. Carton ..... 3987

**Presenting annual reports, Education, Liquor Licence Board, Municipal Board, Northland Transportation Commission,** Mr. Yaremko ..... 3987

**Assessment Act, 1968-1969,** bill to amend, Mr. Bales, first reading ..... 3987

**Municipality of Metropolitan Toronto Act**, bill to amend, Mr. Bales, first reading ..... 3988
**Mining Act**, bill to amend, Mr. Bernier, first reading ..... 3988
**Schools Administration Act (1)**, bill to amend, Mr. Pitman, first reading ..... 3989
**Schools Administration Act (2)**, bill to amend, Mr. Pitman, first reading ..... 3989
**Commemorating National Day of France**, statement by Mr. Yaremko ..... 3989
**Highway Improvement Act**, bill to amend, reported ..... 3990
**Estimates, Department of Justice**, Mr. A. F. Lawrence, continued ..... 4007
**Motion to adjourn**, Mr. Wishart, agreed to ..... 4016

No. 98

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Thursday, July 15, 1971

**Morning Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

5

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JULY 15, 1971

The House met at 10 o'clock, a.m.

Prayers.

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** The fourth order—Committee of the Whole House: Mr. A. E. Reuter in the chair.

**Mr. I. Deans** (Wentworth): Mr. Speaker, if I may ask a question before we go into the Committee of the Whole House again. We were under the impression that we were going to second readings.

**Mr. R. F. Nixon** (Leader of the Opposition): No, the Minister of Municipal Affairs did not show up.

**Mr. Deans:** Is there no way that we can have some sort of order in this House in order that we might know what is coming up and enable us to deal with it properly?

**Hon. E. Dunlop** (Minister without Portfolio): This is the order paper.

**Hon. A. A. Wishart:** Yesterday and the day before, I indicated we would attempt to do the items which were in Committee of the Whole House. I had hoped we would get to Bill 92 as I indicated, and named the bill. Now, we took a good deal of time, quite properly, I presume, on The Highway Improvement Act so we did not reach that. Nobody is being taken advantage of and we go on in that area and I propose to call Bill 92.

**Mr. Deans:** This is just too much.

## WORKMEN'S COMPENSATION ACT

House in committee on Bill 92, An Act to amend The Workmen's Compensation Act.

**Mr. Chairman:** Are there any questions, comments or amendments to any section of this bill? The hon. Leader of the Opposition.

**Mr. Nixon:** Our views were expressed on second reading by the hon. member for Dovercourt (Mr. De Monte) and I know that he had some amendments to put forward.

Without irritating the House leader unnecessarily, we were under the distinct and specific impression that we were going to do second reading of the municipal affairs bills, therefore the hon. member for Waterloo North (Mr. Good) is here and is ready to take part.

Nevertheless we understand the problems that the minister faces, probably not the least of them being that his own ministers are not in attendance so that he can go forward with the work as planned.

You talk about section 1, Mr. Chairman. The section increases the maximum compensation payable to widows and children. Our position was that it was still inadequate. It was stated on second reading. In fact we would like to put forward an amendment changing these levels of compensation and we would choose to do so if in fact our spokesman in these matters is available before the bill is finally carried.

Nevertheless our views have been put before you, sir, and before Mr. Speaker when the House was discussing this matter in principle. We have not deviated from those principles. We feel that these changes do not meet the needs of the people who should be in receipt of substantially improved pensions and assistance from The Workmen's Compensation Act.

**Mr. Chairman:** The hon. member for Wentworth.

**Mr. Deans:** Thank you, Mr. Chairman. I want to take a moment or two to ask if the minister might be able at this point, before we move any amendments—which we intend to do hopefully, if we can find them and get them here in time—to explain exactly what it was that made subsection 2 of section 1, subclause (b) read, "not exceeding in the whole $355"?

If the minister might be able at this point, in conjunction with the Act itself, to explain to the House how it is that this in effect and in fact means "not less than $355," as he attempted to explain to the House the other

day on second reading, during that period I will try to get our amendments.

**Hon. G. Carton** (Minister of Labour): Mr. Chairman, the governing words in that section, if the hon. member will look at subsection 3, are at the end which states "provided that the minimum monthly compensation shall be"; those are the governing words. And then you carry on down to the $355. In other words, that is in fact the minimum.

**Mr. Deans:** Would the minister put the two together and read them please so that I get the continuity of it?

**Hon. Mr. Carton:** "Provided that the minimum monthly compensation shall be"—and then you carry on to the subsection—"not exceeding in the whole $355." But that is the minimum, and that in fact is the way that it is treated by the Workmen's Compensation Board.

In other words, if for eaxmple there were a widow with four children she would get $175 plus four times $60 which is $240—a total of $415 monthly. I recognize that the wording is rather verbose and a little difficult to comprehend, but that in fact is the explanation.

**Mr. Deans:** I was wondering if the minister would be considering making changes to the Act itself in order that someone with reasonable and average intelligence could read it and understand it?

Because even recognizing that it says "providing that the minimum shall not exceed" that does not convey to me that it means "the minimum shall not be less than." I have got to tell the minister that no matter what he may say it means, and no matter how it may be applied, if something says, "that providing the minimum compensation shall not exceed," I frankly feel it does not make any sense, let alone to get any sense out of it at all. It means nothing.

I want to spend a moment or two to talk about some other matters. We did state on second reading that we felt that the amounts were not in keeping with the needs of people living in metropolitan areas particularly—perhaps living at any point in the province of Ontario. But recognizing the $175 does not provide affluence in terms of the manner in which the widow would have to live, it would seem to us that it might have been reasonable to talk about providing a minimum amount equal to the amount that would be earned, taking into consideration the minimum wage in the Province of Ontario.

Payments made under The Workmen's Compensation Act should be kept in line with, if not equal to, but at least in line with the payments that might reasonably be expected to be received by a worker working at the minimum wage. This would have required, as I recall it, something in the order of $250, or perhaps it was $230, per month.

If we say on the one hand that it is not possible for a person to live in this province on less than the minimum wage, then how can we on the other hand, justify paying the widow of a deceased worker less than we decide it is possible for someone who is living and working, to live on?

I feel that the appropriate amendments should be made to ensure that no widow be expected to live, or to support her family, on less than her husband would have earned had he worked at the minimum wage. In fact, I think even beyond that it could be enlarged to a great extent, because we all recognize that a person having lost the breadwinner in the family faces unusual and difficult times.

**Mr. Chairman:** Order please. The hon. member is really speaking to the principle of the bill. This is the operative section of the bill.

I know when it was discussed at second reading that there was some doubt as to the minimums and maximums, and I will not rule the member out of order on that basis, but he should not speak to the principle of the bill at this time.

**Mr. Deans:** Perhaps you are right. I may be speaking to the principle of the bill. I am actually speaking to subclause (d) of—in fact I am speaking to subclause (c) of clause 1 in which it says: "Where the widow or an invalid husband is the sole dependant, a monthly payment of $175."

**Mr. Chairman:** It is clause (a) of subsection (2) of the bill? On section 1?

**Mr. Deans:** It is section 1, subclause (c). I am speaking to the amount, the amount being $175 and I am suggesting that that amount is not adequate. Now I think that that is probably in order. Perhaps Mr. Chairman would rule otherwise, but I think that that would be in order. Nevertheless I will move an amendment to subclause (c) to change the amount—if I could read the hon.

member for Oshawa's writing—to alter in the second line of subclause (c), the $175 and substitute for that $283.80.

**Mr. Chairman:** I would point out to the hon. member any motion which would have the effect of increasing the expenditures would be out of order.

**Mr. J. E. Stokes** (Thunder Bay): It is not public money.

**Mr. Deans:** Let me make the point to you that the moneys that are being spent are not public moneys.

**Hon. Mr. Carton:** If I may speak to that, Mr. Chairman, it would be in order because there is nothing that comes out of consolidated revenue funds; it is Workmen's Compensation. This matter came up when the Minister of Municipal Affairs (Mr. Bales) introduced the amendments back in 1968, if that would help, Mr. Chairman.

**Mr. Deans:** So that then, with the Chairman's concurrence, I would move that—

**Mr. Stokes:** Trying to muzzle us completely.

**Mr. Chairman:** I do not think the Chairman can be accused of at any time trying to muzzle anyone. I am trying to maintain order and abide by the rules. I am prepared to accept the hon. member's submission that it is not public funds, and therefore, I will accept the motion.

**Mr. Deans:** Thank you.

**Mr. Chairman:** We are not in any way muzzling the opposition.

**Mr. Deans:** I want to say we do not accuse the Chairman of muzzling the opposition, not by a long way. I would therefore move in subclause (c), that we change $175 and substitute for it $283.80.

**Mr. Chairman:** Mr. Deans moves that section 1 of The Act to amend The Workmen's Compensation Act, 1971, be amended as follows:

(c) For $175 substitute $283.80; and

(d) For—

**Mr. Deans:** Do you want that I should move them all at one time? I would be happy to do that.

That (d), we substitute for $175, $283.80, and that we substitute for $60, $70 and for the $70 we substitute $80, and that in (e) we substitute for the $70, $80.

**Mr. Chairman:** This is one complete motion. The rest on this sheet we will save for another motion.

**Mr. Deans:** That is another motion.

**Mr. Chairman:** The committee has heard the motion.

**Mr. Deans:** Let me just explain the reason for the figures. We made a calculation based on the minimum wage. The calculation that we made indicates to us that the figure of $283.80 would be the equivalent of the average earnings on the minimum wage in the Province of Ontario. We do not believe that a person who has obvious difficulties in making ends meet, who is going to be faced with the problem of providing for a family without a breadwinner—as one might call it—should be expected to live on anything less than we have decided it is possible to live on in the Province of Ontario. For that reason we move this amendment.

**Mr. D. A. Paterson** (Essex South): Mr. Chairman, if I might speak to this particular amendment. Certainly I agree with the leader of our party in that this legislation is probably too little and too late. We ourselves have drafted an amendment somewhat similar to the party's to the left, and I trust that our critic will be here in a few moments with, possibly, a subamendment.

One of the things in relation to supporting this increased amount up to the minimum wage is an uncertainty that I do not think has been clarified, at least in my mind, in relation to federal income tax. I am not sure whether the payments to a widow or the family of a workman are going to be subject to income tax under the new proposals of the white paper and so forth.

I know the basic philosophy that a buck is a buck and it is going to be taxable when you are moving into this field. This is going to jeopardize further the income of the recipients of workmen's compensation if this is going to be the case. Possibly the minister can explain this in his remarks. Basically, of the increase that is being granted here, a great portion of it could possibly be eaten up in income tax, should the family be in a taxable position.

Also complicating this is the question of the age of majority, the new bill that was introduced in this Legislature the other day. Is the head of the household now going to be 18—what other ramifications are there to this particular section and the amounts

payable to a very young family? I assume that they are going to qualify at this age; I would hope so.

One of the factors in a long term case, if there is sufficient or just marginal moneys coming into a household, is it is very difficult to maintain that particular household in any community in Ontario. If everything goes all right in the maintenance of a house that is great, but say the roof is damaged and repairs have to be made that are going to cost money over and above the insurance which, hopefully, these people are going to carry on? The same with drain problems; plumbing and so forth. The cost of these is quite exorbitant. When one investigates The Department of Social and Family Services, it has a formula whereby it can assist families under its jurisdiction to make these necessary household repairs. Here again, in this Workmen's Compensation Act, I do not think we have this provision. As for these increased amounts, as I say, a family can survive on them but they cannot live with the dignity that we would all like to see them live, and should they suffer setbacks in the maintenance of their household property, and so forth, it is still not going to be sufficient. For this reason, I think we could certainly support the amendment, as brought in, to raise these amounts up to the minimum wage of $283.80 per month and increase the other allowances for the two groups by an additional $10, than what is proposed in this bill.

**Mr. Chairman:** The member for Hamilton.

**Mr. R. Gisborn** (Hamilton East): Mr. Chairman, I think the reasons for the amendments have been made clear, that we want to establish in the eyes of the minister and the government that they have established a minimum wage which they feel has some merit. Although there is argument about that as far as this party is concerned—we would like to see the minimum wage much higher—but nevertheless, when we have a minimum wage established by the government, we think that we should apply that principle in the areas concerned. It also has some relevance to the position of the Ontario Economic Council and its poverty level rates. I think that this amendment and the amounts spelled out bring this in line with some of the principles enunciated by the people who are interested in the social development and by welfare people across the province.

While we are on this section, if the minister recalls the discussions on the principle of the bill, there was some misunderstanding as to the application of minimum and maximums under this section. I think that, now I have read it at least, I have the clarification and I would like the minister just to clarify the point for me.

I gave an instance of a workman being killed and leaving seven children. I made the comment that the widow would be left with the maximum of $355 a month. I was corrected by the minister inasmuch as he stated that in this case that widow would get $795 a month. The $355 allowance for the widow, and seven times $60 for each of the seven children, which would give her a total of $795.

That was a statement by the minister but he would have to clarify it to the extent that, if that workman who was killed and left the seven children, if his average monthly earnings only arrived at $700 a month, then that is what the widow would receive. So that is the proportionate allowances that make themselves relevant to the average monthly income, and that is understood. So I support the amendment by the member for Wentworth and we would like the consideration of the minister.

**Mr. Chairman:** The member for Huron-Bruce.

**Mr. M. Gaunt** (Huron-Bruce): As has been indicated, Mr. Chairman, we support the intent of this amendment. It is tied directly to the minimum wage and the figure is calculated on that basis. We support the intent of raising the actual amount, the monthly amount of the allowance. I am wondering if the minister would give some thought to the fact that in raising these monthly allowances, is there any method by which the Workmen's Compensation Board can actually calculate these allowances not on the basis of a set figure but on the basis of taking into account wage increases and so on?

In other words, you write in an escalation clause. You calculate your monthly allowance on the basis, for instance, of a percentage of the wage the deceased person would have been making had he continued to do that particular job. In this way you accommodate the family, the widow and the dependent children, insofar as taking into account the cost-of-living increases, the increases that are bound to face a widow who is raising a

family by herself and who obviously faces many difficulties other than monetary.

It seems to me that it would be a good idea in the future when one comes in with a bill like this to tie it to some indices, to some cost-of-living factor, or to the wage increases which would actually apply for the job which was being done at the time the accident happened. In this way, you avoid the necessity of coming in from time to time with a bill indicating changes in the amounts. If you do not tie it to something so that you can automatically raise the monthly allowance then you have to periodically, every few years, come in with a bill raising the limit.

I suggest to the minister that it would be a good idea to consider something whereby you can avoid this. You can set out a formula and tie it to wage increases, or if you want to throw in a cost-of-living factor as well, that is fine. All I am saying is that it should have an escalation clause to avoid the necessity of coming in every three, four or five years with a bill raising the ceiling. I would like the minister to consider that. If there are mechanical difficulties in doing that, well that is fine, but I think the principle is a good one and I ask the minister to consider it.

**Mr. Chairman:** The member for Brantford.

**Mr. M. Makarchuk:** (Brantford): Mr. Chairman, a few words on this matter, the amendment to the bill. One of the responsibilities that the government would face up to is the fact that we have poverty in Ontario and we do not want to institutionalize this poverty in the type of legislation that is introduced here. What you are doing here is you are introducing legislation that will increase the amount paid to the widow, but it is still below the poverty line.

She will be getting $175 a month. That is not what one could consider anywhere near a reasonable living wage. If you take into account the rent costs today, out of that $175 she would probably have to pay at least $125 for her rent, and I am talking about a minimum residence accommodation. This leaves her about $50 balance to live on. From this $50 she will have to buy food, she will have to provide herself with clothing and probably medical care, and probably pay for her hospitalization and so on.

The consequences are quite evident. It should be evident to the minister that it is just not a living wage, and what you are doing here is enshrining poverty in Ontario by Act of legislation. Surely that should not be your function; it should not be the function of a government to do that.

I should also point out that a person living on a minimum wage or, I should say, below minimum wage—even on a minimum wage as it is right now—causes certain problems to society. In many cases where the incomes are low, social problems develop within the family. If you have poor housing or inadequate housing this results in inadequate education for the family, inadequate health for the family. It produces certain social problems within the family. Then what happens is that the taxpayer afterwards has to go out and pick up the pieces.

You have to pay for juvenile delinquency —not directly, not by The Department of Labour—but certainly it has to be paid by the taxpayer of Ontario. The taxpayer of Ontario has to pay for the Children's Aid Societies also.

Problems arise in many cases because of lack of income. The taxpayer will have to pick up, for the problems that come about with the broken families, the court costs of some of these cases which end up in court. Again, these are some of the costs that are placed upon the taxpayer. Again, I do not see why the taxpayer should be responsible for these kinds of costs when the employer, in the final analysis, by and large, was probably responsible for the fatal accident that caused this woman to lose her husband or the chief breadwinner in the family.

I am sure the minister has been to Industrial Accident Prevention Association meetings. He has heard speakers and he has probably done some work. It has been raised in the House previously that there should be more responsibility on the part of the employers and the employees for accident safety. Somehow I feel—in fact I am convinced, Mr. Chairman—that if the employers are faced with higher costs because of fatal accidents, and they would be faced with higher costs if the amendment is accepted, they would be a lot more concerned about the safety in their plants.

It seems to me it does not matter how much you talk to them, or what type of moral persuasion you use on them, the final thing that really counts and the final thing that really has the effect on the employer is the fact that he will have to cough up so many more dollars to the Workmen's Compensation Board if this happens to him.

Faced with that kind of a prospect, you will find very responsive and very responsible employers. I think that for all reasons the minister should accept this amendment. It is not a grandiose scheme. It is not going to give the widow that large an increase. It will just elevate her. It would not even take her out of what is considered the poverty level, right at the moment anyway, by the various social agencies operating in this province. It would put her on a better footing. It would probably be related closer to her standard of living than it would be under the legislation which the minister is introducing.

**Mr. Chairman:** The member for Welland South.

**Mr. R. Haggerty** (Welland South): Mr. Chairman, speaking to the amendment, I thought perhaps—I had great hopes—that the minister would bring in his own amendment to increase the benefits to the widow from $175 a month. I find that there is no change in this $175 a month from what it was two or three ago when the government raised it from $5,000 to $7,000 to $9,000. The minister is not giving them any more. That is for sure.

I have said before in the House here, Mr. Chairman, that in many cases, persons receiving compensation are placed in the category of those receiving welfare in this province. I said then that the government takes this attitude and says: "Well, if you can get by with it on welfare, you can get by with it on compensation." I think there should be a change in this matter here.

I do support the amendment of the member for Wentworth to $283 and something a month, but I think it should go further than that. Perhaps it should go up to the sum of $335 a month. When one looks at a person who loses her husband—loses her income in many instances—there are mortgage commitments to make; rent payments to be made—and looking at the average rent in my area it would be roughly about $125 a month. Mortgages could run higher than $125 a month.

There is no consideration given on the death, or the loss of that person to the mortgage commitments, the payments that have to be made. There is nothing here that says that we are going to provide for the widow to continue to own that home. I suppose there are great hopes that this government figures that perhaps she will get married, for the $5,000 death benefit would cover some of this, but that is not enough. When one looks at the employee working in industry today—and I have said it before in a previous speech—industry is paying it. But again, it is a hidden tax on all the consumers of the Province of Ontario and what the employee is doing is actually buying insurance, and it is like any other insurance policy in effect here in Ontario and that person should be entitled to the full benefits of that insurance.

My colleague from Dovercourt (Mr. De Monte) has mentioned that the widow should receive 75 per cent of these earnings at the time of death, and I would have to go along with that view—and I hesitate here; I could not support this bill as it is before me today. The amendment from my colleague to the left, $283, is not sufficient.

**Mr. Deans:** Why do you not think up an appropriate amendment?

**Mr. Haggerty:** I still hope that the minister, looking at him across the floor here, will bring in an amendment to raise it perhaps to $4,000 a year, at least, for a widow.

**Mr. Chairman:** The member for Windsor-Walkerville.

**Mr. B. Newman:** Thank you, Mr. Chairman. I will not be too lengthy in my comments, because practically everything that could be said concerning this bill has already been said.

However, I would like to follow up on the suggestion of the member for Huron-Bruce, and that is that there should be some system set up in workmen's compensation so that there is an automatic indexing and an automatic increase, so that we would not have to have a bill presented to the Legislature every year or every once in a while asking for increases in allowances to the widows and to the children of the widows.

Mr. Chairman, the minister knows that the amounts indicated in the bill here are not sufficient, even though they have been increased a bit. The minister likewise knows that an individual mother with several children would have a most difficult time today in a large urban area, getting by with the amount of moneys which are presented to her or which will be given to her. She would practically and almost invariably have to seek some other means of support and that would mean employment and at a time when she is most needed at home taking care of the children involved.

Now, I would like to ask of the minister at this time what effect the bill concerning the age of majority will have as far as allowances are concerned for the children. Will children now attending school be cut off when they reach 18, or will the allowances carry on as long as they are full-fledged students at an educational institution? I sincerely do hope, Mr. Chairman, that the minister will consider the amendment as presented by the member for Wentworth and even increase that if, in his wisdom, he sees the merits of the case that has been presented to him this morning. Thank you.

**Mr. Chairman:** Does the minister have a reply? I am sorry, the member for Niagara Falls.

**Mr. G. Bukator** (Niagara Falls): I would like to make a small contribution to this debate.

I recall in my experience when we appeared before a former Minister of Labour, the hon. Charles Daley, representing the Ontario Municipal Association. I was vice-president of that organization for some five years. We appeared before that minister, hoping that we would increase the portion of money given to the widows and their children.

If I recall rightly, while I have the statute before me, chapter 437—and the portion that the hon. member for Wentworth wants to amend is section 1, subsection (c), from $175 to $280 some-odd—at that time, in the same section, the contribution or the portion that was paid to the widow was $75, rather than $175 such as you have in this bill.

If you check the records you will find that the widows of the day before were getting —and this always bothered us—were getting $37.50, and instead of $25 for the children they were getting $12.50 because of the contributions paid to the Workmen's Compensation Board.

The way that came about—being a small employer of that day—it appears that the employer submits his list of wages to the Workmen's Compensation Board and is taxed accordingly. I think at that time it was 6 per cent of the wages paid to the employee —paid by the company rather than the employee—although I realize the employee needs the money.

We felt that there was an injustice when two widows would walk to the post office and pick up their cheques. Each with one dependent child but one would get $75 and the other would get $37.50 for herself. One would get $25 for the child while the other would get only $12.50.

With that debate, armed with those figures, we came to the minister of that day and asked him to consider at least making the pension the same for both widows because they both had to buy the same loaf of bread, the same quart of milk, paying the same price. Yet there was the difference in the money and it did not seem to us to be fair.

Finally after many years of approaching the minister, they came up with this parity. They finally gave the same amount to all widows, $75 plus $25 for each dependent child.

This bill has taken quite a step forward when you see that they have increased that, from 1960 to 1971, from $75 to $175. I suppose the job of the government should be commended, but we must take into consideration the amount of money it requires to maintain a home.

As someone said, if the husband is killed in an accident, in many cases they have a mortgage on their home. Much of their furniture is purchased on credit; payments have to be made; insurance policies have to be paid for the rest of the family. The prices certainly have not come down or lowered. They have been increased constantly while the portion of money from the Compensation Board has been held at a minimum so they just cannot maintain themselves as well as they should; and nowhere near as well as they could when their husbands were alive.

The government should take a good look at this bill and consider an amendment either by the opposition or the minister himself or withdraw this bill at this stage of the game and increase that amount. Let the government bring in a little more money for the people who are depending on that portion of money and that amount only to maintain themselves.

**Mr. Chairman:** The member for Dovercourt.

**Mr. D. M. De Monte** (Dovercourt): Mr. Chairman, I was sort of taken by surprise this morning. I was at another place and my bill inadvertently or perhaps advertently was called. I regret that the member for Oshawa (Mr. Pilkey) is not here. He would like to be here to discuss this whole matter with the minister.

This amendment, I understand, Mr. Speaker, from $175 to $283, is a very important amendment because it makes available to the claimant at least a vestige—or does make available to the claimant the minimum wage.

If a man is killed on the job in an industrial accident, under the legislation as is proposed by the government, the widow cannot even get the minimum wage. It seems to be a sort of—it is sometimes quite difficult to understand why the government would allow this situation to exist. There is no doubt that the government is trying to do something for the widow, but it is my respectful opinion that at least the widow should get the minimum wage or the wage set down by the government as a minimum requirement if the widow was out working.

There is no doubt, Mr. Chairman, that the widow would be unable to work if she had any children. Yet we place her in a position that she cannot even get equal to the minimum wage. There is also no doubt, Mr. Chairman, that her husband would probably be earning much more than what is being paid to her as a pension because of her husband's death.

This party will support the amendment with this proviso, Mr. Chairman, that we implore the government to look at the whole Act and bring it in line with what we feel is a reasonable pension for a very difficult situation when somebody loses their dear one in an industrial accident. We will support this amendment, Mr. Chairman.

**Mr. Chairman:** The member for Middlesex South.

**Mr. K. C. Bolton** (Middlesex South): Mr. Chairman, I support this amendment very wholeheartedly.

In passing, I must also add my comments about the unfortunate situation of discussing this bill at such short notice. We take our responsibilities very seriously here; we try, through adequate research, to present a reasoned statement. But one of our members who has been given this particular task has been caught in a situation where he is not here to make his representation on our behalf. This is not an adequate way of dealing with the business of the province and I think that comment must be registered.

I will move on to the amendment. It is, in my view, the most elementary request for basic social justice; nothing more, nothing less than that. The amount proposed does not begin to meet the need of the day. The social cost of providing adequate support for a widow is very hard to judge. Any thought that you are going to save money by this niggardly advance is an entirely mistaken view. It is grossly unfair for a woman who suffers the loss of her husband to also suffer the indignity of being asked to live below the poverty level.

One could go on and say more and more, the point is so clear, so simple, so straightforward. This is a basic demand for the most elementary social justice, and I urge the minister to either accept this amendment or bring his own amendment that justice may be done to those who have suffered this kind of loss.

**Mr. Chairman:** Does the minister wish to make a comment?

**Hon. Mr. Carton:** Mr. Chairman, I may say at the outset that I likewise share the concern of the members opposite for widows and orphans; it is one of those things that no matter what you may bring in, it is always too little too late. But unfortunately I also have the responsibility of making certain that we adhere to the principles of The Workmen's Compensation Board Act and also I have a certain responsibility with respect to the costs involved.

I might mention in that respect, sir, that as an example—and I commend the hon. member for Dovercourt for his keen interest in Workmen's Compensation Board matters; he has been very vociferous in his presentation over the past number of years in this regard—I would point out that Bill 41, which was introduced by him and debated sometime earlier this session, would in fact cost the Workmen's Compensation Board approximately $24 million additionally each year.

**Mr. Gisborn:** Could the minister explain how he means it would cost the Workmen's Compensation Board?

**Hon. Mr. Carton:** Well, when I say that, it is the employers through the Workmen's Compensation Board. When one understands that in some of the companies, for example, the rates may go from 15 cents for $100 of assessable payroll up to $14 per $100 assessable payroll; when one understands that there are certain small industries in some of those higher assessments, one must have regard to all these particular matters. But I think the main thing is that you go back to the principle of The Workmen's Compensation Board Act.

For this purpose, I would like to just spend about two minutes and trace the history of The Workmen's Compensation Act. As you all know, this came about through a royal commission by the Chief Justice of Ontario in 1914. This royal commission was to look into employers' liability loss. It was, as a result of that, in 1915, that the Workmen's Compensation Board came into being. At that time the level of the wages was $2,000 and the ceiling—I am talking about the ceiling now—was 55 per cent. We will be getting into that a little later. I think there is another amendment coming forth, but in any event, it has been the subject of three or four royal commissions since that time.

There was a royal commission in 1932 by then Chief Justice Middleton. There was a royal commission by Mr. Justice Roach in 1950 and a royal commission by Mr. Justice McGillivray in 1967, which is just some four years ago. In addition to that, there have been royal commissions in several of the other provinces, as late as 1965 in British Columbia, and there was a recent one in Manitoba.

All of these royal commissions pointed out that, in fact, we must adhere to the principles of the Workmen's Compensation Board and the Act through which it is administered. Basically what it was back before this Act came into being, the worker had to sue the employer. You realize what a tremendous task this would have been in those days or today, for example, because he would have to go through the courts. From the time that he was injured, he would have no money to pay medical payments, unless he had savings. He would have no money for living because he would be going through the courts. He would have to pay legal expenses. Then the employer, who would have the necessary money, would probably appeal it.

Also, and contrary to the member for Brantford's point of view, I would suggest that—I do not know the figures, and this really does not enter into it—most accidents are not the employer's fault. I am not saying they are the employee's either. But I do not think it is a fair statement to make that they are the employer's fault. But, in any event, after the employee went all through this procedure, he still may not have got his money because if the employee was successful after all the appeals, et cetera, perhaps the employer was not in a financial position to meet a particular judgement.

So that was the purpose of the introduction of The Workmen's Compensation Act. There was contribution by the employer; and there was contribution by the employee. The employer lost the right to defend his common law right throught the courts. In turn, he then contributed to this fund. This meant the employee had to give up something. The employee gave up the difference that he would receive through compensation and what he may have received had he kept working and over the years. These matters, as I say, have been subject of these royal commissions and, in each instance, they have come down hard on the fact that we must adhere to the principles.

The Workmen's Compensation Act is not insurance. It is not charity. It is not a social piece of legislation. It is an employer-employee piece of legislation, where, in fact, there was a compromise back in 1915, and the principle has been adhered to since that time. Relative to what a widow may get—I think one of the hon. members mentioned social welfare payments—I checked into this on Monday morning and, not that this means that the widow and children through the Workmen's Compensation Board are getting any magnificent sum—I appreciate your comments—but they would in fact be approximately 20 to 25 per cent higher from the figures that I got.

To answer the hon. member for Windsor-Walkerville, before he goes out, with respect to the age of majority, I may say that children—it mentions the age of 16 in this Act and in the amendment also—who wish to proceed through school, regardless of age, are aided to a university degree, the first university degree level.

**Mr. Haggerty:** How much?

**Hon. Mr. Carton:** Their tuition.

**Mr. B. Newman** (Windsor-Walkerville): Does the allowance carry on, through the $70 a month?

**Hon. Mr. Carton:** I am not certain of that. I do know that they carry on as long as they are at university with the tuition but I will get the answer to that.

So you can see that basically we must adhere to the principles in all these amendments and, again, I will go back to the cost involved. If, for example, we took the particular amendment that was made this morning, it would take a capitalized cost of $58 million to take care of it.

**Mr. De Monte:** But that does not mean we invest $58 million, does it? It does not mean we invest $58 million. If you capitalize something, you put it away.

**Hon. Mr. Carton:** You capitalize it, but again this adds to costs of up to $7 million or $8 million a year.

**Mr. De Monte:** I appreciate that, but $58 million does not necessarily mean it costs us $58 million a year. It means that we have to capitalize $58 million for 15 or 20 years, does it not?

**Hon. Mr. Carton:** To go back to the question of the member for Windsor-Walkerville, yes, that $60 does carry on as long as he is at school and through to university degree level.

**Mr. B. Newman:** Up until the time he gets his degree?

**Hon. Mr. Carton:** Right. So, Mr. Chairman, in summing up, as I say, one must adhere to the principles of the Workmen's Compensation Board. It is not social legislation. It is not insurance. It is not charity. It is an agreement between the employer and the employee. Each of them gives up something and we must stick to those principles.

**Mr. Chairman:** I will place the question then.

**Mr. Gisborn:** Mr. Chairman.

**Mr. Chairman:** The member for Hamilton East.

**Mr. Gisborn:** Certainly, when the minister proceeded to tell us why he opposed the amendment, I thought we were going to get a real lesson in history about The Workmen's Compensation Act and the principle that he tries to maintain. Certainly, we cannot talk about a principle that was established some 50 years ago in relation to a social measure in this province.

It is a social measure regardless of what the minister tells us. I do not know how he gets so concerned about a cost figure. I do not know what the number of widows is that would be receiving the pension in the province. But how does he account for the fact that the industries, in many cases, the large industries, provide under contract with their unions an indemnity of much more than this amount when that employee is off sick? Many of them now are providing what is called the long-term disability programme where employees get $77 a week until they reach pensionable age, no matter at what age they become permanently disabled.

We have these kinds of measures. We have industry paying 50 per cent, 60 per cent, 100 per cent of the welfare payments. This, as far as any industry is concerned, is tax deductible. It is put on the other side of its books. It is taken out of the profits, the wealth of the industry. It is, in a sense, taken out of the pockets of the workers. When they negotiate for increased wages, those things are taken into consideration. When we are talking about applying the minimum wage of the province to the indemnity for a widow, who is left without any other income, it is only a fair measure. If it is not paid for in that manner, it has to be paid for in some other manner, but it all comes out of the same pocket. The government has used this term many times itself.

We can agree that maybe we should not have to depend on this type of compensation for a widow. If we had accident and sickness insurance applying to everyone in the province, regardless of why they were unemployed, that would give them 75 per cent their income, it would be the same principle. It is supplying an amount of money for a person, or persons, when they have no other income or no breadwinner to provide for them. I do not think the minister's argument stands up and does not produce any evidence that this amendment should not be accepted.

**Mr. Chairman:** May I place the question?

**Hon. Mr. Carton:** Mr. Chairman, I was not going to mention it, but I would mention again, in reply to the hon. members, that each of the provinces in Canada—and this is without regard to party politics, or whatever it may be—all have these Workmen's Compensation Acts. The new government in Manitoba, which is the same party as the one that the hon. member is a member of, the New Democratic Party in Manitoba—

**Mr. Gisborn:** They moved faster in a short period than your government has in 40 years.

**Hon. Mr. Carton:** —just brought in an amendment, and their widows get $120 a month. Ours are getting $175.

**Mr. D. C. MacDonald** (York South): What do you want to do, wait until they get in the lead again?

**Mr. Deans:** Mr. Chairman, surely—

**Mr. Chairman:** Well, we are off the amendment right now.

**Mr. Deans:** No, we are not. I am just about to come back to it.

**Mr. Chairman:** The member for Wentworth, on this amendment.

**Mr. Deans:** Surely, we are dealing with the jurisdiction of the Province of Ontario, and we are dealing with the needs of this province—

**Mr. MacDonald:** Remember, the government is the self-proclaimed leader.

**Mr. Deans:** —of the people in this province, and what we are suggesting is not in any way outside the principles, as established back in 1915, when this Act was first set out. The Act was intended to provide an income for people who needed income, who had been injured, or who were the dependents of workers who had been killed, and the amount has never been adequate. Even if you accepted our amendment, I dare say that it would not provide anything more than the bare essentials.

It seems fairly evident that if we establish, on the one hand, that a person who is alive and working must receive a certain amount of money, surely the family of someone who has been killed can be reasonably expected to receive an equivalent amount. That is a principle. The rest is all just tinsel and shiny paper.

This is the principle that ought to be established, that no individual in the Province of Ontario, regardless of their situation, should be expected to live on less than we decree as the minimum wage. No one, under any circumstances. And that should carry over into every piece of legislation. It should certainly be applied in The Workmen's Compensation Act.

**Mr. Gisborn:** The government says that is a floor.

Interjections by hon. members.

**Mr. Chairman:** Question. Those in favour of Mr.—Order please!

**Mr. Paterson:** Before you put the motion, the minister neglected to answer one of the questions I posed to him in relation to the federal income tax.

Are compensation payments now not taxed?

**Hon. Mr. Carton:** There will be no change in this regard.

**Mr. Paterson:** No change.

**Mr. Chairman:** Those in favour of Mr. Deans' amendment will please say "aye."

Those opposed will please say "nay."

In my opinion, the "nays" have it.

Shall we stack this vote with any others?

**Mr. Deans:** Not this. We may stack the others.

**Mr. Chairman:** Since the second amendment which you were proposing—maybe you are not going to move it now—is about similar—

**Mr. Deans:** We will vote.

**Mr. Chairman:** All right. Call in the members.

The committee divided on Mr. Deans' amendment, which was negatived on the following vote:

**Clerk of the House:** Mr. Chairman, the "ayes" are 36, the "nays" 51.

**Mr. Chairman:** I declare the motion lost and subsection (1) of section 1 of the bill carried.

Are there any other comments, questions or omissions to any other section of this bill?

**Mr. De Monte:** I have some comments to make on subsection (1) of section 44.

**Mr. Chairman:** I am sorry? On section—Order, please! The member for Dovercourt on which section?

**Mr. De Monte:** Subsection (1), section 2, Mr. Chairman.

**Mr. Chairman:** Section 2?

**Mr. De Monte:** Yes.

**Mr. Chairman:** Shall section 1 stand as part of the bill?

The member for Wentworth then.

**Mr. Deans:** It is rather difficult—you will excuse me, it is difficult to—

**Mr. Chairman:** Order, please! We cannot hear the speaker.

**Mr. L. C. Henderson (Lambton):** It does not really matter.

**Mr. Deans:** Very appropriate. The member for Lambton says it does not matter. That is typical of government feeling.

**Mr. Henderson:** I said it does not matter what this member is saying.

**Mr. Deans:** The argument that we made in the last section, of course, carries over into this section—

**Mr. De Monte:** Mr. Chairman—

**Mr. Deans:** I am not talking about the section, I am talking about the subsection.

**Mr. Chairman:** We are on section 1 subsection (2), I believe.

**Mr. Deans:** The argument that we made in the last subsection carries over into this subsection, but it seems only appropriate that we should consider making the same kinds of changes in this subsection as we argued in favour of in the last subsection.

I suggest to the minister that he should give serious consideration again—even though it was only 50 minutes ago and in that 50-minute period we were unable to persuade the minister that he should again give consideration to bringing the level up to a level not below the minimum wage.

**Mr. Chairman:** Does subsection (2) stand as part of the bill? Carried.

Section 1 agreed to.

**Mr. Chairman:** Now the member for Dovercourt on section 2.

**Mr. De Monte:** Mr. Chairman, of course this section refers to the increase from 75 per cent of $7,000 as the maximum pension, to 75 per cent of $9,000 as the maximum.

I would like to say a few words and go back to the original report by Mr. Justice Meredith, Mr. Chairman, in 1913 or 1914, when the whole concept of workmen's compensation was looked into and the inequities and injustices of the common law, which were apparent to everyone.

The hon. minister, Mr. Chairman, mentioned the Meredith report, which, in fact, did blaze the way in the western world in connection with the rights of workmen who were injured or killed in an industrial accident. I think that that report, in my respectful opinion, is now the bible, so to speak, in connection with this type of legislation, and in Ontario, as you are aware, we have had three or four reports. We had the Roche report in 1950 and then we had the Meredith report, and I think we had the Middleton report prior to the Roche report. But that is not important. What goes through these reports, Mr. Chairman, is that the commissioners have looked into the development of workmen's compensation and have tried to make it as equitable and as reasonable as possible. If we go back to Mr. Justice Meredith's report in 1913, he discusses the whole question of the worker's rights, his rights of common law and, of course, through that report, we have come to the conclusion that, in order to give his common law right to sue, the worker was given certain rights under the Act.

One of the mainstays of that Act at that time was that a worker who was completely disabled could get a percentage of his yearly wage, up to a maximum of $2,000.

Now, if we look at the economic conditions in those days, and the wages, and minimum wages, if there were any—and I do not think there were any—$2,000 was quite a bit of money. I think it was just about the maximum that any workman could earn in those days. And I think that the subsequent commissioners, when they were examining the whole question of workmen's compensation, missed one salient point, and that point is that Mr. Justice Meredith did not intend that a workman should should take any loss because of an industrial accident, simply because the $2,000 was a very high maximum, and it covered practically every worker in Ontario.

When we consider the maximums we have now, we lose sight of the fact that many workmen in Ontario are making more than $9,000 a year. Many tradesmen in the building trades, as you are aware, Mr. Chairman, make much more than that. I think that, in justice, there should be no maximum amount that the yearly wage is based upon. The workman automatically gives up 25 per cent of his wages the minute he is hurt in an industrial accident and I submit, with respect, Mr. Chairman, that that is unjust and unfair, particularly for the workman earning the lower wages. If a workman is making $4,000 a year, he can receive no more than $3,000 if he is completely disabled. In other words, he gives up 25 per cent of his wages, simply because he has been hurt in an industrial accident.

That, in itself, is an unjust procedure. But I do think, also, Mr. Chairman, that it is an unjust procedure that a man who is

earning, say, $12,000 a year is precluded from collecting more than 75 per cent of $9,000 a year. So in some cases, Mr. Chairman, the compensation is based on a calculation of 75 per cent, and in some cases, 50 per cent of what he was earning. That, Mr. Chairman, in my respectful opinion, is unfair and unjust and inequitable.

My friend from Oshawa and I have gone over this Act together very thoroughly. He was supposed to move an amendment this morning, which we both agreed to, and the member for Hamilton East will move that amendment. But I just want to say that the amendment that my friend from Hamilton East is moving is acceptable to this party, and that we will support that amendment.

I do wish that the hon. minister would look at this whole concept of the limitation of income when a man is hurt. There is no reason, in my mind, why a man should take such a drastic drop in wages because of an injury which he receives in an industrial action.

The minister does bring out one point; to him it is very important. He brings out the question of cost.

I am of the opinion that perhaps our industrial complex of this province should stand the cost. I cannot see why a man who is hurt should go on the welfare rolls. I cannot see why a man who is hurt should lose the style of living he is used to, the style of living he has built up over the years through blood, sweat and tears, and in most cases, through very hard and menial and tough work. I am of the opinion that perhaps we should put cost into a secondary position when we are discussing this very very crucial aspect of social benefit to a workman.

One other thing I would like to suggest is that some people seem to think that this is a type of welfare legislation. Well, Mr. Chairman, I for one, and my party, believe that it is not. This is money that in a sense is contributed by the employee. That money, of course, is completely deductible and, in effect, the employer is probably paying less than 50 per cent of the cost. But I go back to my main point that there should be no maximum and that he should obtain 75 per cent of whatever his average monthly wages are when he is hurt.

I have nothing else to say in this regard, Mr. Chairman, other than that we will support the amendment that will be introduced by the member for Hamilton East.

**Hon. Mr. Wishart:** Mr. Chairman, I move the committee rise and report.

Hon. Mr. Wishart moves that the committee rise and report progress and ask for leave to sit again.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the Committee of the Whole House begs to report progress and asks for leave to sit again.

Report agreed to.

It being 12 o'clock, noon, the House took recess.

# CONTENTS


**Thursday, July 15, 1971**

**Workmen's Compensation Act**, bill to amend, in committee ..... 4021

**Recess**, 12 o'clock noon ..... 4033

No. 99

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Thursday, July 15, 1971

**Afternoon Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JULY 15, 1971

The House resumed at 2 o'clock p.m.

**Mr. Speaker:** Statements by the ministry.

**Mr. E. Sargent** (Grey-Bruce): What ministry?

**Mr. Speaker:** Oral questions.

## INVESTIGATIONS BY CONSUMER TEAMS

**Mr. Sargent:** I have a question of the Minister of Financial and Commercial Affairs. In the current issue of Life magazine is a story how Bess Myerson is doing a consumer team job on behalf of the consumers of America. Does the minister have a team of investigators out checking weights at supermarkets and such like that?

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): We have people out in the province checking. We also have a caravan travelling around the province with an established and publicized itinerary. We are meeting in every major city and in most of the towns right across the province.

The caravan has been on the road now for approximately two months or seven weeks, and will be continuing. Through northern Ontario, the northern affairs officers relay complaints to us. "Action Line" is another source. A lot of work we do in the department comes in from complaints that people send in to the newspapers, though many of them write us direct.

So our work is continuous and pretty close, I think, to the people; and through the caravan we have attempted to take, as we say, our services to the people from government.

I do not know whether a team of investigators going out would be much more effective, because our caravan staff and officials of various departments through the province relay and send in to us complaints which we attempt to deal with as promptly as possible.

**Mr. Sargent:** By way of supplementary, my other point was that such a factor as unit pricing is the way of life now in the American economy. Why do we not have people working along that line in your department? Unit pricing?

**Hon. Mr. Wishart:** We have discussed this with federal people and I am not sure that one province can be very effective. It could be effective within its own area perhaps, but it is pretty difficult to establish a unit price—as for instance The Department of Agriculture and Food in connection with broilers and eggs and other things.

You cannot live isolated from the rest of the provinces in matters of trade and price marketwise. We can control methods of marketing. We can insist on certain quality. We can insist that the advertising be not deceptive or fraudulent or misleading.

There are certain things we can do. But in matters of price control, if that is what it comes to, I think it has to be broader than one province to be really effective. We have discussed this with our federal counterparts and I am hopeful that the legislation which Mr. Basford has brought in will coincide with ours, and with ours be very effective.

**Mr. Sargent:** One final supplementary, if I may. Along this line then, millions of dollars are being taken from the consumers in Ontario here because the big three or four grocery chains—Loblaws, Steinbergs and Dominion—are not going along in a "cents-off" campaign. They will not allow "cents-off" offerings to the people. Because of this the consumers are losing millions of dollars in Ontario. The minister's department should take a good look at the fact that they will not allow a "cents-off" programme.

**Hon. Mr. Wishart:** Mr. Speaker, I could perhaps engage with the hon. member and I appreciate his interest in what might be quite a philosophical discussion about this matter. My impression was, a few months ago, that the price war which was really being waged among the big four was temporarily, at that point at least, to the benefit of the consumer. Prices were being cut in competition day after day.

It may be that in the ultimate and long-run result the consumer did not gain. But I am a great believer in free competition—and I trust that is what it is—and if we do not have that then we have the combines legislation, which is federal, to stop a fixation of price. I think the consumer, certainly for that period of time, got the benefit of some very low prices.

It is a big question, and I am sure the member for Grey-Bruce and I could discuss it for some time, but I do not think—to answer his question directly—that the province can get into that price field.

**Mr. Speaker:** The Leader of the Opposition.

## FOREIGN OWNERSHIP OF BROKERAGE FIRMS

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker, a question of the Premier. Has he consulted with the government of Canada since his announcement, which was designed to curb foreign ownership with stockbroking firms, with an eye to co-ordinating these controls with the other provinces?

Second, would he not believe that a national securities commission could accomplish this, whereas the division among the provinces will mean that we in fact are giving an opportunity for these investments to go into other provinces instead of keeping them out of Canada on a broad scale?

**Hon. W. G. Davis** (Prime Minister): Mr. Speaker, I anticipate there will be further consultations; there have been consultations already with the federal authorities. I think there obviously is some logic in what the Leader of the Opposition has stated, that this matter does go beyond the boundaries of any single provincial jurisdiction, and I anticipate there will be further consultations with the federal authorities very shortly.

**Mr. Nixon:** As a supplementary; Is the policy of the government still adamantly opposed to establishing securities commission controls on a national basis?

**Hon. Mr. Davis:** No, Mr. Speaker, I do not think we have ever been adamantly opposed to this. I think it is a case of this province determining there are some things that need to be done and we move ahead and do them.

**Mr. Nixon:** If the government is not adamantly opposed to that, is it possible then that the further negotiations might be on the basis of establishing securities controls on a national basis? The Premier nods, "yes."

**Hon. Mr. Davis:** Oh, I am sorry. So that the machine will pick it up, I will say "yes." The nod will be properly recorded.

**Mr. V. M. Singer** (Downsview): You can give him his cue.

**Mr. Nixon:** Mr. Speaker, the Premier is aware, I am sure, that that is a departure from statements made by some of his ministers in former years, or at least his colleagues in former years, who had felt that national control should certainly not be a part of this government policy.

**Mr. Speaker:** Is that a supplementary question?

**Mr. Nixon:** I said, "Is the Premier aware of it?"

**Mr. Speaker:** The member said, "he is aware."

## LISTING OF SHARES OF WHITEROCK ESTATES

**Mr. Nixon:** Mr. Speaker, a question of the Minister of Financial and Commercial Affairs: Has he examined the prospectus that Whiterock Estates put before the securities control authorities in the Province of Quebec before the Whiterock stock was listed on the Canadian Stock Exchange in Montreal? Have his experts given him an opinion as to why Whiterock would choose to be listed on the Canadian Stock Exchange rather than on the Toronto Stock Exchange?

**Hon. Mr. Wishart:** We had examined the prospectus previously. Very recently we examined the advertising which was published in Ontario papers, and we did not believe it to be proper or factual. We thought it gave an impression that the Province of Ontario had approved the operations of Whiterock—

**Mr. Singer:** Hear, hear!

**Hon. Mr. Wishart:** —and we required the company to take that statement out of its advertising. As a matter of fact, as I think the hon. members are aware, the department of which I now head did examine its whole operations a year ago or more and the operation was quite legal, but we felt that to

advertise that the Ontario government had given it an approval was not something they should be permitted to do.

Now with respect to a prospectus filed in Quebec, the Province of Ontario cannot—when the trading is not being done in our province we would have no jurisdiction. The operation and the sale of real estate in the Province of Ontario is quite within our laws and we have required Whiterock to meet our requirements as a result of the previous investigation. We have not been called upon to pass a prospectus and we would have no jurisdiction to check a prospectus being filed on a Quebec exchange.

**Mr. Nixon:** A supplementary: Would the minister not be concerned, in his responsibility for financial and commercial affairs, that a company like Whiterock, which is advertising so extensively here and doing such a large business here, would choose to put its prospectus before another provincial securities and exchange commission rather than before the commission of this province? Would he not interest himself to see just what would be included in that prospectus which would lead that company to not put it before this province's commission for approval or rejection?

**Hon. Mr. Wishart:** Certainly, Mr. Speaker, I would have to admit that we would have an interest. We do watch the operation of this company, but I do think, although I do not know this, perhaps the Quebec authorities who are concerned with the matter have consulted us. I do not know that. I should certainly think they would.

I am sure if we had a Quebec operation, particularly a real estate operation or any other kind, filing a prospectus here which they would not present to Quebec, we would look at it and consult with the Quebec authorities and get full information about how its operation is being carried on. I cannot say, at this moment, that that has been done—that is that Quebec has been in consultation with Ontario. Our concern could only be a concern to advise Quebec of the operation as fully as we are aware and I am not sure that they have consulted us. I would expect they would, and I am sure we would give them every information.

The fact remains that Whiterock is carrying on a real estate operation within this province which meets with the requirements of our laws and is legal. There was a point, as I say, when we checked their advertising so that they would not giving a false impression or a misleading impression. We required them to change it just a very few days ago. I do not know, further than that, that I can reply to the question.

**Mr. Nixon:** If you will permit a further supplementary, Mr. Speaker: In view of the fact, or is the minister aware that the value of the Whiterock stock on the Canadian Exchange rose from $2 to $9 in a very short period of time, indicating that its profitability has impressed those people who are interested in that aspect in another province? Will he therefore examine the prospectus and report to the House his views not on the legality of the real estate operation, but on the approach the company is taking toward their financing?

**Hon. Mr. Wishart:** I will suggest to the Securities Commission—and I am quite sure that they have been looking at it very thoroughly—I will suggest then that they give it a very thorough examination. I would be quite glad to report what information they can give me to the House.

I am not sure—and I must make this clear—that we in Ontario can say to a company filing a prospectus on one of the exchanges in Quebec, "You cannot do it." I do not think we can go that far. We can give them every information, attempt to guide their decision and give them our views, but I do not believe we can control the filing of that prospectus in Quebec.

I shall be glad to have a review made and to give the House such information as I can obtain, and I shall alert the Securities Commission. I am quite sure really, although I cannot confirm that, that they are already examining that matter.

**Mr. Singer:** Mr. Speaker, by way of supplementary—

**Mr. Speaker:** I think the member for Scarborough West has the floor for a supplementary.

**Mr. S. Lewis** (Scarborough West): The supplementary being: Does the minister have a report ready to give to the Legislature about the various advertisements which Whiterock has been placing? Has that been given in the Legislature yet?

**Mr. Singer:** No.

**Hon. Mr. Wishart:** I think—

**Mr. Lewis:** The minister undertook, I think, to the member for Downsview to give a report—

**Hon. Mr. Wishart:** I did, I am sure; I thought perhaps I had pretty well answered that question a few moments ago. We looked at that advertising. When the question was asked our people were already questioning Whiterock about it and calling upon them to revise it and not to publish in it anything suggesting that the Province of Ontario had given an approval to their operation.

Now in effect, as a result of the investigation which was held under my predecessor in the department into the operations of Whiterock, it was found that their operations were within the law. That is one thing, but to say that the Province of Ontario put the seal of approval on it, we thought was going a bit far and we immediately requested the change of the advertising to take that statement out. We very drastically changed the tenure of their advertisement and members will see that has been done. It was done at the time the question was being asked. So that is my answer.

**Mr. Lewis:** By way of supplementary, Mr. Speaker, is the minister satisfied that Whiterock's allusions to land-use approval, to serviced lots and to access, were all valid in the original advertisements? And if not valid, is the minister prepared to proceed further?

**Hon. Mr. Wishart:** The examination of the advertisement indicated that what they were advertising was within the law, that they have arrangements for access to the degree they suggested and that they had arrangements made for service.

Now, one must realize that there is always an opportunity, there is always a possibility, that arrangements will not necessarily be carried out within the time indicated or estimated, but that point the purchaser must examine for himself.

**Mr. J. Renwick** (Riverdale): That is what is wrong with the whole transaction.

**Hon. Mr. Wishart:** Yes, I realize.

**Mr. J. Renwick:** The old caveat emptor business about buying land.

**Hon. Mr. Wishart:** Yes, I realize there is an area here where a purchaser still has to make up—

**Mr. J. Renwick:** It will blow up in your face.

**Mr. Speaker:** Order, order!

**Mr. Lewis:** It is more than an area. It is an abdication of government responsibility.

**Hon. Mr. Wishart:** There is an area where a purchaser must at some point make up his mind in the purchase of a real estate parcel, a parcel of land. The arrangements are made, they are there, if the purchaser accepts them and speculates that they will be carried out—as I say, one cannot guarantee that these things will be done, with municipal authorities, with health authorities, and with the contractors who have agreed to contract to do certain things.

**Mr. J. Renwick:** He must have accurate, full information.

**Hon. A. F. Lawrence** (Minister of Justice): Readily accessible!

**Hon. Mr. Wishart:** But I do not think government can say just because there is a possibility that where a contract has been signed it will not be completed on the completion date that this is illegal. This is the point to which the investigation goes. One must have some ground of possibility of some perhaps speculative area; but it is not wrong, there is no breach of law. How far does government go when it says to the citizen: "Now look, we will not let them make this proposition to you because they may not be able to get those services installed by the date they say the contract calls for." That is the situation in which the citizen finds himself and in which government finds itself.

**Mr. Lewis:** That is not good enough.

**Mr. Speaker:** The member for Downsview.

**Mr. Singer:** By way of supplementary: Is the minister not concerned with the statement in that advertisement? It says: "Building permits guaranteed." Now how can a developer sell a guarantee, and he says he is going to provide a written guarantee, that building permits will be given? The minister knows that cannot be done. I mean, is he not concerned about that?

**Hon. Mr. Wishart:** Well our investigation, I think, indicated that the developers said to the municipal authorities: "If we do this and this and this, which we contracted to do, with the establishing, the putting in of services, will this be eligible for building permit?" And they have received an assurance that this will follow. Now I do not know as you should use the word "guaranteed," but—

**Mr. Singer:** Well they made quite a fuss about that. They were going to give a written

guarantee that somebody would get a building permit.

**Hon. Mr. Wishart:** Well it is perhaps again along the line of cases which have to do with advertising, that you are entitled to advertise if you have an assurance that, this being done, that will follow. That is what it amounts to.

**Mr. Singer:** By way of further supplementary: Is the minister not concerned that since shares of this company are being traded on the Canadian exchange in Montreal, and I am advised being traded in New York, and I would suspect that they are being traded on the basis of the kind of advertising we have complained about here, that Ontario's reputation could be seriously hurt by not drawing to the attention of the proper authorities in Quebec and in New York State some of the problems that this government has concerned itself about in relation to the operations of this company?

**Hon. Mr. Wishart:** I think the answer is generally yes, Mr. Speaker, but I am quite sure that the New York Stock Exchange will have examined the whole operation of this company, because I do not think you can get lightly upon the New York Stock Exchange—

**Mr. Singer:** I do not think it is listed, it is being traded in New York State.

**Hon. Mr. Wishart:** And I am quite sure that Quebec, perhaps even more jealously, guards the sales of stock of this kind upon the Canadian Stock Exchange in Montreal.

I am quite certain, although as I said a moment ago I could not be sure, that our people will have looked at that area of Quebec jurisdiction. If we have not, I am quite sure that we shall be doing so very quickly.

**Mr. Singer:** Mr. Speaker, by way of further supplementary: Would the minister undertake to have his officials advise the appropriate authorities of the Province of Quebec, and the appropriate authorities of the State of New York, just what Ontario's experience has been with this company?

**Hon. Mr. Wishart:** Yes; but I perhaps should have added a moment ago, when I was talking about the guarantee question, my understanding of the sales arrangements which are made with individual purchasers is that the sale is conditional on the building permit being granted. If the building permit cannot be obtained, the sale can be voided and the money repaid. So in that sense the guarantee was a condition of the sale: they say you will get a building permit if we carry out the installation of these services and so on, and if these are not done by a certain date it may be voided and you have your money back—that was the sense in which the guarantee was used.

**Mr. Singer:** Mr. Speaker, by way of further supplementary: Is the minister not—

**Mr. Speaker:** This will be the last supplementary from this member, then the member for Riverdale.

**Mr. Singer:** Is the minister not aware that by reason of the very low down-payment and the very large mortgage, that is is unlikely that most purchasers would retain the services of a lawyer in a transaction of this kind and that the persons who are likely to be attracted by this kind of promotion would be the people who need the greatest help from this government?

**Hon. Mr. Wishart:** I think that is perhaps correct, Mr. Speaker, but for this government to step in and say to the purchaser who wants to acquire a piece of land and who wants to make a low down-payment and can make mortgage arrangements for a mortgage which he can carry over the years, for this government to say to him: "You can take advantage of this opportunity provided we see that the operations of the developer are within the law," then he is protected. And we did review the type of offer that was made, and the department did require the option to cancel if certain things were not done.

I think the government has gone a long way to protect that person, but I do not think you can say that government should say: "No, we will not allow the sale just because the down payment is very small."

**Mr. Singer:** I said "protect"—I did not say "prohibit."

**Hon. Mr. Wishart:** As I say, I think we have gone a long way to protect these people. I hold no brief for Whiterock, and we have required them to meet certain conditions and present a certain type of agreement of sale with options to void or get out, to refuse, to cancel. I do not know how much farther the government can go. But anyway, what is being done is presently within our requirements and within the requirements of the law.

**Mr. Speaker:** The member for Riverdale.

**Mr. J. Renwick:** By way of supplementary question: Will the minister not adopt the proposal that I put to him during his estimates that real estate promotional development such as this should be brought within the purview of The Securities Act so that there will be continuing prospectus disclosure requirements enforced upon such companies so that anyone dealing with them will have full and complete and continuous disclosure of the state of the company from which they are asked to buy these building lots?

**Mr. Lewis:** That is the answer.

**Hon. Mr. Wishart:** That, Mr. Speaker, is being considered and is being studied. But, again, I have to point out that if this company for a moment were presenting a prospectus in Ontario, it would automatically and immediately come before the Securities Commission, but here is a company which, so far as Ontario is concerned, is not putting its stock on our exchange.

**Mr. J. Renwick:** I am talking about the sale of the lots, the prospectus for the sale of the lots.

**Hon. Mr. Wishart:** That is being considered, but then you get into the field of a great many real estate developments, by a company or individual. I am not sure whether our real estate branch should act at the moment.

If we bring in one we have to make a rule that applies to all. We cannot say this one as distinguished from that one. We could make general rules which would meet certain standards, and certain requirements. This is being looked at, but I cannot at the moment say how far we will find it possible to go.

There must be a general law governing all real estate operations, all real estate developments.

**Mr. Lewis:** That is the answer, then?

**Hon. Mr. Wishart:** Right!

**Mr. Speaker:** The Leader of the Opposition.

## ALLEGED INHUMANE TREATMENT OF DOGS

**Mr. Nixon:** I would like to ask the Minister of Agriculture and Food, Mr. Speaker, if he has read the newspaper reports, indicating that the Toronto Humane Society is not using humane means to destroy dogs?

Second, does the new legislation that he brought in a year ago give him jurisdiction over those matters and is he going to undertake some examination of the problem?

**Hon. W. A. Stewart** (Minister of Agriculture and Food): Mr. Speaker, I just now had handed to me the copy of the Toronto Telegram in which these is a headline regarding this matter.

I just read the article. I believe, if memory serves me rightly, that under the regulations pertaining to the new legislation that was brought in affecting pounds, that we have no control over humane society shelters but only over pounds. For the disposal of animals, one of the methods that it is suggested can be used is the method of the electric machine. This was a proposal or a recommendation of the humane society which was accepted by the committee charged with drafting the regulations. I can only assume that it met with their approval, because they looked at the regulations and it was a part of them.

I must confess, Mr. Speaker, that in reading this article I share the concern that is expressed here. I shall certainly ask that our departmental officials review the regulations with the thought in mind of having this method eliminated if such be the case.

**Mr. Nixon:** There is still time for a dog Act in the session and we could continue with that for some time.

**Hon. Mr. Davis:** Mr. Speaker, I wonder, with the indulgence of the House, if I could make a very brief statement and table a report. It probably should normally come under reports, but in that it is being released publicly in Ottawa, and perhaps already has been, so the hon. members will know the content of it. If the House would agree I could perhaps table it now.

**Mr. Speaker:** Agreed!

**Hon. Mr. Davis:** It relates, Mr. Speaker, to the Canada-Ontario—

**Mr. Nixon:** Wait until Mr. Speaker says "agreed," but okay.

**Hon. Mr. Davis:** I just assumed, Mr. Speaker, the silence meant acquiescence.

**Mr. Speaker:** Mr. Speaker did say "agreed."

**Hon. Mr. Davis:** He did you see!

**Mr. Nixon:** No; he cannot speak at the same time.

**Hon. Mr. Davis:** No, I have not really, I just started now.

**Mr. D. C. MacDonald** (York South): It is the presumption—

**Hon. Mr. Davis:** I very rarely do.

Mr. Speaker, the statement refers to and I would like to table the report of the Canada-Ontario Rideau-Trent-Severn Study Committee.

The report recommends a 15-year recreational development programme for the Rideau-Trent-Severn system, that recreational asset which stretches across southern Ontario. The report is being released here and in Ottawa, and I commend it, really, to all members of this House.

The Rideau-Trent-Severn Study Committee, better know perhaps as CORTS, is a joint project begun in 1967, involving representatives of federal and provincial departments and agencies which have an interest in the development of this 425-mile water corridor.

I am sure that many members are familiar with this waterway, or at least some portion of it. As a recreational asset it is both unique in character and virtually unequalled in this province.

The Rideau-Trent-Severn waterway corridor, with 92 locks linking 33 lakes and six major rivers located along the southern edge of the Canadian Shield, is not just a canal for boaters or a series of existing or potential parks. It is an overall recreational system incorporating beaches, fishing waters, wildlife areas, scenic landscapes, natural sites such as waterfalls and caves, archaeological sites of national significance and rapidly developing urban tourist service centres. It is also well suited to canoe routes, hiking trails, youth hostels and heritage highways and byways.

**Mr. Nixon:** What is the Premier going to do with it; clean it up?

**Hon. Mr. Davis:** The CORTS report takes into account the views not only of local residents, cottagers' associations, the conservation groups, the tourist and regional development councils and historical societies, but of some 140 jurisdictions, departments—

**Mr. Nixon:** The Premier did not include women's institutions.

**Hon. Mr. Davis:** They may have been involved—and commissions at all levels of government.

Eleven of the 52 recommendations of the CORTS report, those dealing primarily with government, are already under way. These range from the provision of waste treatment plants in municipalities along the waterway to the preservation of historical structures, and include separate recreational plans for Lake Simcoe and the Kingston-Quinte area—

**Mr. Sargent:** It is like Eaton's catalogue.

**Hon. Mr. Davis:** —as well as a detailed study of water level control for the Trent-Severn system. A further six are under active study for early implementation. This has been possible because of the co-operative efforts of the 15 provincial and federal departments and commissions whose representatives comprise the CORTS committee.

Of great significance is the fact that over the years both the federal and provincial governments have been acquiring or holding for public development major parcels of land along this waterway corridor suitable for both day-use and extended-use parks. For example, there are already nine developed parks and 14 park reserves along the corridor. Again, with the assistance of government and through such agencies as the Ontario Heritage Foundation, an increasing number of historic structures are being preserved.

While some additional public recreational acreage remains to be acquired, it is small in relation to the total area of the corridor. The open space requirement to preserve the aesthetic balance and unique character of the waterway corridor will be composed almost exclusively of wet lands, marshes and wildlife management areas not suited to intensive development for vacation homes or resorts.

At a time when some of our major lakes are suffering from pollution, the Rideau-Trent-Severn water corridor still maintains a generally good standard of water. There are some exceptions, but steps are under way to ensure that the rapidly growing pace of development in the corridor does not endanger an acceptable standard of water quality.

It might be of interest, Mr. Speaker, to note that the projected new system of refuse recycling and disposal for the Kingston area stemmed directly from a study jointly commissioned by the CORTS committee and the Ontario Economic Council.

Unlike the Great Lakes, we have entirely within our own hands the control of pollution in the Rideau-Trent-Severn waterway and each of us has a major stake in ensuring for it an unpolluted environment, and the cost need not be prohibitive. The issue is primarily one of co-ordination of land use planning among the 140 jurisdictions involved.

The Rideau-Trent-Severn recreational corridor is a unique but not an isolated resource. It is already linked to 23 provincial parks and park reserves, to the Thousand Islands and Georgian Bay Islands national parks and to the National Capital Commission region. The corridor is adjacent to major transportation routes linking central Ontario to Montreal and provides a recreational green belt for the entire Toronto-centred region. Moreover, it is within one day's drive of some 50 million people on this continent, and the historic fortifications along the Rideau and at Kingston recall days when visitors from south of us were less welcome than they are today, even in a cultural sense.

Until a more formal mechanism evolves between the various levels of government to advise on the co-ordination of planning for the waterway corridor, we have asked the CORTS committee and its staff to continue their responsibilities and to explore all possible means of ensuring an adequate flow of information to local citizen groups.

The report and its recommendations are being made public so that there may be the fullest possible discussion of their implications for all of those affected. A major share of the responsibility for this citizen review will, we trust, be undertaken by regional tourist and development councils.

The Ontario responsibilities will continue to be co-ordinated by Mr. William Cranston, who recently retired as chairman of the Ontario Economic Council, who has also held elective office in rural, urban and county governments adjacent to the Rideau-Trent-Severn corridor. The federal co-chairman will continue to be Mr. Donald Farmer, a native of Owen Sound and chief of the canals division of the Canada Ministry of Transport.

**Mr. Sargent:** You cannot even get a highway up to there.

**Mr. Nixon:** Go by barge.

**Hon. Mr. Davis:** Listen, I was over it the other day, Mr. Speaker, and we are improving Highway 10 up into the—

Interjections by hon. members.

**Mr. Sargent:** No wonder the Prime Minister had a sore back!

**Hon. Mr. Davis:** No, it happened before that.

**Mr. Nixon:** What about Highway 7 into Brampton? Does the Premier think we should give Brampton back to the people; give Highway 7 back to the people just the way it is —leave the bulldozers and all?

**An hon. member:** Where did the member have lunch today?

**Hon. Mr. Davis:** Oh you cannot leave it the way it is.

**Mr. Nixon:** That is the way it is!

**Hon. Mr. Davis:** Mr. Speaker, when you read the CORTS reports entitled "The Rideau-Trent-Severn, Yesterday, Today and Tomorrow," I believe you will also endorse its developmental approach to Canada's unique 425-mile water corridor.

The report is available through the office of the Queen's Publisher in Toronto and Information Canada. I believe members will find it comprehensive, highly readable—certainly over the summer months—and worthy of the fullest consideration by all hon. members.

**Mr. Nixon:** Just a question further to the Premier's statement—

**Mr. Speaker:** We have now returned to the question period. The Leader of the Opposition has the floor.

## CORTS REPORT

**Mr. Nixon:** Can the Premier make plain to the House just what is going to be accomplished now that this report has been published? It was described immediately by my hon. friend to the right as something like Eaton's catalogue, in four colours at $3 a copy.

**Mr. Lewis:** Actually, it is not a good analogy. The Gertler report would be a better analogy.

**Mr. Nixon:** What is going to be done with this in specific terms of adopting the recommendations, which I presume would be found in it?

**Hon. Mr. Davis:** Mr. Speaker, the various departments of this government and the federal departments now have the report, are assessing it and seeing what can be done as it relates to its implementation. But the main reason for publishing the report is so that the various municipalities and the local associations and groups along the corridor will have an opportunity to assess it as well and make their observations known. This is being co-ordinated through Mr. Cranston at this moment, but it is the intention of this government to move ahead in a co-operative sense with the federal jurisdiction as it relates to this report. We think it is a very excellent report indeed.

**Mr. W. G. Pitman** (Peterborough): A supplementary question.

**Mr. Speaker:** The member for Peterborough has the floor for a supplementary.

**Mr. Pitman:** If I may, a supplementary question: I wonder if the Prime Minister could indicate what he intends to do in terms of freezing of land or ensuring that land values do not go up, in view of the fact of what has happened in the Niagara Escarpment; particularly in view of the fact that the percentage of land for public land suggested in the Rideau-Trent-Severn area is well below the amount of public land which is available at the present time.

**Hon. Mr. Davis:** Mr. Speaker, a good portion of the public land referred to in this report are the wet lands, the marshlands and so on, and really the purpose at this moment is to make this available so the public will have an opportunity. It is not our intent at this moment to put any freeze on what is a relatively small acreage in the total concept, at this moment at least.

**Mr. Nixon:** Is there a secret list?

**Mr. Sargent:** Mr. Speaker—

**Mr. Speaker:** The member for Grey-Bruce has the floor for a supplementary.

**Mr. Sargent:** Mr. Speaker, I would like to ask the Prime Minister, this is called the CORTS programme and he says it is a continuing study. In other words—is it a continuing study? He said that in his remarks.

**Hon. Mr. Davis:** Mr. Speaker, I thought I said in my remarks that this is the study. It has been going on since some time in 1967. It is a joint federal-provincial study. This is the report. We are establishing a continuing committee related to the implementation and giving an opportunity to those groups and municipalities affected by the report to make their views known to us. This co-ordination at the moment will be under the direction of Mr. Cranston, but the report per se is finished. Some aspects are being implemented now and as a government, we are studying, along with the federal government, the other recommendations within the report.

**Mr. Sargent:** A supplementary: What would the Prime Minister say the cost to date has been, from the start of the programme to now? And what is our commitment from now on financially? What is the total package to date?

**Hon. Mr. Davis:** Mr. Speaker, there has been—

**Mr. Lewis:** The whole ball of wax!

**Hon. Mr. Davis:** The whole ball of wax as it relates to expenditures already made? I will endeavour to get some rough figure for the hon. member but some of the recommendations relate to pollution control operations undertaken by municipalities which probably would have been done with or without this report.

As to the projected cost over the next 15 years, this is something, Mr. Speaker, that we are assessing. I do not think it would be wise to give any hypothetical figure at this moment as far as the government here is concerned, because it will involve certain discussions and negotiations with the federal jurisdiction.

**Mr. Sargent:** Would it be safe to say the Prime Minister is talking about half a million dollars?

**Mr. Lewis:** It would be more than that.

**Hon. Mr. Davis:** Mr. Speaker, I think it would be safe to say we are talking about several millions of dollars.

**Mr. Speaker:** The member for Scarborough West has a supplementary?

**Mr. Pitman:** A further supplementary.

**Mr. Speaker:** The member for Peterborough.

**Mr. Pitman:** I wonder if the Prime Minister could indicate whether there is any

overall authority that is going to bring together and co-ordinate all the activities which have been suggested in the report, both in relation to pollution and control and land acquisition; and whether there is any overall funding?

One might even ask a third question: Is the Ontario government prepared to give up some of its powers in this corridor in order that an overall authority be established to acquire the land and carry out the recreational needs for this area?

**Hon. Mr. Davis:** Mr. Speaker, we are prepared to discuss any reasonable mechanism. The co-ordinating agency within the government will be the Parks Integration Board. But, I think, really, there is the question of whether or not there are some areas of federal interest that might be better administered by, shall we say a provincial jurisdiction. This is something that has to be discussed and worked out with the federal government.

**Mr. Speaker:** The member for Scarborough West.

**Mr. Lewis:** A supplementary, Mr. Speaker: Given the observation on page 35, that developers and landholding companies have access to some key recreational areas throughout the sector and public lands are few and far between, and the suggestion on page 52 that seven possible sites have been recommended for acquisition by the government departments concerned for recreation and parks, when will the purchases be made? What time limit has the government put on itself in terms of the acquisition of the land and how much extended inflation will the government permit? Can there be a freeze on use in the interim—given our experience with the Niagara Escarpment?

**Hon. Mr. Davis:** Mr. Speaker, the two are not necessarily related—the question of this report and the position as it relates to the escarpment.

There are two aspects that have to be considered: (a) the economics, the cost involved—to what extent will this be shared, among other priorities of land acquisition, by the public or by this government on behalf of the public. As far as any timetable is concerned Mr. Speaker, this relates once again to our discussions with the federal government and the various municipalities and agencies involved.

There is no question that contained within the report are all the recommendations on the land areas that it would make sense to acquire—perhaps over a period of time Mr. Speaker, I am making this report available so that the public will have an opportunity to see this, to assess it, to realize the economic implications—

**Mr. Lewis:** And the developers and the same pattern all over again!

**Hon. Mr. Davis:** It is not the same pattern all over again at all!

Mr. Speaker, we were critized before because we did not release it; we are now releasing it so the public will have some involvement.

**Mr. Lewis:** Well fortunately the Prime Minister will not be here to call a royal commission.

**Mr. MacDonald:** The Tory lawyers and senators will be setting up companies like mushrooms.

**Mr. Pitman:** Mr. Speaker, I wonder if I might ask a further supplementary. I wonder if the minister is aware that in this report there is a map setting aside large scenic zones and that Whiterock Estates is expanding in that very area? What I am asking is, how can the Prime Minister tell us that we are only involved here with swamps and marsh lands when in fact we are dealing with very valuable land beside water? If this government does not do something about it immediately, it will be gone.

**Mr. Lewis:** Right, like everything else in southern Ontario.

**Hon. Mr. Davis:** I think my statement made it very clear that there were certain areas that needed to be acquired; I said the bulk of it related to marshlands or wet lands. There are some other than marshlands or wet lands, no argument about it at all.

**Mr. Lewis:** Seven parks, according to the report.

**Mr. H. Peacock** (Windsor West): Mr. Speaker, a supplementary question: Will the Minister of Lands and Forests (Mr. Brunelle) be in charge of land acquisition under this report?

**Hon. Mr. Davis:** The Parks Integration Board will be the co-ordinating agency within the government.

**Mr. Peacock:** Which reports to the Minister of Lands and Forests! Will his budget

or the $20 million land acquisition fund cover the cost of acquisition?

**Hon. Mr. Davis:** Mr. Speaker, the projections in this report, which is a joint report, extend over a 15-year period of time. Of course how much will be allocated annually is something we have not yet, as a government, determined. I cannot give the hon. member that information.

**Mr. Peacock:** The government is in no position to buy.

**Mr. Speaker:** The member for Scarborough West.

## DUTIES OF MINISTER WITHOUT PORTFOLIO

**Mr. Lewis:** Yes, Mr. Speaker, first an initial question of the member of the executive council, the Minister without Portfolio from Halton East (Mr. Snow).

What does he do, about which questions might be asked?

Interjections by hon. members.

**Mr. Lewis:** I think that is a very legitimate question.

**Hon. J. W. Snow** (Minister without Portfolio): Mr. Speaker, is the hon. member trying to find some question which he can ask?

**Mr. MacDonald:** No, we are trying to find out what the minister does.

**Mr. Lewis:** By way of supplementary: In view of the fact that the minister has not yet said anything in the House in his capacity as Minister without Portfolio, is there any area of executive responsibility about which we might question him from day to day?

**Mr. Speaker:** Of course, if the hon. member for Scarborough West would read the standing rules of the House he would, I think, perhaps agree with me that that question is not properly phrased. He is entitled to ask the minister with respect to the matters and department under his control but—

**Mr. J. E. Stokes** (Thunder Bay): How can he do that if he does not know—

**Mr. MacDonald:** In other words, why is he in cabinet? That is the basic question.

**Mr. Lewis:** All right, Mr. Speaker, by way of supplementary: In respect of those matters falling within the minister's jurisdiction, might he make a report to the House?

**Hon. J. Yaremko** (Provincial Secretary): That was pretty feeble.

**Mr. B. Newman** (Windsor-Walkerville): He will take it under advisement.

**Hon. Mr. Snow:** Mr. Speaker, I will take that under advisement.

**Mr. Lewis:** I will put it on the order paper, Mr. Speaker.

Interjections by hon. members.

**Mr. Lewis:** We have often wondered why he became a cabinet minister and I thought we would ask.

Interjection by an hon. member.

## PROGRAMMES TO COMBAT WINTER UNEMPLOYMENT

**Mr. Lewis:** Mr. Speaker, a question of the provincial Treasurer, if I may. In light of the fact that unemployment in Ontario still exceeds five per cent and the minister made somewhat gloomy predictions himself yesterday about the situation in the next two years, what programmes now, in the summer months, is the Ontario government contemplating in order to compensate for the projected unemployment patterns of next winter?

**Hon. W. D. McKeough** (Treasurer): We had discussions about this very matter at Treasury Board this morning, Mr. Speaker, and in due course the government's plans will be announced.

**Mr. Lewis:** By way of supplementary. Does the minister intend, before the Legislature prorogues, to set out some kind of programme of municipal works or winter works, or government economic policy, which would help to erode the unemployment figures in the midst of the winter, and which others of us could then pursue?

**Mr. MacDonald:** Or is he persuaded he will not be here?

**Hon. Mr. McKeough:** Having no idea when the House may recess, Mr. Speaker, I do not know that I can answer that question specifically.

## RYERSON PRESS SALE OF PRINTING BUSINESS

**Mr. Lewis:** Mr. Speaker, a question of the Minister of Labour. Has he received any notification from the printing section of Ryerson Press that it is selling out to another company, and in the process 15 per cent of its existing work force may lose their jobs?

**Hon. G. Carton** (Minister of Labour): No, Mr. Speaker.

And while I am on my feet, if I may—this relates to the prior question to the Treasurer on the seasonally adjusted unemployment figures for Ontario—whereas the other areas such as British Columbia, the Atlantic provinces and Quebec have gone up, Ontario went from 5.6 per cent to 5.1 per cent this month.

Interjections by hon. members.

**Mr. Lewis:** Then the preface to the question, that we were still over five per cent, was not incorrect?

**Hon. Mr. Carton:** Right!

**Mr. Lewis:** Fair enough.

Interjection by an hon. member.

## STUDENT PROXY VOTE

**Mr. Lewis:** I have a final question, Mr. Speaker, of the Premier, or perhaps the Minister without Portfolio (Mr. Dunlop) who handles electoral reform. Would that be legitimate, Mr. Speaker?

**Mr. Stokes:** Electoral backsliding!

**Mr. Lewis:** Or electoral regression or whatever it is.

**Mr. T. Reid** (Scarborough East): The corrupt practices department!

**Mr. Lewis:** What guarantee is there, or might there be, by way of regulation, to assure that those to whom a proxy was delegated by a university student would vote for the candidate given by virtue of the proxy?

**Hon. E. Dunlop** (Minister without Portfolio): There is no guarantee within the legislation or regulations, nor can any guarantee be given. The important thing for the person giving the proxy is to give it to a person he trusts.

**Mr. T. Reid:** They will never give it to the minister.

**Hon. Mr. Dunlop:** The member will be surprised.

**Mr. Sargent:** And so will the minister.

**Mr. Speaker:** A supplementary?

**Mr. MacDonald:** A supplementary question: Did the government consider as an alternative a mailed ballot that would make it possible for the person to vote himself and the count to be taken at a later date?

**Hon. Mr. Dunlop:** Yes, of course, Mr. Speaker, that was considered very carefully. A mail-in ballot is only possible when there is a voter registration system, and in the electoral district in which the voter is to vote there is a signature card that can be compared with the signature on the enclosure envelope. Otherwise it is a source of electoral abuse, as in Australia.

**Mr. MacDonald:** Mr. Speaker, would it not be possible, may I ask the Minister without Portfolio, for the person to be able to pick up a ballot at any polling booth in the province, for his vote to be put in an inside envelope and sent back to his own riding's returning officer; and if he is on the voters' list there his vote is counted?

**Mr. J. Renwick:** That is what they do with the soldiers' vote.

**Mr. Lewis:** Why is the government determined to disenfranchise them?

**Hon. Mr. Dunlop:** Mr. Speaker, the system described by the hon. member for York South is used in certain parts of Australia and is held by members of the Australian Assembly to be a real source of electoral abuse.

**Mr. Speaker:** The hon. member for Scarborough East.

**Mr. T. Reid:** A supplementary question: Will students be allowed to vote by proxy in the advance polls or only on election day itself? Or does the minister know?

**Hon. Mr. Dunlop:** It does not make any difference, but the count is on polling day.

**Mr. Speaker:** The Minister of University Affairs has the answer—

**Mr. T. Reid:** Mr. Speaker, if I may ask another supplementary just for clarification: Do I understand correctly that students may vote by proxy in the advance polls? Is that correct?

**Hon. Mr. Dunlop:** The advance poll is part of the poll. Students may vote by proxy in the poll.

**Mr. T. Reid:** Thank you.

**Mr. Speaker:** The Minister of University Affairs has the answer to a question asked by the member for Peterborough.

## EDUCATIONAL COURSES AT CAATS

**Hon. J. H. White** (Minister of University Affairs): Mr. Speaker, the member for Peterborough asked me if the Wayne State master of education programming offered to Windsor teachers would be recognized by The Department of Education.

**Mr. Sargent:** The minister should take the marbles out of his mouth.

**Hon. Mr. White:** I am informed that the education courses offered by Wayne State University are recognized by the teacher-education branch of The Department of Education because—

**Hon. E. A. Winkler** (Minister of Revenue): The member for Grey-Bruce should not be so impolite.

**Hon. Mr. White:** —Wayne State is classed as an accredited university.

**Mr. Speaker:** The member for Kent.

## DUMPING OF TOXIC WASTES ON FARM LAND

**Mr. J. P. Spence** (Kent): Mr. Speaker, I have a question of the Minister of Energy and Resources Management.

Is the minister aware that one year ago in a municipality in southwestern Ontario toxic wastes from a steel mill were being dumped on farm land? His office branch in London was notified, his officials came out and took pictures. This waste is still being dumped and the municipality has not received a report from his office.

Does the minister think this is too long a period of time to not receive a report?

**Hon. G. A. Kerr** (Minister of Energy and Resources Management): Mr. Speaker, the local municipality of course, still has some control over the dumping of waste within its own boundaries. The only conclusion that I can arrive at from the hon. member's question is that a site has been approved by officials of my department and it is satisfactory to all of them, including the Ontario Water Resources Commission. I do not know if the hon. member's question implied that it was an illegal dumping by the company or not.

**Mr. Spence:** As a supplementary: I wish to inform the minister—

**An hon. member:** Is the minister aware that this was not approved?

**Mr. Spence:** Is the minister aware that this was not approved by the Water Resources Commission?

**Hon. Mr. Kerr:** If it was not approved, then it is illegal dumping and it will have to be stopped. I will look into it for the hon. member.

**Mr. Speaker:** The member for Dovercourt.

## SHORT WORK WEEK

**Mr. D. M. De Monte** (Dovercourt): I have a question of the Minister of Labour, Mr. Speaker:

In view of the press release and the statement made by the British Columbia Minister of Labour in connection with the four-day, 40-hour week, is the hon. minister contemplating amending The Industrial Standards Act so that employers in this province can experiment and take advantage of that very worthwhile concept?

**Hon. Mr. Carton:** Mr. Speaker, as a matter of fact, we do now have this taking place in Ontario. By application, and with the consent of the employer and employees, we have, for example, some cases where there is a three-day, 36-hour employment taking place; and four-day, 40 hours. It is an interesting experiment and we are watching it very closely.

**Mr. Speaker:** The member for York South.

## PUBLIC TRANSPORT SUBSIDY

**Mr. MacDonald:** Mr. Speaker, I have a question of the Prime Minister.

In view of the inevitable and accurate interpretation by the media and the public that the amendment introduced yesterday by the Minister of Transport and Communications amounts to a back-tracking on the Prime Minister's commitment to meet 50 per cent of the cost of new public transport projects, would the Prime Minister consider having that amendment withdrawn so as to

restore, unqualified, his commitment of 50 per cent of the cost of new public transport?

**Hon. Mr. Davis:** Mr. Speaker, in that I was not here for the discussion yesterday, the statement I made—

**Mr. T. Reid:** Where was the Prime Minister?

**Hon. Mr. Davis:** I was up in the great county of Renfrew.

**Mr. Singer:** Eating chicken!

**Hon. Mr. Davis:** Yes, Ontario chicken.

**Mr. Singer:** Good!

**Hon. Mr. Davis:** Ontario chicken, delightful! Great meeting. I even met some of the member's former supporters there, who have—

**Mr. MacDonald:** What is the answer to my question?

**Hon. Mr. Davis:** I was interrupted.

**Mr. MacDonald:** Never mind the interruptions, they are irrelevant, a calculated diversion.

**Hon. Mr. Davis:** Mr. Speaker, I would only say this. That no amendment introduced by the Minister of Transportation and Communications in any way was a contradiction of the general statement of policy that this government has made.

Interjections by hon. members.

**Mr. Speaker:** The oral question period, as extended, has expired.

**Hon. A. Grossman** (Minister of Trade and Development): Saved by the bell!

**Mr. Nixon:** That is the payoff for all the member for Huron has done for the Prime Minister.

**Mr. MacDonald:** Mr. Speaker, since last week you have allowed questions to be asked after the time has elapsed, can you tell me why even the supplementaries are cut out today?

**Mr. Nixon:** Mr. Speaker does not like the member.

**Mr. Speaker:** The hon. member is quite incorrect. I allowed a question to be asked as the time was expiring which would take us over the time of the question period.

The time of the question period was from 2:01 to 2:46 today. The Prime Minister gave a six-minute statement which meant that at 2:52 we should have been out of the question period.

**Hon. A. F. Lawrence:** The member for York South laid an Ontario egg.

**Mr. R. G. Hodgson** (Victoria-Haliburton): Why does the member not sit down?

**Mr. Speaker:** The member asked his question after the question period was over.

**Mr. MacDonald:** My question to you, Mr. Speaker, was since you allowed a question to be asked, the answer to which took us over the time, is it not possible—

**Mr. Speaker:** I have pointed out that the member's original question was after the question period that expired today. I allowed the member to ask his question after the period had expired.

**Mr. MacDonald:** Is that right?

**Mr. I. Deans** (Wentworth): Mr. Speaker allowed two Liberals to ask questions.

**Mr. MacDonald:** Two rights do not—two wrongs do not make a right.

**Hon. Mr. Grossman:** The member had it right the first time.

**Mr. Speaker:** The hon. member had just asked me to allow him to ask a question after the question period had expired, and I have done that. I would point out that the members receive reasonable parity between the two parties for questions, but the official opposition, being greater in numbers and having more members, is entitled to have more questions if members rise to their feet.

Petitions.

Presenting reports.

Motions.

**Hon. Mr. Wishart:** We have a motion coming, Mr. Speaker.

**Mr. Singer:** We are going to sit 24 hours.

**Hon. Mr. Wishart:** Not quite.

Hon. Mr. Wishart moves that tomorrow, Friday, the House will sit for the usual hours, from 10 o'clock, a.m. until 1 o'clock, p.m.

**Mr. Singer:** Is that 1 o'clock, p.m. or 1 o'clock, a.m.?

**Mr. Peacock:** Does the member want to sit until 1 o'clock, a.m.?

**Mr. Singer:** Sure.

**Mr. Peacock:** Not tomorrow.

Motion agreed to.

**Mr. Speaker:** Introduction of bills.

## HIGHWAY TRAFFIC ACT

Mr. Paterson moves first reading of bill intituled, An Act to amend The Highway Traffic Act.

Motion agreed to; first reading of the bill.

**Mr. D. A. Paterson** (Essex South): Mr. Speaker, this bill is the same as I introduced a year ago, regarding safety on our highways and slow-moving vehicles after dark.

## SCHOOLS ADMINISTRATION ACT

Mr. Paterson moves first reading of bill intituled, An Act to amend The Schools Administration Act.

Motion agreed to; first reading of the bill.

**Mr. Paterson:** Mr. Speaker, the purpose of this bill is to provide a procedure for a review of the actions of the director of education or other supervisory officer by a board at the request of the electors for the municipality served by that board.

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** The fourth order, House in Committee of the Whole House; Mr. A. E. Reuter in the chair.

## WORKMEN'S COMPENSATION ACT
### *(concluded)*

House in committee on Bill 92, an Act to amend The Workmen's Compensation Act.

**Mr. Chairman:** We were dealing with section 2 at the sitting of the committee this morning. Are there any further comments, questions or amendments to section 2 of this bill?

**Mr. R. Gisborn** (Hamilton East): Mr. Chairman—

**Mr. Chairman:** The hon. member for Hamilton East.

**Mr. Gisborn:** Yes, Mr. Chairman. On section 2 of the Act to amend The Workmen's Compensation Act, I move, seconded by the member for Wentworth (Mr. Deans), that subsection (1) of section 44 of The Workmen's Compensation Act, as amended by section 11 of The Workmen's Compensation Amendment Act 1968, is further amended by striking out $7,000 in the amendment of 1968, so that subsection (1) will read as follows:

> (1) Average earnings shall be computed in such a manner as is best calculated to give the rate per week or month at which the workman was remunerated.

**Mr. Chairman:** Mr. Gisborn moves that subsection (1) of section 44 of The Workmen's Compensation Act, 1968, is further amended by striking out $7,000 as amended in 1968, so that the subsection will read as follows:

> Average earnings shall be computed in such a manner as is best calculated to give the rate per week or month at which the workman was remunerated.

The hon. member for Hamilton East.

**Mr. Gisborn:** Mr. Chairman, what we wish to do with this amendment is to extend the principle that exists at the present time, and existed prior to the amendment of the minister, which was $7,000 and the amendment to make it $9,000.

The principle involved there was that the workman off for temporary total disability would receive 75 per cent of his wage up to that amount. We want to extend the principle so that he receives 75 per cent of his rate with no limits. I think the argument has been made quite clearly on second reading of the bill on the two principles involved in this bill, and one does not have to elaborate at this time.

I might say that we may find in the application of payment when there is no limit in equity, in the sense that one might receive more remuneration as a compensable payment than he would receive once his normal income tax was deducted, we would have no qualms about regulations that would provide that the recipient would not receive more than his normal amount after his normal income tax deductions.

Of course, I would hope that the minister accepts this amendment, and that in the regulations he would give that consideration; and also would give consideration to an allowance up to the $7,000, $8,000 or $9,000 bracket so that application of income tax should not decrease those amounts—up to say

$9,000 as we have at present—and any amount over that would not exceed that which normally he would receive after income tax deductions.

**Mr. Chairman:** The hon. member for Sudbury East.

**Mr. E. W. Martel** (Sudbury East): Mr. Chairman, I only want to speak briefly on this item. I concur with the amendment because there are many men who are working who earn considerably more, and the sudden loss that can come as a result of an injury jeopardizes the whole standard of living they have established for themselves. Consequently, we have frequent cases where people who have established a set standard of living, whose commitments have reached a set standard, are out in the cold; they lose some of their possessions as a result of this. I think particularly of the mining and construction industries, where the men earn $800 or $900 a month clear and they establish their standard of living on that.

The other thing we have to remember in this sort of thing is that the companies are working the men to earn this kind of money on a bonus system. They are encouraging long hours, they are encouraging hard work, and these result in many injuries. And if the companies are willing to derive the benefit of having the men work long hours, and because of the extra work, they are more prone to injury, then they have to face the consequence that if the man is injured he will make 75 per cent of his income—but not at the $9,000 cutoff point. I do not think we can jeopardize a man's standard of living in this way.

I do not think it is right. The companies really derive the benefits, because they extract the work from the men through this system of bonus or long hours and make them prone to injury, then only pay on the $9,000 level through the board on its rate. I think we are in error then to put a ceiling of $9,000 and 75 per cent of that, and I would urge the minister to reconsider the thinking, as is outlined in his present amendment, and just leave it open-ended and allow people who have made their standard of living as it is to continue rather than cut the rug out from underneath them in the event of an injury.

**Mr. Chairman:** The hon. member for Windsor-Walkerville.

**Mr. B. Newman** (Windsor-Walkerville): Mr. Chairman, I would like to rise and support the amendment, as proposed by the member for Hamilton East.

Today, with the ever-rising salaries and wages in all types of industry, a figure of $7,000 is not realistic at all. Increases today, rather than being in the cents or dimes range, are going into the quarter and half-dollar range and in some instances even into well over $1 an hour.

It is not unusual to find an individual in an industry, and in the auto industry in particular, making far more than $7,000 a year. If there is overtime involved, there are some who are in the $10,000 a year bracket.

So, if they are hurt in their employment, putting on an earning ceiling of $7,000 in today's escalating wage era, I think, is being unrealistic, and I certainly urge the minister to give serious consideration to the amendment by the member for Hamilton East.

**Mr. Chairman:** Any further discussion? Does the hon. minister wish to reply?

**Hon. G. Carton** (Minister of Labour): Mr. Chairman, I will not go into the points that I made earlier this morning with respect to the other amendment, but basically the reasoning coincides because we come back again to the cost to the employer. And the result of the two amendments I have brought in, with the figures that are in the bill, means an increase of 6.1 per cent to the existing employers. I think also that when you get into the $10,000, $12,000 or $14,000 range, which was mentioned by some of the hon. members, I think surely there is some responsibility upon a man who is earning $10,000 or $12,000 to make some provision, be it by way of insurance or accident insurance or sickness insurance or something; surely he has some responsibility.

The only other thing I can add is that in all the royal commissions that have been held to date, this concept of taking the ceiling off has been utterly rejected by the commissioner in each case.

I would like to add that if in Ontario we brought in the amendment, with the increased costs that would accrue to the employers as a result of some of the suggested amendments our industry just would not be competitive with those in the other provinces. And I come back to the fact that the ceiling, for example, in Alberta, which is a "have" province, is $6,600; ours is $9,000. British Columbia—a ceiling of $7,600; and ours is $9,000.

**Mr. Gisborn:** Why do you not match their vacations-with-pay legislation?

**Hon. Mr. Carton:** In Manitoba it is $8,000 as of July 1, and ours is $9,000. Again, as I stated this morning, I think that all governments have the responsibility when they are bringing in these increases that they have to look at the other side of the ledger.

**Mr. Chairman:** Those in favour of Mr. Gisborn's motion—

**Mr. D. M. De Monte** (Dovercourt): Shall we stack the motion of the amendments, Mr. Chairman? There are a couple more and—

**Mr. Chairman:** Will there be further—

**Mr. De Monte:** There will be one more amendment to this section.

**Mr. Chairman:** To this same section?

**Mr. De Monte:** Yes. I have an amendment to subsection (2).

**Mr. Chairman:** Subsection (2). Yes, that would be all right then, as long as it is to subsection (2). Is that agreed by the committee?

**Mr. J. E. Stokes** (Thunder Bay): Yes.

**Mr. Chairman:** Right!

**Mr. Martel:** We are co-operative; we are very co-operative.

**Mr. De Monte:** Mr. Chairman, I mentioned that I wanted to amend subsection (2), and I would move, seconded by the member for Essex South (Mr. Paterson) that subsection (2) of section 2 be deleted and the following be subsituted therefor:

Subsection (1) applies to monthly payments coming due on or after the first day of August, 1971, whether the accident occurred before or after that date and whether the award of compensation was made before or after that date, and subsection (1) does not apply to payments due prior to the first day of August, 1971.

**Mr. Chairman:** Mr. De Monte moves that subsection (2) of section 2 be deleted and the following be substituted therefor:

> Subsection (1) applies to monthly payments coming due on or after the first day of August, 1971, whether the accident occurred before or after that date and whether the award of compensation was made before or after that date; and subsection (1) does not apply to payments due prior to the first day of August, 1971.

**Mr. De Monte:** Mr. Chairman, the effect of this amendment would ensure that the increase would apply to all pensions, whether they happen before August 1, 1971, or not. The reason I say that you should have this amendment is that there are some pensioners, Mr. Chairman. who were hurt many years ago, who are still receiving pensions on the basis of the salary they earned at that time.

One unfortunate aspect of receiving a pension, and especially the pension under this Act, is that the worker does not have the increments that would accrue to him naturally over the years; for instance, the accrual to the amount of the minimum wage, the natural accrual that he would get in the increase of the wages which have taken place in this province over the years.

He would not get the accrual that the union he belonged to in the industrial plant when he was working would have got for him. He does not obtain any fringe benefits that he would have got had he been working. And also he is stuck and tied into a pension that is calculated on amounts that were in force at the time he was hurt.

Of course the cost of living has taken a steady rise, we all know that. I feel, and my party feels, that when there is an increase in pensions it should apply to all pensions, all pensioners, whether they were hurt before or after August 1, 1971. I think that is only just and reasonable, Mr. Chairman. I want to urge the minister to accept this amendment so that we can create some equity in connection with this very important aspect of Workmen's Compensation.

There is no doubt the people down at the board are doing a fairly good job, but the main concern down there is to be sure that workmen get an even break. I suggest that perhaps we tie their hands, right with this section, we just tie their hands.

I know the minister is going to say that we have got to consider the cost. How about the cost in social suffering and the cost added to welfare costs of this province because the man is not getting his proper compensation? So I urge the minister to accept this amendment.

**Mr. Chairman:** The hon. member for Wentworth.

**Mr. I. Deans** (Wentworth): Thank you, Mr. Chairman.

I want to support what was said by the member for Dovercourt. The whole Act, of course, applies only to injuries or deaths occurring after August 1. Both the amendments that have been offered by the minister apply only in those cases. It is obviously not nearly enough.

I raised with the minister in the House, some weeks ago at least, perhaps even months ago, whether or not the time had come—in fact I suggested to the minister that the time had come—for a revision of the pensions payable to widows and children of deceased workers in the Province of Ontario.

At that time he said that he was in the process of making amendments to the Act, and in fact he did indicate they would be coming before the end of the session. I assume this is not the Act that he was talking about at that time. I assumed that all the way through, simply because this Act has no value to any person presently in receipt of benefits, and those are obviously the people who need it most.

The people who need the increased benefits are those people who have been suffering along over the years, receiving totally inadequate pensions and benefits from the Workmen's Compensation Board as a result of the previous Act. I know that the minister did not intend, at least did not appear to intend, when he answered my question in the House, to be going to exclude those persons who are at this very moment in receipt of widow's pensions or in receipt of benefits from the board.

I would feel, notwithstanding the cost and recognizing it nevertheless, that the humane way to deal with the needs of people is to deal directly with it, recognizing it first—I know the minister recognizes it. I know that the minister is fully well aware of the fact that there are a great many people in the province who as a result of having lost a husband or wife are receiving pensions, pensionable allowances and allowances that are totally inadequate.

The minister ought to be prepared, not only accept this amendment, but to apply the amendment throughout the amendments which he has offered, and to assure that everyone in this province will be raised up to what we frankly consider a totally inadequate level, but nevertheless up to the level that the government has decided to go at this particular time.

**Mr. Chairman:** The hon. member for Windsor-Walkerville.

**Mr. B. Newman:** Mr. Speaker, I would like to rise and support the amendment made by the member for Dovercourt because, dealing with a lot of workmen's compensation cases, one of the hardest to face is an individual who has been hurt many, many years ago.

For example, I had a man by the name of Peter Sparavola, pensioned off at $18.75 a month. The injury was back in the thirties. Mr. Chairman, since that time he has received increases in his workmen's compensation benefits, but unless we hinge all pension benefits, compensation benefits, superannuation benefits and so forth to prevailing wages we are always going to be confronted with the problem that we have here today.

I cannot help but agree with the member for Dovercourt when he makes the comment that it would be a bit expensive initially, but eventually those costs would have levelled off. Industry, I know, would have to make up the additional costs immediately, but I think that over the long run it would balance off, and I certainly hope that the minister does give serious thought to the amendment of the member for Dovercourt, because if you do not do it today, Mr. Chairman, the government will have to do it tomorrow.

The day is coming when social justice is going to reign.

**Mr. Chairman:** The hon. minister.

**Hon. Mr. Carton:** Mr. Chairman, I think the members make a very valid point and one that I am presently looking into, along with another one that was suggested in the estimates, that is to make a floor on the temporary partial disability. These are two areas I am looking into currently.

I may advise the members that about three years ago I had one of my every Monday night clinics and a gentleman came in who had been on workmen's compensation and brought up this very problem. He had been hurt many years before and I said: "You know I am not the Minister of Labour." He came in again about three weeks ago and he said: "Mr. Carton, you are the Minister of Labour."

This is one area, but the points that are made by the member for Dovercourt and which are covered by his amendment, would relate not only to those who would be in a $7,000 to $9,000 category, it is a whole area and I am very inclined to agree with that.

**Mr. R. Haggerty** (Welland South): Mr. Chairman, speaking to the bill I have a fur-

ther amendment I would like to add to this, if it is in order to put it at this time.

**Mr. Chairman:** Perhaps before we proceed any further, and perhaps become involved, I should point out that I recognize the theory of stacking but I neglected to determine properly by voice vote that there would be a division on the first motion before us. I think I should do that now. That was Mr. Gisborn's motion. I did not determine by voice vote that there would be a division, so I now do that.

Those in favour of Mr. Gisborn's motion will please say "aye".

Those opposed will please say "nay".

In my opinion the "nays" have it.

**Mr. S. Lewis** (Scarborough West): Your opinion has to be accepted, but it is not right.

**Mr. Chairman:** Well this is exactly why I expressed it at this time, because I was not sure there would be a division. The stacking rule does not apply where there is no division.

**Mr. Lewis:** You are quite right.

**Mr. Chairman:** So that subsection (1) of section—

**Mr. Lewis:** You are an excellent fellow, even if you are wrong.

**Mr. Chairman:** Subsection (1) of section 44, Mr. Gisborn's motion, then, has been defeated.

**Mr. Deans:** May I, Mr. Chairman, before you put the other motion, just say to the minister I misinterpreted the section and I notice now that what I was discussing in regard to the previous section is already in the Act.

**Mr. Chairman:** All right, now we do have Mr. De Monte's motion before the committee. The minister has replied and the member for Welland South, I believe, has an amendment to Mr. De Monte's motion.

**Mr. De Monte:** No, another amendment.

**Mr. Chairman:** Another what?

**Mr. De Monte:** Another amendment to this section.

**Mr. Chairman:** Well, we are dealing with section 2(2) of the bill. We are dealing with section 2(2). I put it to the committee if this motion is defeated then that section carries.

**Mr. De Monte:** Yes, that is why, Mr. Chairman, perhaps we might have the motion of the member for Welland South and then we could possibly stack the amendments.

**Mr. Chairman:** Is the hon. member for Dovercourt agreeable to Mr. Haggerty's motion?

**Mr. De Monte:** Yes.

**Mr. Chairman:** Why not withdraw his own motion?

**Mr. De Monte:** No, it is a different amendment. He wants to add a new section.

**Mr. Chairman:** Well, then, just proceed.

**Mr. Haggerty:** I just want to know if I am in order here, Mr. Chairman.

I move that a new section 3 be added to the bill and that the present sections 3 and 4 be renumbered 4 and 5 and that the new section 3 read as follows:

That The Workmen's Compensation Act, 1960, RSO 1960, chapter 437, section 3, subsection (3), be amended by the addition of the words "and that the amount of compensation paid shall not fall below 50 per cent of the workman's calculated average earning so long as the disability shall last.

**Mr. Chairman:** Would the present subsection (2) of section 2 of the bill be applicable to this new section?

**Mr. De Monte:** No, Mr. Chairman, it will not. I will say that the hon. member is referring to the section as it now exists in the Act; that 2 would remain the same, and this would be section 3 of this Act and the other sections would be renumbered 4 and 5. If you will notice in the original Act, Mr. Chairman—

**Mr. Chairman:** Since the hon. member for Welland South—I confess I am not positive what the motions are—but since he did present his to the committee before I put the motion on Mr. De Monte's amendment, I will accept the amendment from the hon. member of Welland South, and will put that after we deal with Mr. De Monte's motion. Just so that it is on the record I will accept the motion.

Those in favour of Mr. De Monte's motion will please say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

There will be no division in the House then so the stacking, I will point out to the hon. member, is not applicable.

**Mr. Deans:** Could we all pitch in and buy you a hearing aid?

**Mr. Chairman:** I would be pleased to have a discussion with the hon. member on this aspect of voice votes and relate to him the considerations that must be taken into account by the chairman.

The hon. member for Welland South.

**Mr. Haggerty:** Thank you, Mr. Chairman. In moving this amendment, the issue had been raised in the committee dealing with The Department of Labour's estimates and the Workmen's Compensation Board. I think the members on this side raised the issue to the minister and to the chairman of the Workmen's Compensation Board.

This concerns when an employee is injured and a claim is established with the Workmen's Compensation Board. In many cases it starts at 100 per cent total disability and in a matter of a short period of time it is reduced to 10 per cent; sometimes 25 per cent and sometimes 30 per cent. I think it is based at 25 per cent at the present time, and this creates undue hardship on those persons who are injured and to their families.

I know the member for Wentworth hit on this subject in the committee and perhaps he will have a few words to add to this amendment. I was interested in the comments of Mr. D. F. Hamilton, commissioner of the Workmen's Compensation Board, and he goes on to say:

> I have argued this this for years from the other side of the fence and I have always argued that a man should not be deprived of his livelihood. If, in fact, he got hurt on the job he should be provided for until he gets back to the job.

That covers a rather important area. Often a person receives a PD—partial disability—claim and perhaps his benefits from workmen's compensation may only amount to $30 a month. He has lost the total income that he would receive if he was fully and gainfully employed.

In many cases a person who has been injured at this time cannot be gainfully employed. I think that the Compensation Board and the minister should accept this amendment that 50 per cent is the minimum to which it can drop. Mr. Hamilton goes on to say:

> I will just take a moment to round this out and I will answer your questions after. You can then help him on the road back and find him some kind of employment which is a rehabilitative measure to get him back on the road to his original employment where he will be making full wages at that time, and I for one think that 25 per cent thing is outmoded and unrealistic.
>
> You were talking about legislation. It requires legislation. I think that 25 per cent thing should be, even in the board's mind and in the legislator's mind, should be outmoded but I think that the 50 per cent place is a good place to stop and review it.

I think what I am trying to convey to the minister is let us stop at the 50 per cent, then review the total situation.

**Mr. Chairman:** The hon. member for Wentworth.

**Mr. Deans:** Thank you.

Mr. Chairman, this is a very important amendment, one that probably each and every one of the members of this House has often thought ought to be placed and I am pleased that it is before the House this afternoon.

I think that we all recognize, at least those of us coming from industrial areas, the tremendous hardship that is worked on an individual worker who happens not to be at his place of work because of a compensable injury, and therefore not earning his normal salary. To have the board unilaterally decide to reduce his pension—not pension—to reduce his award or benefits, works a great deal of hardship.

What happens is, and I think it has to be said, the reduction takes place without the worker having first been notified. The first time the worker realizes that he is being reduced is, generally speaking, either on or just immediately preceding the receiving of his cheque from the Workmen's Compensation Board. He may be receiving 100 per cent—or 100 per cent of 75 per cent—and some day at the decision of the board without prior consultation with the worker, the board decides because of medical evidence or evidence presented to it from some other source, that the worker is less than 100 per cent disabled and therefore ought not to receive a complete payment.

The worker will get a letter, no doubt, but on occasion, far too often, the letter comes after the cheque. The cheque that he receives gives him an amount considerably less than he had been receiving up to that point, without any explanation whatsoever. He is just told that it has been decided that his disability is somewhat less

than it had previously been and therefore he will receive an amount less than he had previously been receiving.

This can be done in stages. He may be reduced to 75 per cent, to 50 per cent, ultimately down to 10 per cent—still being disabled, still being unable to return to work. The favourite expression used is that he is fit to return to light work—light or modified work.

I have asked—I know probably every member of this House who has appeared before the Compensation Board has asked—"Tell me, what is light work?" I asked the same question before the committee. I said, tell me what it is that you think that a man capable of light work is capable of doing and tell me whether you believe that if his employer does not have that kind of light work available, he should then sever his connections with that company and try to find light work elsewhere to tide him over in the interim period between that day and the day on which he is capable of returning to full employment?

What happens is that if a worker, having worked in one of the major plants—after having worked anywhere for a period of time —finds himself disabled due to a compensable injury or accident and finds that it has been decided by the board that he is capable of returning to light work; having spent perhaps many years of his life working for the company, having built up seniority credits, having built up pension credits, having established his rightful place in that particular manufacturing operation, he is faced with one of two possibilities. He is either going to try to get along on the amount the board makes available—be it 10 per cent or 50 per cent—until such time as it is decided by his doctor and his employer that he is fit to return to his normal work; or he is going to leave the employ of that company, leaving behind all of the years of service; leaving behind all of the benefits that accrue to him and go into another line of work, even temporarily, while he awaits a change in his physical condition.

Now this is not a situation that we can continue to tolerate in the Province of Ontario. This is something that, in theory, may well be defensible, but in actual practice is indefensible. It is not reasonable to say to a person for whom there is no light work within his former employer's employ, that he should leave that employer and work elsewhere. It is not reasonable and it has always occurred to me that an employee—not laid off exactly—but an employee not working because of a compensable injury should receive full benefit from the Workmen's Compensation Board until such time as he is capable of returning to the work that he was doing on the day that he was injured. That is the key to it.

I am not saying "until such time as the work is available," because things change. But I say to you that if a worker going to work and doing his best finds himself injured on the job, then he should receive full payment from the board until he is physically capable of returning to that former employment.

The amendment does not go just that far, but that is fair ball. We will take a tiny step along the way today if we can even win it, which—well I guess we will not, but nonetheless the argument still has to be made.

All I ask is for any member of this House to consider himself in the same situation. Just think for a moment of what it would be like if tomorrow morning you were to be told that you would only be receiving in your cheque tomorrow 10 per cent of what you previously got, recognizing all of the commitments that each and every one of us have, recognizing the families that we have to support. Try to put yourself in that position and see then how the worker feels sitting at home unable to work, unable to find light work or modified employment as defined by the board—if it is defined by the board and I cannot find a definition—and then suddenly to receive from the board considerably less than is necessary to sustain himself and his family.

And I say to the minister that he may not be prepared to accept an amendment; many of his colleagues are not. Or he might find it impossible, in the very short period of time that is afforded to us in debate, to accept this amendment, although I would hope that he could.

But I do ask, I ask him most sincerely, to consider this because it is one of the most pressing problems confronting the Workmen's Compensation Board recipient. It is one of the most pressing; there is no other more pressing.

I say, to make another point, before any worker has his benefit reduced he should not only be informed, but should have the opportunity to know exactly the reasons why and the chance to make representation—not after, but before.

It is not nearly good enough, two months later, when he gets before the board and gets a hearing, to have them say to him: "Oh you were right, we ought not to have done that, and therefore we will make it up to you. Here is the cheque for $300, or $400, or $500." Because, in the meantime he and his family have suffered and it is not his fault.

I ask you that in any further amendments to this bill, you incorporate the principle that a worker is considered to be injured for the purposes of receiving workmen's compensation until such time as it can be documented that he is medically fit to return to the employment at which he was employed at the time of the injury, and that any reduction—any reduction at all—in the benefit that he receives should only take place after the hearing has been afforded to him, rather than having the reduction take place and then affording him the opportunity of a hearing. I ask the minister to seriously consider the amendment.

**Mr. Chairman:** The hon. member for Dovercourt.

**Mr. De Monte:** Mr. Chairman, this is one of the points that we noticed when we were in committee discussing the estimates of the board, where we received quite a sympathetic attitude from the board itself.

Everything that the member for Wentworth said is certainly true, that just because a man is able to return to light work does not really mean that he is able to return to the work he was able to do when he was hurt. How can you ask a bricklayer to go back to his job unless his back is completely mended, because certainly on that job you need a strong back and a healthy back.

There is no doubt that in many cases at the board, because of its peculiar definition of "light work", a workman is sometimes cut down to 10 per cent of his wages because he has been so held by a doctor and not by the board. The board has to follow the doctor's opinions and the board must say, "This man is capable of doing light work."

Suddenly the man finds that he is sent a cheque and then, ex post facto, he is notified that his pension has been reduced, because somebody, or a doctor, has said that he is capable of doing light work.

There is no doubt that the board is sympathetic to the fact that it would like to be able, until a man goes back to the work he was doing prior to the accident, to pay him a decent living wage. There is also no doubt in my mind and in the minds of my party that until he goes back to work, to the work he was doing when he was hurt, he should get a full pension.

A full allowance is a small step forward, and the board is sympathetic to it. One of the members of the board, Douglas Hamilton, as a matter of fact, made a point of bringing that out in the estimates, and the member for Welland South read from Hansard what the board member said.

I ask the minister to consider this amendment seriously and perhaps allow its passage now so that we can give legislative approval to what the board really wants.

**Mr. Chairman:** The hon. member for Timiskaming.

**Mr. D. Jackson** (Timiskaming): Mr. Chairman, at this moment I have a bill standing on the order paper which would make sure that the worker received his compensation payments at the full benefit level, up until the time he either went back to his permanent job or until work, modified work that he could do was reasonably available.

One of the problems that I see is that most persons who end up in this situation are those persons who are doing very, very difficult, menial work—the labourer who works with pick and shovel and the miner who works underground with a bar and a shovel. As the member for Dovercourt said, the bricklayer who carries bricks and blocks, in many cases does not have an education level that will allow him to do anything other than a labourer's job or a job of heavy work content. When he finds himself injured and no longer able to do this, the only job that is left open to him is a job such as a night-watchman. Surely if we took all of the injured people who are presently on 25 and 50 per cent pension benefits, or who are receiving benefits at the 25 and 10 per cent levels, there just would not be enough watchmen's jobs throughout the world to take up this work force that is left without an adequate income.

The board's opinion is that the interpretation of the Act is that it is only responsible for the disability that arises out of the accident. That might be fine; it might be a reasonable interpretation of it. But at the same time, if you consider that the man was earning a reasonable living before the accident and directly because of the accident,

today he is ending up with less than an adequate income and less than a reasonable income, we must then say that the compensation benefits that he receives should take into consideration his inadequate income because of the injury. I find it very difficult to even think how anyone could expect a man to exist on 25 per cent. Yet we find that each day more persons in Ontario are put in that position, that 25 per cent and 30 per cent is supposed to maintain them.

What happens, in many cases, is that instead of the industry, which is in effect directly responsible for the compensation, and which should be picking up the slack and paying that man a reasonable benefit level, it is being supplemented by the welfare department of the province, general welfare, social and family assistance. Instead of the corporations paying their fair share of the man's maintenance, it then falls on the taxpayers of the province to pick up the bills for the corporations, which I find is totally unreasonable.

If we assume that the man has to have a benefit at a certain level to maintain him as a human in this province and we, in our assumption, say that we will provide assistance from the provincial coffers in order to make sure that he has that income, then we must accept the fact that if he is in that position because of his injury, it should be picked up by the corporate entity that should be responsible for it.

Every day I see so many people who because of an injury are receiving 10 per cent or 15 per cent pension, being forced to accept the job with a different work content, which means that their income level has been reduced or their chances for advancement in the future are almost eliminated. I would think, as my colleague from Wentworth does, the 50 per cent is only one little step in many steps that we have to take and it is my opinion that as long as the man is not working because of a compensable injury, he should be receiving full pension benefits and only when modified work becomes reasonably available, and only when that modified work will pay him a reasonable wage that is equal or better than the wage that he previously received, only then can we say that our responsibility as a Legislature has been fulfilled. Only then, can we say that now, we can cut off his benefits or cut down his benefits.

But until the level is reached where the man can go back to work at his original job, or at least a job that is paying a reasonable income compared with his previous income, he should be receiving not 50 per cent of his income but the full compensation benefits.

I would say to the minister that after sitting in committee and hearing the remarks of the minister, and hearing the remarks of different board members, who agree that there is something wrong with the system, I would say to him that now is the time to bring it in. Bring in the amendments that are necessary.

Surely we cannot sit back and say that because it is going to cost money and the corporations cannot afford it that a man should suffer. And that is what we are saying. Through the man's loss of income, he is subsidizing the corporation and I do not think that is right. At the same time, we as taxpayers in this province, by paying welfare and social and family assistance pensions to these persons in order to subsidize their inadequate pension level, or inadequate benefit level, we subsidize the corporations and I do not think that is right.

I would say to the minister that the first step is in accepting this amendment. But the next step should be in bringing in something that will make sure that the man receives an adequate income up until the time he either goes back to his job or at least until modified work is reasonably available; and modified work that will pay a wage that can be compared favourably to his previous wage.

**Mr. Chairman:** The hon. minister.

**Hon. Mr. Carton:** Prior to the last amendment being moved, I had said here in the Legislature that there were two areas in which I was making a study, one being the point concerning the member for Dovercourt's amendment, and I stated 15 or 20 minutes ago that the other area that I was currently looking into was the temporary-partial disability floor. So that is the point you moved in your amendment and I stated before that I am looking into both those areas.

I am not prepared to accept these amendments now. I am studying them. There are things that have to be looked into.

For example, I have one survey done which shows that of the temporary-partial disability recipients of 50 per cent or less, 80 per cent of them are getting additional allowances, by way of rehabilitation allowances, et cetera.

But in any event that is just one thing that we are looking into. Both of the points that have been made in the last two amendments

are quite valid ones as they were when they were brought up in my estimates one month ago. I started looking into them at that time and we shall see what the future shall bring. I am not prepared to accept the amendments now.

**Mr. Chairman:** Those in favour of Mr. Haggerty's motion will please say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

I declare the motion lost. Section 2 will stand as part of the bill.

Any comments or questions on section 3 of the bill? Or section 4 of the bill?

Shall the bill be reported?

Bill 92 reported.

Hon. Mr. Carton moves the committee rise and report and ask for leave to sit again.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the Committee of the Whole House begs to report one bill without amendments and asks for leave to sit again.

Report agreed to.

**Clerk of the House:** The 41st order, House in Committee of Supply; Mr. N. Whitney in the chair.

## ESTIMATES, DEPARTMENT OF JUSTICE *(continued)*

On vote 911:

**Mr. V. M. Singer** (Downsview): This is certainly in keeping with what the House leader told us yesterday.

**Mr. S. J. Randall** (Don Mills): Where has the member for Downsview been all day? He just showed up. Where has he been?

**Mr. Singer:** The member for Don Mills must have nothing to do himself. He has been in here more than ever before.

**Mr. Randall:** That is why I am on the payroll.

**Mr. Singer:** Directorships are going to keep you busy enough.

**Mr. Randall:** I am earning my money heckling you.

**Mr. J. Renwick** (Riverdale): Never mind. We are delighted to have the member for Don Mills here.

**Mr. Chairman:** Vote 911, the hon. member for Riverdale.

**Mr. Randall:** Look at the support the member just got behind him.

**Mr. I. Deans** (Wentworth): Do not worry. I am coming back.

**Mr. Randall:** He has brought his lunch back.

**Mr. J. Renwick:** Mr. Chairman, under this vote, and I think it is the appropriate vote, I have three matters—two of them are really related—to ask the minister about.

**Hon. A. F. Lawrence** (Minister of Justice): Generally speaking, yesterday we got into a few—it did not matter to me; we have got to go through all of the votes anyway. But generally speaking we look upon this vote as one dealing with the police commission and the next with the Ontario Provincial Police. But if they relate to the police commission, I think it would be better to have them on this.

**Mr. J. Renwick:** My questions relate generally to the overall supervision or work of the police.

**Hon. A. F. Lawrence:** Rather than the OPP?

**Mr. J. Renwick:** Rather than to the OPP as such.

**Hon. A. F. Lawrence:** It does not really matter, I guess.

**Mr. J. Renwick:** The first matter is one which I questioned the predecessor of the minister about on two or three occasions without getting really any satisfactory delineation of the responsibilities of the Royal Canadian Mounted Police in the Province of Ontario. It has been a matter which has interested me on a number of occasions, because I do not think that there should be a clear statement of the specific areas of responsibility of the Royal Canadian Mounted Police in relation to the police work of the province. It would seem to me to be appropriate that the police commission should be asked to prepare such a statement.

I have a copy of the Royal Canadian Mounted Police bill in front of me, which provides for a police force for Canada to be known as the Royal Canadian Mounted Police, and that the control and management of the force will be under a particular minister of the Crown in the right of the federal government, who at the present time, as I understand it, is the Minister of Justice.

**Hon. A. F. Lawrence:** No, Solicitor General I think.

**Mr. J. Renwick:** Solicitor General. Sorry, Solicitor General. And in the Act it has a specific provision for the employment by contract in a particular province of the Royal Canadian Mounted Police in substitution for a provincial police force, but that is not the situation in this province.

I understand from his predecessor that there is in fact no agreement of any kind with the government of the Province of Ontario with respect to the Royal Canadian Mounted Police in its operations in Ontario, but I would like the minister to confirm if that is so.

Then there is a short statement in section 17 of The Royal Canadian Mounted Police Act, which provides what the duties of members of that force are—and I think it is worth quoting the main paragraph, because the other paragraphs of the duties, I think, are specific items. Section 17 says:

> It is the duty of members of the force—

The Royal Canadian Mounted Police—

> subject to the orders of the commissioner, to perform all duties that now or hereafter are assigned to constables in relation to the preservation of the peace, the prevention of crime, and of offences against the revenue laws of Canada, and the laws and ordinances enforced in any province or territory, or territories, in which they may be employed—

Well, I take that not to apply here—

> and the criminal and other laws of Canada and the apprehension of criminals and offenders and others who may be lawfully taken into custody.

As I see it, their specific duties, which by statute they would perform throughout Canada but in particular relation to this province, would be with respect to the preservation of the peace, the prevention of crime, the prevention of offences against the revenue laws of Canada, and the criminal and other laws of Canada, the apprehension of criminals and offenders and others who may be lawfully taken into custody. It is not particularly helpful, but I thought it should be put on the record.

As I understand it, the principal policing responsibilities with respect to the revenue laws in the Province of Ontario—that is the federal revenue laws—are performed by the Royal Canadian Mounted Police. I understand that the principal work with respect to The Food and Drugs Act with respect to narcotic drugs and prohibited drugs, are performed mainly by the Royal Canadian Mounted Police force.

I understand from our discussions the other night that they have certain responsibilities in connection with police work in national parks within the Province of Ontario, that they have certain responsibilities under The Migratory Birds Act and under certain statutes of this province, such as the bill for the protection of species of flora and fauna threatened with extinction. They are also included in the bill for that purpose.

My question is not really for the minister now to delineate these responsibilities for me, unless he happens to know, but to ask him if he would ask the police commission to prepare a specific list of the various areas in which the principal responsibilities for police work in the province lie with the Royal Canadian Mounted Police. I realize, of course, that in many of these areas there is overlapping—that on occasion they work closely together, on other occasions there is an overlap. But it seems to me that for a clear understanding of the full operation of the police work in the province, we must have such a definitive statement.

And then, in connection with that, I would like the—

**Hon. A. F. Lawrence:** On that, Mr. Chairman, because it is a very important subject, and certainly one in which I could stand to be corrected too, I think I have a general idea of the delineation. But I must say, right off the bat, that this is a continually evolving process. I think even though there are probably more RCMP personnel now permanently stationed in Ontario doing work in Ontario than ever before, nevertheless our impression is that there has been over the last few years a general contraction of responsibility of the RCMP, sometimes with our understanding and agreement, and sometimes unfortunately without it. Also, by way of preface too, I should say that a—

**Mr. Singer:** Specifically where has it been?

**Hon. A. F. Lawrence:** Well all right, we will get into that, because I think it is worth discussing here.

First of all, a policeman is a peace officer for all purposes. An RCMP man here is a peace officer, as is an OPP man, as is a municipal police force constable. They are peace officers for all purposes; there is no

question about that. And a peace officer has jurisdiction in respect of alleged offences against any law, and any municipal bylaw as well. There is no question there.

But there certainly has been an understanding, perhaps no written agreement, that the RCMP in this province are certainly responsible, generally speaking, for the areas outlined by the hon. member for Riverdale, especially The Narcotics Control Act, The Food and Drug Act, as he indicated, The Migratory Birds Convention Act, Customs and Excise Act, The Immigration Act, The Income Tax Act. He left out I think, The Canada Shipping Act, and The Small Vessels Act—

**Mr. J. Renwick:** And the small—?

**Hon. A. F. Lawrence:**—Small Vessels Act—again federal, The Small Vessels Regulation Act. Anyway, the one pertaining to small vessels.

He left out The Indian Act. Now The Indian Act is one which everyone, I think the Indians as well, at one time thought there was no question but that this fell under RCMP jurisdiction rather than Ontario Provincial Police jurisdiction. Over the last few years especially there has been a noticeable trend by the RCMP apparently to be doing less and less enforcement under that Act, not with any agreement by us, and in many cases without any knowledge to us. As a matter of fact it is a trend which I do not think they would even admit themselves.

But yesterday in this House we had a bit of a discussion with the leader of the official opposition who has in his riding the Six Nations Reserve, and the Six Nations Reserve is a good case in point. At one time, I am informed, there was stationed right on the reserve an RCMP constable. At some point in the last five years I think he was moved out to just outside the reserve and now he is in Brantford, whereas the nearest OPP office is in Hamilton.

When we get problems on the Six Nations Reserve—as occurred last year, for instance, in this continuing argument and continuing offences relating to the dispute between the hereditary chiefs and the elected chiefs on the Six Nations Reserve—there really are no RCMP personnel available now to go into the Six Nations Reserve and do something about it. Therefore, we cannot have a vacuum there, I have had the chiefs in to see me and they want an OPP building of some sort placed right on the reserve. We just cannot afford to do that.

We are not too sure, in any event, that we should be taking over some of these policing functions which we have always understood to be under the jurisdiction of the RCMP. It may we be that we will have to come to some agreement about these matters.

As I indicated yesterday, as a first step along that line we are now, through The Department of the Provincial Secretary (Mr. Yaremko), contacting all of the reserves to find out whether they want the OPP in their reserves or whether they would want the RCMP.

By the way, I am informed that I said the nearest OPP office was in Hamilton; I meant the nearest RCMP detachment was in Hamilton. My purpose was to show the gradual withdrawal in respect of the Six Nations Reserve of the RCMP from the area. I meant that the nearest RCMP detachment office now was in Hamilton. I am told I said OPP. I did not mean to, Mr. Chairman.

It is a question of evolving, and that evolution that appears to be taking place now is that in some of these areas where we had thought there was clearly RCMP jurisdiction there seems to be a continuing contraction of RCMP services.

In respect of counterfeiting, I am told that upon the RCMP request the Ontario Provincial Police and the municipal forces took over the responsibility for enforcing counterfeiting in Ontario in February of 1968 when the RCMP pointed out that these were offences under—

**Mr. Singer:** Are they being successful in enforcing counterfeiting?

**Hon. A. F. Lawrence:** I mean enforcing the counterfeiting provisions of the RCMP; excuse me! When the RCMP pointed out that these were offences under The Criminal Code, thereby again making it a provincial responsibility; because, as I am sure my friends opposite are aware, the Attorney General of this province has exclusive jurisdiction in respect of The Criminal Code and the administration of justice in respect of The Criminal Code. The Attorney General at Ottawa does not. The Ontario Provincial Police, being part of the provincial administration, of course, do have that.

So generally speaking, the administration of justice under The Criminal Code is a provincial responsibility under the municipal forces and the Ontario Provincial Police.

**Mr. Singer:** I wonder of the Attorney General would permit a question?

**Hon. A. F. Lawrence:** Yes, sure.

**Mr. Singer:** On the counterfeiting, does he have access to and use use of the federal experts?

**Hon. A. F. Lawrence:** Oh yes.

**Mr. Singer:** I have been active in a couple of those cases in court and they have quite an array of talent who are allotted in dealing with counterfeit bills and so on.

**Hon. A. F. Lawrence:** They certainly do. The RCMP expert personnel in that field, by reputation anyway, are among the best in the western world.

**Mr. Singer:** I have dealt with some of them in court.

**Hon. A. F. Lawrence:** There is no dispute or no jurisdictional duplication there I hope. They use the facilities of our forensic science labs and we use their facilities at Ottawa in respect of counterfeiting. There are a couple of other areas in which their men are paramount in that type of work. There is no question there at all.

That is my understanding of the breakdown of jurisdictional responsibility between the municipal and OPP forces and the RCMP. I do have a note here on the RCMP in Ontario in respect of their divisional breakdown and personnel, but I do not really think that is pertinent—unless my friend wants to hear it—to the germ of the question he was asking me. If there is anything wrong or if I have made an error in what I have said in respect of that jurisdictional breakdown, that is my understanding of it anyway and I will correct it for the benefit of the members.

**Mr. J. Renwick:** The specific thing I would like to ask the minister, if he would give consideration to doing it, is to have the police commission include in its next report a fairly full and accurate statement of the areas of jurisdiction of the Royal Canadian Mounted Police, not in the sense that it is either exclusive nor in the sense that it is static, because I agree with the minister it is an evolving matter.

But it seems to me to clearly understand the operations of police work in the province we have to have such a statement, including in it a statement as to where they are located and where their offices are, so that in subsequent years—using that as a base report on the question—there could be a continuing reference to the role of the RCMP in the Province of Ontario.

It seems to me that it always helps in the interests of continuing co-operation and mutual reciprocity between two police forces. I think it helps to clarify these things in a rather more specific way than perhaps we are able to do just in this kind of interchange across the floor.

**Hon. A. F. Lawrence:** Well, I agree with the hon. member too, but one other point I did not make is that in many of these things large operations or very complex investigations are taking place; there is, of course, an interplay of the forces as well.

If there is a large drug raid here in Toronto, for instance, it is usually a combination of the Metro police along with the RCMP. Normally the Ontario Police do not get involved. But again, that is a generalization which is dangerous, because I am sure the commissioner is busily scribbling out a note to me now to give me a record of the raids in which the OPP have taken part too. There is an interplay.

On the counterfeit task force of the OPP, the Metro Toronto police force have four men for instance on that OPP task force; so there is an interplay and a great deal of co-operation—thank goodness—between all of the forces in the province on these matters.

It is one thing for the hon. member to ask me what our view is of the RCMP responsibility in this province. What I would like to see sometime is an indication out of Ottawa what it thinks the RCMP responsibility is in this province, because sometimes at the administrative level and the ministerial level we do find differences.

**Mr. J. Renwick:** I think it would be a very proper matter for the head of the police commission in Ontario to discuss it with the commissioner of the RCMP for the purpose of clarifying it, in order to, as I say, make a definitive statement when the next report of the police commission is put out.

If consideration is given to the thought which I have expressed on this question, I would like also to have the minister comment now, if he feels able to do so, on two areas which are somewhat of concern to me about the activities of the Royal Canadian Mounted Police in the Province of Ontario, which are not, in a sense strictly police work. One is in its counter-intelligence work, which is one area which is surrounded

by—probably quite rightly—the requirement of a high degree of secrecy. But at the same time, I think there is an unnecessary mystery about the counter-intelligence activities of the Royal Canadian Mounted Police.

The other activity which has caused me concern—

**Hon. A. F. Lawrence:** Can we deal with one at a time?

**Mr. J. Renwick:** Yes, all right.

**Hon. A. F. Lawrence:** I again rely on my elusive memory, and if we do not deal with it right now I will forget about it. Then I will be accused later of trying to push it under the rug or something.

**Mr. J. Renwick:** Not by me.

**Hon. A. F. Lawrence:** No, not by the member.

**Mr. Singer:** No, by me.

**Hon. A. F. Lawrence:** One area which I did not mention, of course, is the whole question of subversives, the national interest and the national security. That really is something that the municipal forces and the OPP have very little to do with. I am sure it is not even within the knowledge of either the Ontario Police Commission or the OPP commissioner of the extent or the numbers of the RCMP forces in this province doing that type of work. We simply have no knowledge. I gather our forces are called upon to assist, of course, when asked and when required. But that is a field that is completely outside our jurisdiction and we have no knowledge of what they are doing at all.

**Mr. J. Renwick:** Then I think if the police commission adopted this suggestion, a short statement to that effect would be advisable so that people would see in writing that there is a clear area of responsibility solely within the jurisdiction of the RCMP.

The second area which concerns me, and on which I had some correspondence, unsatisfactory correspondence, with the Minister of Justice in Ottawa, is that where applications for landed immigrant status or for citizenship are made by persons in Canada who have been here, in some cases for long periods of time, quite often in the course of the investigation of those applications persons are subjected to questioning by the Royal Canadian Mounted Police with respect to their antecedents and background.

This whole matter of the national security was dealt with by a commission appointed by, I think, the government of the Rt. Hon. Lester B. Pearson. But it does seem to me that perhaps in the discussions which the minister might have with his counterpart in Ottawa, if it touches at any time upon the RCMP, he might get some clarification as to what the legal rights of persons are who are confronted by persons coming to ask them questions, as the Royal Canadian Mounted Police officers do. He might clarify what their position is with respect to advice; what their position is with respect to not answering the questions, unless they are given some reasonable opportunity to consider the questions which were being asked, and whether or not there is some way of protecting the citizen from feeling that, if he does not answer, then his application is going to be prejudiced by it, that if he does not co-operate he is going to be prejudiced by his failure to co-operate. That kind of detailed questioning of any citizen by the police seems to me to require some clarification so that such citizens who happen to be in the Province of Ontario who are subjected to this questioning have a clear idea of what their position is.

For example, that they be given clearly to understand that if they wish to have counsel present when they are getting their questions, or if they wish to have someone else present to assist them, either in the answering or so that there will be an accurate transcript of the questions and the replies which are made, then it seems to me that that is the kind of thing that this minister, charged with the administration of justice, in his executive capacity might well raise with his counterpart in Ottawa.

I do think that there are persons seeking citizenship in Canada who have been subjected to what in my judgement is inordinate questioning by the RCMP and are frightened by it because of the circumstances.

They want their citizenship. They feel if they do not answer the question that somehow or other they are prejudicing their position, and yet at the same time they feel that they should not be subjected to this kind of questioning without some protection both in the nature of the questions asked, the answers which they give, and the availability of counsel to them.

I would hope that the minister would consider raising this question with the Minister of Justice in Ottawa, because as I said the reply I got from the hon. John Turner was

anything but satisfactory. I tried to find it so that I could read it into the record, but I cannot find it. If I locate it, I will send a copy of it to the minister.

**Hon. A. F. Lawrence:** I would be glad to see it and I will be glad to take that under consideration. I run the grave risk, of course, of—well I do not think John Turner would do it to me—but I run the risk of being told to mind my own business. Their jurisdiction in that field is pretty unfettered and pretty complete in respect of immigration and The Citizenship Act, but I would be glad to take it up with him.

**Mr. J. Renwick:** It is a matter of civil liberties, in a sense.

**Hon. A. F. Lawrence:** Yes, it is, no question about that.

**Mr. J. Renwick:** I think it is a matter which has to be—I am not objecting to some investigation being made, I am objecting to the way in which it is done and the failure to provide counterbalancing protections for the persons that are involved in this.

**Mr. Chairman:** The member for Grey-Bruce.

**Mr. E. Sargent** (Grey-Bruce): Mr. Chairman, under this vote, is this the place to ask about supplies and equipment for police training?

**Hon. A. F. Lawrence:** If it relates to the Ontario Police Commission, yes. If it is the Ontario Provincial Police, no.

**Mr. Sargent:** No, that is right. In this area of local police forces and the police commission, what is involved? Every year we try delving and searching to find out if there are any moneys used to purchase electronic listening devices. Do you have any knowledge of what is involved here?

**Hon. A. F. Lawrence:** Yes.

**Mr. Sargent:** What is the availability of this equipment to the Metro police force and outlying police forces?

**Hon. A. F. Lawrence:** Well in many cases they have been manufacturing their own, I am told, and certainly they all have it, the larger forces have this equipment.

**Mr. Sargent:** In a news report last year when Chief Mackey was then the chief of police, he admitted to hundreds of cases where this had been used without knowledge until the question was asked. At this point, what is the authority for the use of this equipment?

**Hon. A. F. Lawrence:** Well that is not the position, I gather, that the police forces over the years have been taking; it is that there is no authority to ban the use of it. As my friend knows, the federal government, through the Minister of Justice, has now introduced a bill, Bill C-252, in the House of Commons at Ottawa, which will attempt to regulate and hopefully restrict the use of electronic audio equipment in the hands of (a) the public; and (b) the police forces.

**Mr. Sargent:** May I ask the minister is this with the permission of the police chief in each area? Apparently the way it is being used now, the police chief has the authority to use this equipment under the present laws.

**Hon. A. F. Lawrence:** No, there is no restriction on it at all, and I have found there are varying procedures in the police forces of this province in respect of obtaining authority from their superiors and their chiefs to use this type of equipment.

Once the federal Act is amended—it actually is an amendment to The Criminal Code —once that Act comes into force, if that Act comes into force, there will then be restrictions and procedures relating to the use of this type of equipment. Up until now there have not been any. The only thing that exists at the moment is a very minor provision of the federal telephone Act, not the provincial, it is the federal telephone Act, and—

**Mr. Singer:** There is a section in the provincial Act which I asked your predecessor to try—

**Hon. A. F. Lawrence:** —and it has not been a criminal offence to use this—

**Mr. Singer:** A section of The Bell Telephone Company Act too.

**Hon. A. F. Lawrence:** —equipment at all. Very, very few taps are now made on telephone lines. That went out with button shoes, that type of stuff. They do not need that any more. Therefore The Telephone Act simply is not applicable in this field at all, and has been completely disregarded anyway.

**Mr. Sargent:** Mr. Minister, what you say then is that in regard to using this there are no restrictions on the ordinary person in the

area of business snooping, et cetera? Tell me, how do you know your telephone is not tapped in your office?

**Hon. A. F. Lawrence:** I do not.

**Mr. Sargent:** You do not? Well, what about the equipment that you buy, Mr. Minister, through the police commission; the OPP probably has ample equipment like this? We do not know at this point?

**Hon. A. F. Lawrence:** No, they do not have ample equipment.

**Mr. Sargent:** Well, they do have equipment like this?

**Hon. A. F. Lawrence:** That is right.

**Mr. Sargent:** In the equipment you have, do you have sweeping equipment that will come in and debug an office?

**Hon. A. F. Lawrence:** Yes. Yes we have equipment that will indicate, as far as we know, if the–

**Mr. Sargent:** If the tap is on?

**Hon. A. F. Lawrence:** –if there is audio-surveillance equipment physically attached to the lines, or transmitting equipment; yes.

**Mr. Sargent:** But does not the minister think it is important that you know, whether you do a sweep of your office to see if it is bugged or not? Is that not important?

**Hon. A. F. Lawrence:** Yes.

**Mr. Sargent:** Have you done it?

**Hon. A. F. Lawrence:** I am not too sure whether it has been done or not. Yes, I am told it has been done. I had assumed it had been done but I had not really specifically asked that question before.

**Mr. H. Peacock** (Windsor West): There is a ventilating shaft between our caucus rooms and your office.

**Mr. Singer:** You have no idea what we find out about your office.

**Hon. A. F. Lawrence:** One of the first things I did when I moved into that office was to make darn sure that ventilating shaft was blocked, because it not only goes down to your office it goes upstairs into another office too–the office of the member for High Park (Mr. Shulman) I might say.

**Mr. M. Shulman** (High Park): Well, I can assure you that I have never called.

**Mr. R. F. Ruston** (Essex-Kent): That is where he gets all his information.

**Hon. A. F. Lawrence:** I refused to use the office until it was blocked, as far as the Leader of the Opposition's (Mr. Nixon) office was concerned, and as far as the office of the member for High Park was concerned.

**Mr. Sargent:** If a member can make an observation then, Mr. Chairman, on the amount of moneys we are spending on security for the minister, the audacity you have to maintain four uniformed men on a shift basis to guard you. I think it is ridiculous to spend this amount of money to guard you, with policemen standing outside your door. It must be embarrasing to you.

You have not placed one in front of my door to guard me.

**Hon. A. F. Lawrence:** We have got a tail on you, though.

**Mr. P. D. Lawlor** (Lakeshore): You sure need it too.

**Mr. Sargent:** Pardon?

**Hon. A. F. Lawrence:** No, I am kidding.

**Mr. Sargent:** They will probably come and search me!

But I think that somewhere along the line –in the United States there is great concern about business snooping, and I think that there should be some firm policy soon in the area of electronic eavesdropping.

**Hon. A. F. Lawrence:** I agree with you completely.

**Mr. Chairman:** The member for Windsor West.

**Mr. Peacock:** Mr. Chairman, I am not on that same point.

**Mr. Singer:** On the same point, Mr. Chairman, discussions we have had in previous years about the use of electronic listening devices are about to become academic because of the introduction of the bill into the House of Commons, to which the Attorney General has referred. For many years we had suggested, in rather forceful language, I had hoped, that there was a responsibility lying on the Attorney General to bring some sort of control within the Province of Ontario to the police forces over which he has control. However, that was not done.

In preparation for what is presumed to be the eventual passing of the bill, what types

of steps are you taking? Perhaps we could even start with the question as to the Attorney General's reaction to the bill. Has he examined it? Is he satisfied with it? And has he indicated his satisfaction or dissatisfaction with the federal people?

**Hon. A. F. Lawrence:** I have not had the opportunity to seriously consider it. I have gone over it in a very cursory fashion so far. I have not indicated yet to the federal people our views on it. And of course, I think that should be a governmental view really. Once it goes to Ottawa, it should be a view of this government, not necessarily of this minister. Now—

**Mr. Singer:** The minister is responsible for expressing a view and obviously he expresses it on behalf of the government.

**Hon. A. F. Lawrence:** Yes, but that view would also, I assume, have to incorporate in it the policy of the government rather than merely the policy of the minister. It would be the procedures of the minister, but the policy of the government in respect of the future authorization of this type of equipment.

As I say, it has been a cursory view only. I have not had the time to go into it and make recommendations to my colleagues about that policy and about that procedure.

I must say, however, that even though this has been a recurring subject for years, I gather, between the Attorney General of the provinces and the Minister of Justice at Ottawa, I think the last time it was discussed, I guess was July, 1970, in Halifax. Until that Act was laid before the House of Commons by the Minister of Justice, there was no written communication at all between the Minister of Justice and me. I have no idea what was in it, other than various press leaks and indications in the press of what was going to be in it.

I would have thought on a matter such as this, quite frankly—I am not trying to start a fight—but I really would have thought that the Minister of Justice would have submitted a bill of this importance, which is going to call upon a very, very active part of the Attorneys General of the provinces, to at least consult them in advance and perhaps get their views before publication of it. Other than that, I really do not want to comment on it because I have not got into it that deeply.

However, in full knowledge that there was going to be some sort of legislation coming forward, I did ask the Ontario Police Commission to circularize all of the police forces in this province relating to equipment and the use of that equipment and the procedures for the use of that equipment and these reports are still coming in. I have not seen the results yet. Other than those of the Ontario Provincial Police, I have not yet seen the results of the tabulation of that equipment.

I gather the reports are not all in yet by any means. Some of the police forces may not answer and, as Attorney General of this province, I have no means to force them to answer I gather. But once the bill is in full force and effect, then certainly I will need that information at that time and will require that information at that time. Therefore, I think the municipal forces might as well recognize the fact that they are going to have to give the information at some time or another and they might as well give it now. It will help everybody concerned.

**Mr. Singer:** Mr. Chairman, the minister raises two or three very interesting points. Let me deal with the one about co-operation first. I hear a story from the minister, and from some of his officials. I hear other stories from my friends in Ottawa, whom I speak to quite frequently, even without the minister's permission.

**Hon. A. F. Lawrence:** So I gathered.

**Mr. Singer:** And I intend to continue to do that.

**Hon. A. F. Lawrence:** At legal gatherings or political gatherings?

**Mr. Singer:** At all sorts of gatherings. Some of them are social; some of them are legal; some of them are political. We get along well in our party. We talk to each other. We exchange ideas.

**Mr. Lawlor:** Does the member generally agree with them?

**Mr. Peacock:** Even at meetings to organize pro Spadina people.

**Hon. A. F. Lawrence:** We will have to change that so you will not be meeting them at political gatherings.

**An hon. member:** Who is going to do that? Stanfield?

**Mr. Singer:** But it seems to me, notwithstanding recriminations that fly from both sides, Mr. Chairman, that surely the time has come when a permanent system of liaison between the federal Department of Justice and

the Ontario Department of the Attorney General—

**Hon. A. F. Lawrence:** I agree.

**Mr. Singer:** —is firmly established with regular visits of senior civil servants, backwards and forwards and, similarly, regular visits of the political arm of those departments, backwards and forwards.

**Hon. A. F. Lawrence:** Can I comment on that?

**Mr. Singer:** Yes, I wish the minister would, because I heard the story from both sides. I expect the truth lies in the middle, because each side blames the other side.

**Hon. A. F. Lawrence:** Oh, I am not blaming anybody.

**Mr. Singer:** I know that.

**Hon. A. F. Lawrence:** I am quite horrified, coming into this department which is a far more major responsibility and portfolio than the one I previously held. As far as I know, in most other—

**Mr. Stokes:** The minister's colleague will not like that.

**Hon. A. F. Lawrence:** —departments, there is some gathering of—

**Mr. Lawlor:** All the minister had to do before was say yes to the mining interests. Why does he not stand on his own two feet?

**Hon. A. F. Lawrence:** —most other departments of government have some sort of a national gathering of the ministers, at least once a year. Some of them include the federal ministers. Some of them do not include the federal ministers.

**Mr. Singer:** Why does not the minister have a conference on "Justice for Tomorrow", just to point a name?

**Hon. A. F. Lawrence:** No, I would rather have one on "Justice for Today," quite frankly, but, in any event—

**Mr. Singer:** I thought the minister liked those Robarts titles?

**Hon. A. F. Lawrence:** —unless they all get together at the bar meeting, I do not know. But, certainly, I would like to move to start setting aside a national gathering of the Attorneys General of the provinces. Perhaps it should, perhaps it should not, include the federal ministers. I think probably it should but as far as I know this has never been initiated before but I think it is worthwhile, especially in the matter of law enforcement across this country.

**Mr. Singer:** The second point that arises from the minister's remarks is the somewhat peevish approach he took to not having seen the bill before it was tabled in the House of Commons.

**Hon. A. F. Lawrence:** Oh, I did not mean to be peevish.

**Mr. Singer:** Well it sounded peevish. It sounded peevish.

**Hon. A. F. Lawrence:** Oh no!

**Mr. Singer:** I just wonder how many bills are sent up to Ottawa before they are tabled in this House. It is a very serious question as to whether this can be done either way, or whether it should be expected to be done. Or whether the Attorney General should even comment that it is not done.

**Hon. A. F. Lawrence:** If I was going to use the Minister of Justice at Ottawa to play a very intricate part in a statute, you bet your boots I would ask his opinion before I brought it in here.

**Mr. Singer:** I can recall Bill 99 and I suspect that very few people in Ottawa saw that one before it was introduced. And I could list a whole large number of others. It is an unusual procedure. Perhaps it could be worked out. I would be very interested—

**Hon. A. F. Lawrence:** I had more vigorous objections about that one than my hon. friend did, and was able to do more about it, too, if I remember right.

**Mr. Singer:** Oh the minister is a noble man. One can see that just looking at him.

**Hon. A. F. Lawrence:** I am going to use that quote in the next election.

**Mr. Singer:** Yes, please do. If you use the others I have made, I will give you permission to use that one.

**Mr. Lawlor:** Should have left him alone.

**Mr. Singer:** The next question that arises, Mr. Chairman—again just a hint from the minister of peevishness sneaking through—do I gather, that since he says it must be an opinion of the government, not just the Attorney General, that he has some substantial reservations about this bill?

**Hon. A. F. Lawrence:** No, I am glad if my words are being innocently misinterpreted there. I said: "The procedures involved will be those of the minister." But I believe the policy that would set the procedures should be a governmental policy and should be well understood by all of my colleagues as well and, therefore, I think—we are dealing with very important matters here respecting the rights of the individual and I feel strongly about these things and I have reason to believe that some of my colleagues do, and I want a full discussion of it.

I think it should be governmental policy which will regulate the procedure of the minister in relation to that particular bill.

**Mr. Singer:** All right, without going into the intricacies of the bill, perhaps today we can get an answer that we have been unable to get in past years. Does the Attorney General believe that the use of this kind of equipment should be very strictly controlled, without going into the mechanics of it?

**Hon. A. F. Lawrence:** In a word, yes.

**Mr. Singer:** Well, that is fine. We have not been able to get that word over several years. That is all I have on that point.

**Mr. Chairman:** The member for Grey-Bruce has a further point.

**Mr. Sargent:** On this subject, Mr. Minister—this vote we are talking about—if this programme is designed to promote maximum efficiency of the police forces in Ontario, through advisory services, crime intelligence, police training and disciplinary procedures; in the area of crime intelligence, to your knowledge, Mr. Minister—

**Mr. Chairman:** Order, please!

I understood there are other points. Somebody else wanted to make a comment on wiretapping.

**Mr. Sargent:** That is what I am talking about, the wiretapping listening devices.

**Mr. Chairman:** I thought you were straying away from that.

**Mr. Sargent:** It is criminal intelligence I am talking about. In order to assess the extent—the fact that it is a blank cheque now, a wide-open door policy so far as listening devices, monitoring of phone calls, et cetera are concerned—in the area of current crime detection, in the area of offtrack betting, to your knowledge, were listening devices used in the latest charge?

**Hon. A. F. Lawrence:** I do not know.

**Mr. Sargent:** Then the minister—I am not trying to embarrass the minister. I want to find out how far—

**Hon. A. F. Lawrence:** You mean the Benwell matter?

**Mr. Sargent:** They are offtrack betting—

**Hon. A. F. Lawrence:** You mean the Benwell conviction, which is now beng appealed?

**Mr. Sargent:** Yes.

**Hon. A. F. Lawrence:** I do not know.

**Mr. Sargent:** Well then, can I ask the minister why was it not being used? If you have—

**Hon. A. F. Lawrence:** I did not say it was not.

**Mr. Sargent:** I see.

**Hon. A. F. Lawrence:** I did not say it was.

**Mr. Sargent:** If the government is concerned about the many charges of mafia control here, or their entry into this market, are these monitoring electronic listening devices being used to any extent?

**Hon. A. F. Lawrence:** I might have missed the first couple of words there in that question but as I understand the question, has audio-surveillance equipment—has it been used extensively by the police forces in this province?

**Mr. Sargent:** Has it and is it being used in the area of the Mafia control? Are we finding out anything by using this—

**Hon. A. F. Lawrence:** It is quite a tool of the intelligence units of the municipal forces, the OPP and certainly in the coordinating of that information, it is quite a tool of the police forces of this province, yes.

**Mr. Sargent:** May I ask you this then, how many policemen, say in the Metro forces, how many men are detailed to this type of operation?

**Hon. A. F. Lawrence:** I do not have a breakdown by forces here at all. I have only

the results of the questionnaire we sent out —I am sorry, the Ontario Police Commission has sent out.

We by no means have complete returns from all the police forces of the province, but the audio-surveillance equipment which we know about being used by municipal police forces in Ontario today and by the Ontario Provincial Police consists of 56 telephone intrusion devices and 35 other electronic intrusion devices, some of them designed for audio-surveillance of rooms, some of offices and some of automobiles.

The early returns that we have indicated that this equipment was used in a total of 311 cases in 1970 and has been used in 129 cases during the first five months of 1971.

The use of audio-surveillance equipment has been limited to the investigation of major criminal offences and the collection of intelligence related to organized crime or in some cases subversive elements. It has been utilized only where other conventional methods of investigation have proved to be ineffective and then only on the direct authority or on a delegated authority of the chief of police in whose area of responsibility the action was required.

Now, in the area of where the chief has delegated this authority, there have been a number of other procedures, depending on the municipal force involved, on when and how and who has given the permission to the intelligence people involved to use the equipment. In the case of the Ontario Provincial Police, the authority has been granted by the assistant commissioner of the special services division.

Now, this is only a partial return to our question. It does not include the RCMP. It only includes some of the major municipal police forces.

I think it would be fair to assume that this is the major audio-surveillance equipment being used by the police forces in Ontario today, but we do not know yet for sure until all the tabulations are in and even those tabulations will not show, unless they choose to give it and we are asking them, but I would suspect that they probably will not choose to give it to us, it will not include the RCMP.

**Mr. Sargent:** Thank you very much. Further, Mr. Minister, you mentioned audio-surveillance rooms—

**Hon. A. F. Lawrence:** No, I said the equipment is designed generally for three different types of work. It included automobiles, offices, rooms. Now there is a distinction between the equipment used for rooms and offices, I gather, but do not ask me what it is and how and why. I have asked for a demonstration although we have not been able to arrange one yet. I too want to see the equipment.

**Mr. Sargent:** How do you know that the phone calls coming into your office are not being monitored?

**Hon. A. F. Lawrence:** Well, I would like to think they are not, certainly not by any police force, certainly not by the Ontario Provincial Police, in any event. They may be monitored by somebody else but there have been—and I am sure my friend will appreciate that perhaps we should not get into detail about this at all for a number of reasons—but there have been sweeps of certain offices and governmental facilities.

**Mr. Sargent:** Which is as it should be, I agree.

I want to establish this point finally, Mr. Chairman, that the figures the minister has given show that we are in the area—unknown to anyone—where "Big Brother" is really here, in an area of crime anyway. You have a wide-open policy insofar as apprehension of suspected people is concerned but is this evidence acceptable in court?

**Hon. A. F. Lawrence:** No, well, not directly anyway. The main tool that it is being used for by the police forces is to gather information and intelligence. In the main, the type of information, because it is being gathered in that way, is not admissible as evidence in court, but it is being used by the intelligence unit as the term implies, for audio-surveillance so that people can be watched and enforcement people will know what they are doing; and if there is information which leads the police to believe there is about to be a commission of a crime then hopefullly this information is used to prevent it.

Or if there has been a commission of a crime it is used to assist the police in gathering the proper evidence to be used in court.

**Mr. Chairman:** The member for Peel South.

**Mr. R. D. Kennedy** (Peel South): Mr. Chairman, I wanted to ask the Attorney

General, did I understand him to say that there was no consultation with his department prior to Bill C-252 being introduced by Ottawa?

**Hon. A. F. Lawrence:** Not on the bill itself, no.

**Mr. Kennedy:** Not on that. At the time, Mr. Chairman, that I introduced a private bill to provide for the protection of personal privacy the predecessor of the present Attorney General said that he was interested in this, but that the federal minister of Justice was developing a bill of his own to control wiretapping and the use of electronic devices, and so it was let go on the premise that Ottawa would be bringing out some legislation which they have subsequently done in Bill C-252.

This seems to me to be quite comprehensive, certainly much more than the couple of paragraphs, although the idea was the same in my own private bill, which provided that wiretapping would be controlled through a county court judge or some authority such as that.

Well, Bill C-252, in fact does present this authority to the provinces and it is to be handled through the provinces.

I think, too, I heard the Attorney General state that this bill has been circulated and I was wondering if it is being circulated by his department to law enforcement agencies throughout the province, or has Ottawa done this? That was one question which I would be interested in.

**Hon. A. F. Lawrence:** May I answer that now? The answer to that is we have not circulated it. It only came in here—what, two weeks ago—well it was introduced the last couple of days of the session at Ottawa, anyway, and the House in Ottawa rose I think June 28.

**Mr. Kennedy:** June 28.

**Hon. A. F. Lawrence:** We have not had the opportunity of circulating it. I would assume that should be the function of The Department of Justice in Ottawa.

**Mr. Kennedy:** I see. Well—

**Hon. A. F. Lawrence:** I am reminded we have circulated it in our own department, among our own people. I am gathering up information and comments and suggestions and views from the departmental officials, of course. You are talking about the police forces throughout the province?

**Mr. Kennedy:** Yes, municipal.

**Hon. A. F. Lawrence:** No, we have not done that, it might well be worthwhile.

**Mr. Kennedy:** I presume your law officers, Mr. Attorney General, will be studying this as well?

**Hon. A. F. Lawrence:** Oh yes, that is what I said. I am indebted to the hon. member. The more I think about it, the more I think he has a very good idea here, that perhaps we should distribute this to the forces of the province through the Ontario Police Commission and ask their comments and views on Bill C-252. I am indebted to him for that suggestion.

**Mr. Chairman:** The member for Windsor West, was your comment on this point?

**Mr. Kennedy:** I have one more question, Mr. Chairman.

**Mr. Chairman:** All right, the member for Peel South.

**Mr. Kennedy:** Assuming this is done, will we then in Ontario leave things in limbo until Bill C-252 is ultimately dealt with by Ottawa, will this be what happens? Or can you tell from the—I suppose you do not know how Bill C-252 will end up following third reading and royal assent in Ottawa, but the question I think that would interest us all, when the Attorney General is in a position to answer, does he think it would meet the needs of Ontario and be somewhat in accord with his own department's thinking in this area?

**Hon. A. F. Lawrence:** As I indicated to another hon. member just a few moments ago, I really have only had time, since it came out, to glance at it, and certainly before indicating my opinion on it at all, I really believe that in a matter as important as this—and because in the procedures it does involve the Attorney General of the province, I really do feel that we want to look at it very intensively, gather together as many opinions as we can, and sift them through, and then I will make my recommendations to the government. It should be a vehicle of governmental policy respecting what the Attorney-General does, or what he does not do, in respect of the use of this type of equipment in the future by police forces.

**Mr. Chairman:** The member for Sandwich-Riverside.

**Mr. F. A. Burr** (Sandwich-Riverside): Mr. Chairman, I have one question on the wire-tapping: I have been trying to ask it for two weeks in the question period but the opportunity has never arisen.

I understand that the new bill in Ottawa will make the use and the possession of electronic devices illegal and that here, in Ontario, the minister will be co-operating in the enforcement of this.

About three years ago, in fact it was over three years ago, these electronic devices were advertised in at least one local newspaper and I drew this to the attention of the Attorney General of the time. The devices were being advertised with an address in Switzerland.

**Hon. A. F. Lawrence:** I do not know why. They manufacture and sell them right here; there is nothing illegal about it.

**Mr. Burr:** Well the point I am coming to is that if these were legally purchased, there are probably many persons in Ontario now who have these devices which they have legally obtained; and of those that were imported there is probably a record in the customs office of the country—

**Hon. A. F. Lawrence:** I would doubt that.

**Mr. Burr:** Did you say you would doubt that?

**Hon. A. F. Lawrence:** I would doubt that.

**Mr. Burr:** Well, would they not come through customs?

**Hon. A. F. Lawrence:** Some of them are so small you know that they can be included in an ordinary letter envelope.

**Mr. Burr:** In any case, the point is that there are many people who probably have these that they have legally purchased. Now I am wondering whether, in co-operation with the Minister of Justice in Ottawa, some amnesty arrangement could be worked out whereby people who have purchased these could turn them in with immunity.

**Hon. A. F. Lawrence:** Oh, yes. My friend is labouring under a misconception here, I believe. There is no law against having these at the moment.

The proposition has been put before the House of Commons at Ottawa that, once that bill becomes effective as an Act, it will become illegal to possess them, or to use them, or to manufacture them, or to—what is it here?—"possession, sale or purchase of any such device or apparatus, or any component thereof, the design of which renders it primarily useful for surreptitious interception of private communication." But until that bill goes through the House of Commons and the parliamentary process at Ottawa, The Criminal Code has not been amended and therefore it is not illegal. If the hon. member is suggesting to me that I make a plea to the public or anybody at the moment who has one of these things to immediately surrender it, I would be very glad to do that and I do so right here and now.

If there is anybody in the province who has one, wants to get rid of one, he should take it into the nearest police station, or send it to the Attorney General. I would be glad to—

**Mr. Singer:** They will have fun using them for another six months or so.

**Hon. A. F. Lawrence:** It is not illegal now to have them, it soon will be though, that is the point. Certainly anybody who has them should turn them into the nearest police force or, if they want to remain anonymous, send them to the Attorney General, or send them to the Minister of Justice at Ottawa.

**Mr. Burr:** Yes, Mr. Chairman, that was really the point I was getting at. This is going to become a problem for many people and after it becomes illegal the police may know of certain persons who have had these. They go to the person and demand them and they say, "Well, I threw them away," and they will not be believed perhaps. Therefore, the amnesty method would be very useful for many people. Thank you.

**Mr. Chairman:** The member for Windsor West.

**Mr. Peacock:** Mr. Chairman, on June 24, the leader of the New Democratic Party put questions to the Minister of Justice respecting the training of the municipal police forces in the province in crowd control and riot training and I asked if that matter may be discussed at this moment under Vote 911.

**Hon. A. F. Lawrence:** Yes, that would come under this vote.

**Mr. Peacock:** Then, Mr. Chairman, may I recall for the minister his answer to the leader of the New Democratic Party and his answer to my supplementary on that occasion on June 24? He said he would look into it, my leader having asked assurance from the Attorney General that he would examine that

aspect of the training as well. That is the first part of the question which I raise. The second relates to the—

**Hon. A. F. Lawrence:** I am sorry, what aspect of the training?

**Mr. J. E. Stokes** (Thunder Bay): Crowd and riot control.

**Mr. Peacock:** The training of police forces, the municipal police forces in crowd control, or riot training, as it is sometimes referred to.

**Hon. A. F. Lawrence:** Yes, well, I gave an answer in the House, you know.

**Mr. Peacock:** A fuller answer at a later date.

**Hon. A. F. Lawrence:** Yes.

**Mr. Peacock:** Now, that was the first aspect of the question raised then. In regard to the supplementary which I asked the minister on that first occasion on June 24, the minister replied "there are rather stringent regulations respecting equipment and the use of equipment"—referring to crowd control equipment—"which I believe were conveyed to this House by my predecessor two years ago."

Now I refer to those stringent regulations, "the rather stringent regulations" as the minister referred to them, which are found in Ontario Regulation 137-70 published in the Ontario Gazette of April 4, 1970. I want once again to raise with the Minister of Justice, as I did with his predecessory on a number of occasions when we were discussing earlier estimates, a number of aspects of this part of the training.

The first aspect I want to raise is the matter of discipline and supervision of police officers carrying equipment with the possible necessity of its use in dealing with a crowd or group of people who are in violation of the law. The regulation provides in section 3, subsection (2) as follows: "The commissioner or chief of police or any other constable"—and I stress that last phrase, "or any other constable"—or police officer designated for the purpose by the commissioner or chief of police, may authorize a member of the police force under his control to carry for a special purpose or special purposes, a firearm of a type other than that described in subsection (1)." That is the end of that subsection.

Subsection (1) describes the standard or service revolver carried as a sidearm by each police officer, and obviously subsection (2) goes on to permit the commissioner or chief of police or any other constable or police officer designated for the purpose by the former to carry some other kind of firearm.

Now, a number of the other kinds of firearms which I have seen in the arsenal of the police force of the city of Windsor are quite clearly designed for use in an action of crowd control or riot training. I suggest to the minister that the regulation is totally deficient in that it provides that the commissioner or the chief of police or any other constable or police officer designaed, may authorize a member of a police force to use that particular firearm.

Let me be very clear that I do not take exception, in any way, to any of the grounds for use of a firearm enumerated in section 9 and there are one, two, three, four grounds on which a policeman may discharge a firearm.

The regulation in section 9 is set out in the negative, but I am turning it around and putting it positively that there are these four grounds: The defence of his life or the life of another; to effect the apprehension of a person whom he believes to be dangerous—I am paraphrasing—to destroy a potentially dangerous animal, et cetera; or to give an alarm or to call assistance. I am not taking exception in any respect to the use by a police officer of any rank on those grounds.

I do take exception though, Mr. Chairman, as I have stated in the past, to the powers conveyed in subsection (2) of section 3 of the regulations, to any member of a police force by his superior to use a firearm other than the standard service revolver in a particular situation that is not specifically set out in a disciplinary code or in a code of conduct or action by a policeman or a police force engaged in crowd control.

There are no specifications first of all. There are no standards set down, either in section 9—

**Hon. A. F. Lawrence:** I really do not think that should go unchallenged. First of all, the regulation empowers the police officer under pretty strict control; my understanding is that these matters are pretty strictly controlled in who can delegate the authority to permit a police officer to carry a firearm other than the normal firearm. So, that is carrying the firearm. Now there is also pretty strict control in the regulations over the use of firearms. So that there is a difference.

**Mr. Peacock:** Let us deal first with the matter of delegation.

**Hon. A. F. Lawrence:** Right!

**Mr. Peacock:** The matter of delegation of power to carry a firearm other than the standard service revolver is a matter with which I take exception in the absence of clearly defined regulations describing the circumstances in which an officer of any rank may use a weapon.

Let me for a moment set out the kind of weapons which I have observed in the hands of officers of the department of the police in Windsor when they were engaged in training in riot control.

There are a variety of shotguns which fire cartridges containing within them various sizes of projectiles. One cartridge contains a very large number, perhaps hundreds, of very tiny metal pellets, pieces of metal. The instructions for use of this particular cartridge is that it be aimed at the ground so that impact will be on the ground ahead of the feet of the crowd that may be threatening the police force or threatening to cause injury or harm to some other person or property, thereby causing the projectiles from the cartridge to ricochet into the legs of the crowd.

The second calibre was considerably larger, the instruction for its use was that it be aimed at the legs and abdominal parts of the body. As I recall the words of the instructing officer, "To slow down the crowd if it continued to advance."

The third size was about a dozen balls of metal discharged from the cartridge, and the instruction in the use of that cartridge was that aim should be taken at the chest and head of the persons in the crowd.

Here, obviously, the training was being given very precisely. The officer was setting out for the benefit of the men undertaking the training under what circumstances to use each level of force.

There were projectiles of the tear gas type of different shapes and sizes, some which could be fired into the air to burst over the heads of the crowd; others to be fired directly so that they would penetrate a barrier.

My concern, which I expressed at that time and subsequently, to the deputy minister and to the Attorney General, is that the regulations do not designate a senior officer as the officer charged with responsibility for giving the order to use such equipment. It is in that respect that I think the delegation described in subsection (2) of section 3 is in default.

I do not accept that any officer, who happens to be senior by virtue of his length of service, who is on the spot at the time in a situation where a decision must be made as to whether that kind of equipment should be used, should be the officer to determine the use of the equipment.

**Hon. A. F. Lawrence:** Then is the hon. member telling me that in the case of the Windsor police force that there is a sort of a blanket designation from the chief?

**Mr. Peacock:** Not at all.

**Hon. A. F. Lawrence:** Well what?

**Mr. Peacock:** I do not know what the delegation is in that respect.

**Hon. A. F. Lawrence:** Before criticizing it, would it not be best to find out first? I can only give the member the experience of the OPP on what happens, for instance, the only one I know at the moment. The only person who can authorize the carrying of these special weapons in the OPP is the superintendent.

**Mr. Peacock:** Mr. Chairman, exactly, that is my point. Who can authorize their carrying them? Who can authorize their use?

**Hon. A. F. Lawrence:** It says "carrying" but I would imagine that that might be within the discretion of the constable. I am not too sure. But in any event, the control there is in the designation of the carrying of it.

**Mr. Peacock:** That is nonsense. The Attorney General misses the point.

**Hon. A. F. Lawrence:** That is a point that I would be glad to look into. But, the criticism of the hon. member—I am assuming what he was saying was in the nature of a criticism—was that there has been a blanket designation in Windsor by the chief. In that event, I would be very sorry to hear that and I will check into it. I gather the member is not saying that, though.

**Mr. Peacock:** Mr. Chairman, the Attorney General entirely misses my point. My criticism is of the regulation which permits—I will recite it again—

> the chief of police or any other constable or police officer designated for the purpose by the commissioner or chief of police may authorize a member of a police force under his control to carry for a special purpose or special purposes a firearm of the type—

That means to me that the officer who receives permission to carry the special weapon is the same officer who can decide upon its use.

I say to the Attorney General that is not a sufficient protection. There is insufficient assurance that, given a few hours of training on the range, usually on the local police firing range, there is insufficient assurance that—

**An hon. member:** A good point!

**Mr. Peacock:** —a senior level of command will give the order for the use of such forceful equipment in the hands of a force of police officers who may be engaged in crowd control or the containment of a riot.

**Hon. A. F. Lawrence:** I am honestly trying to understand the hon. member's point here. As I gather then, they are twofold: No. 1, that the designation should not just be "carrying," it should be "carrying and use"; and, No. 2, that it should be a senior police officer only who is so designated. I will be glad to take that under advisement.

**Mr. Peacock:** Thank you, Attorney General, for that expression of comprehension of my point.

May I turn to the second concern then? That rises out of the provision of section 12 of the regulation under The Police Act, 137-70, which regulates the use of gas and chemical weapons. That is the last section of the Ontario regulation that I have cited.

> Subject to subsection (2), no member of a police force shall use any gas or chemical weapon.

Subsection (2) goes on to say:

> The use of the substance commonly known as tear gas is permitted, provided that it is not applied intentionally in concentrated form directly to the person.

The point I wish to make here, Mr. Chairman, is that that particular section should be expanded to set out a schedule of the weapons referred to in subsection (2) of section 3 as firearms for special purposes, which the Attorney General or the Ontario Police Commission would give approval to.

In other words, all of the weapons which I have enumerated with the exception of tear gas and Mace may be carried and used without being designated by this regulation. I am sure there are varieties of other kinds of equipment, ranging all the way up to water cannons, which from time to time might well be employed by a police force of this province, but there is no designation or schedule which would indicate approval by the Ontario Police Commission of that class of weapon.

So I say to the Attorney General that the classes of firearms for special purposes, referred to in subsection (2) of section 3, should be set out in detail as an approved schedule of equipment and the other kinds of heavy equipment the police may wish to use or acquire, with the possibility of using them, should also be designated by the regulation and that no piece of equipment which the Attorney General or the Ontario Police Commission has not approved should be lawfully in the hands of a municipal police force of this province or ever used.

**Hon. A. F. Lawrence:** Well let me just say this, that it has been my belief—and merely my belief, I have not consulted with my officials—that "gas or chemical weapons" include any Mace shooting or distributing projectile at all, of course, and even tear gas would fall under that. My understanding—and it is a very limited understanding, so I may be completely wrong—is that all of the crowd control equipment except the billy, I suppose, really would fall under the definition of a firearm in The Criminal Code.

The definition of a firearm in The Criminal Code, which is referred to in the regulations, is pretty wide. It says: "Means any barrelled weapon"—I think most of these things are barrelled weapons—"from which any shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to the person and includes anything that can be adapted for use as a firearm."

Now, a water cannon—well, first of all I do not know of any police force in Ontario that has a water cannon; although if things continue the way they are going, it might be a wise idea if a couple of them are acquired. That is number one. But number two, the general reversal—

**Mr. Singer:** What does the minister mean, the way things are going?

**Hon. A. F. Lawrence:** Well, I think we have a very serious trend here in Ontario.

**Mr. Peacock:** Now the minister sounds like Chief Preston.

**Hon. A. F. Lawrence:** Wait a minute now; the general reversal here though, of—

**Mr. J. Renwick:** The way things are going?

**Hon. A. F. Lawrence:** No, no, but I mean here in the city of Toronto within the last couple of months we have had bombings in the morning and the Prime Minister of Canada almost thrown through the plate glass windows of the Royal York Hotel in the evening, for instance, on a single day. I say to you that these are things which have been unknown in this province for some time and obviously there is a very serious trend in this province and in this country and in North America right now in relation to this type of—

**Mr. Singer:** Only add a few more water cannons and everything would be fine.

**Hon. A. F. Lawrence:** No, I am not saying that at all, but the general thrust—

**Mr. Singer:** Spiro Agnew rides again!

**Hon. A. F. Lawrence:** The general thrust of my friend's argument is one that I have a lot of sympathy for, quite frankly. His point, as I understand it again—just let me clarify it—instead of us designating, or rather, the police commission designating in effect what weapons can be used, it should be the other way around and no weapon can be used unless permission is granted by the police commission. I am indebted to my friend, I think that approach is perhaps far better.

**Mr. Peacock:** My reason for asking this arises absolutely precisely out of the remark the Attorney General has just made about the difficulties or injuries that the Prime Minister of Canada was subject to. There is a response on the part of many senior police officers around this province that heavy equipment will cure some of our social problems and the way people behave. This is the last kind of attitude we want to encourage on the part of our law enforcement officers in this province.

**An hon. member:** Right, that is right!

**Mr. Peacock:** Let me not recite once again the kind of attitude I have discovered for myself in the minds of certain senior police officers but I have made the contrast and I make it again—

**Hon. A. F. Lawrence:** Let us not damn them all because they—

**Mr. Peacock:** I have not damned them all. And the Attorney General's suggestion that I was critical of the Windsor police force was without foundation, just without foundation.

**Hon. A. F. Lawrence:** I did not mean to pin that on you. I mean if you are being critical of some specific police officers, please indicate them because I am as concerned about this field as anyone and certainly if there are some of them that should be rooted out then let us get on with rooting them out.

Generally speaking, many of them today are getting far more involved and far more concerned, as they should, about preventive work and community relations on the part of police forces and this is a trend I want to encourage as much as I can.

I say the encouragement I have been trying to give to them has been falling on very receptive ears. Now if there are some individuals who are still of the old-fashioned military type of mind, let us hear about them. I would like to know who they are.

**Mr. Peacock:** Mr. Chairman, let me be quick to say that one of the senior officers whose attitude toward crowd control and riot training and the use of heavy equipment, I have discussed with the minister's predecessor and the deputy minister, has amended his attitude. That particular officer has amended his attitude and has undertaken measures to enhance the professionalism of his force.

I want to see that kind of attitude encouraged by the minister but I took his earlier remarks, his reference to the Prime Minister of Canada, to be rather retrograde and I know that is not what he intended.

**Hon. A. F. Lawrence:** No—by no means. All I am saying is we have to pay more attention here from the point of view of the law enforcement agency.

Granted the root of the problem is a social one, but nevertheless the police are still there to enforce the law, and surely to goodness you are not attempting to impose upon the law enforcement agencies the problem of curing the social ills of the nation, or the economy either?

I looked upon that particular day in the history of the City of Toronto as a very sorry one. It is indicative perhaps of some sort of a trend that is unfolding before our eyes right now.

We have to find more ways of preventing that type of instance. We have to find ways of curing the conditions that lead to it. There is no question about that. But on top of it, we have to find more and better ways of crowd control.

**Mr. Peacock:** I am entirely with the Attorney General in that respect.

**Hon. A. F. Lawrence:** Right!

**Mr. Peacock:** I am not nearly so familiar as I am sure he is with the circumstances of that unfortunate incident surrounding the Prime Minister. I question whether the use of weaponry for crowd control or pacification would have been of any help. In the development of crowd control techniques for use by our police forces in this province, the less emphasis and the less reliance on weaponry the better. I have seen, as I have enumerated before, some exemplary instances of police action with crowds where not a single weapon was visible or in reserve.

**Hon. A. F. Lawrence:** Those are standing instructions.

**Mr. Peacock:** They were not. They were not. Where the police have a sense of professionalism, and high discipline, it does not matter what the temper of the crowd or the size of the crowd, the police can handle it.

If the police are injured, if the police are shot at, then the matter becomes a different one. Then I say to the Attorney General, a senior officer must determine whether weaponry is used in reply. And that was the basis of my first concern.

**Hon. A. F. Lawrence:** Well, this is normally the case. Any internal regulations I have seen have been just exactly that. The police chiefs themselves, I am sure—I had better say I hope—certainly are career professional people in this province in the main. Certainly they do not designate these people lightheartedly by any means. Therefore—

**Mr. Peacock:** The possibility is there.

**Hon. A. F. Lawrence:** But the possibility is there. You are right, and I have said I would look into it.

**Mr. Chairman:** On vote 911, the hon. member for Downsview.

**Mr. Singer:** One question relating to police commissions. I think in my opening remarks I took a sentence from the speech delivered by the Attorney General—I have forgotten to which group—when he praised "the presence of a county court judge or county court judges in general on police commissions."

Again, over many years, we have put forward the positive thought that judges should not be on police commissions because of their close connection with the administration of justice. They have to deal with police officers in court; they have to determine their credibility. At the same time, if they are the administrators, it indicates the very positive possibility of a conflict of interest.

**Hon. A. F. Lawrence:** Are you referring to provincial judges or county court judges?

**Mr. Singer:** Both!

**Hon. A. F. Lawrence:** Both, eh?

**Mr. Singer:** Yes. As I recall the minister's remarks, they were made in relation to county court judges, and they were made at a gathering. I have the copy of his speech up in my file. I want to take exception to that; I want to criticize that. I think the time has come when we should remove those judicial persons from the administration of police forces because they cannot bring an absolutely impartial point of view to both jobs.

Their main job is to exercise their judicial knowledge and their judicial discretion in judging matters that come before them. In dealing with criminal matters they deal with a variety of police witnesses whose evidence they are supposed to analyse. Sometimes they accept it; sometimes they do not accept it, sometimes they accept part, and so on. I think that if they are doing that job, and it is a difficult job, and they are trying to do it well, and most of them do, they are placed in a rather invidious position if they are in charge of those same policemen in the administration of a police force.

I do not doubt that many judges have made a substantial contribution to the running of police forces, but I agree with the sentiments expressed by Mr. McRuer when he said this should be stopped. I was very shocked, very surprised, to hear that the Attorney General thinks the continuance of county court judges on police commissions is still a good idea. I would like to have him expand on that view and if I took the sentence out of context, let him tell me. Or if he believes it is a good idea I would like to know the reasons why.

**Hon. A. F. Lawrence:** Without having had the opportunity of going into it as seriously as I would have liked to—I would have even gone over the list of all of the commissions and the age of the people on them and the history of the commissions, each of the individual commissions—I intend doing this before we come up with any set policy on it. Right

now, as my hon. friend knows, there is a lot of pressure emanating from municipal councils to return the control of police commissions back to the municipal councils.

**Mr. Singer:** That is my next question.

**Hon. A. F. Lawrence:** What little I know about it so far, anyway, I am very firmly of a contrary opinion on that.

**Mr. Sargent:** Do elected people have the job or appointed people?

**Hon. A. F. Lawrence:** No. A number of the resolutions reaching me are from municipal councils asking that all of the police commissions be elected people or that the majority of them be elected people of the municipal council. I think it would be a retrograde step to return the control of the police commissions to the municipal councils. However, again, as I say, I am indicating that at this stage without having before me the history of the police commissions themselves, the individual commissions.

In any event, in the absence of having a majority of the municipally elected people on the commissions, many of the councils, too, I must say—and that I think is in their defence—do not want that. But many of them now are coming around to that point due to the financial aspects, the expenditures; in relation to the police forces controlled by the boards of police commissioners.

So, in the absence of that, if you do not want them all to be municipally elected people, then who are you going to put on the boards? It is the feeling of my officials, and certainly, as I say, without looking at the matter too deeply—and I want to look at the matter fairly deeply—I think it is a good idea, to have at least one judge, preferably a county court judge, on each of the three-man commissions for the interim anyway.

This ensures someone on that commission who is not subject to immediate public pressures of the day. Somebody whose tenure of office is removed from all sorts of pressures that can afflict elected people. Someone who has a real standing in the community. And somebody who, in relation to the administration of the police forces, should really know what he is talking about.

That is distinct altogether from the question of provincial judges. At one time, the policy was that the three-man commission should be made up of the chief of the elected municipal officials—the mayor—plus a provincial judge—in those days, a provincial magistrate—and a county court judge. Now, as the provincial judges are retiring, resigning, dying, what have you, they are being replaced, as the appointee of the Lieutenant Governor-in-Council, by a citizen, hopefully a community-minded citizen who is not connected in any way with the police or with the municipality, that is in any elected position with the municipality.

So, the policy of my predecessor, which I have not changed, was that the police commissions, as they evolve here and as the provincial judge gets off, would be composed of the mayor as the representative of the municipal council, a citizen and a county court judge. The citizen would be appointed by the Lieutenant Governor-in-Council. In other words—

**Mr. Sargent:** Back to politics.

**Hon. A. F. Lawrence:** —he would be the appointee of the province on there.

As I say, the policy is the one that I was recently defending in a speech and one which I have continued to carry on in the absence of my taking a good hard look at it. If members of the House have different views, I would like to hear about it, because by no means is this a set, adamant policy at the moment, except I do have the belief that it would not be wise to return, as it once was, the absolute control of a municipal police force to the municipal council.

**Mr. Singer:** Mr. Chairman, I am glad the Attorney General has made his position clear. Almost without reservation I disagree with him.

For a number of years we have advanced this position in the House, and I would hope that it was because of some of the agitation that we caused and some of the suggestions that were put forward by news media and many others that the decision was finally taken to eliminate provincial judges from police commissions.

But if you are going to eliminate them, does not the same kind of principle apply to eliminating county court judges?

**Hon. A. F. Lawrence:** No, they are further removed.

**Mr. Singer:** Well, the county court judges' criminal court is a very busy court and the county court judges spend a lot of time in that court and they listen to a lot of police evidence. As I said before, they have to decide whether or not they are going to accept that evidence, or reject it, or qualify it.

I say that there has to be the possibility of a conflict of interest if those same judges, wearing another hat, then go and sit as members of the police commission and decide whether officer A should be promoted or officer B should be disciplined or all sorts of things that involve the day-to-day administrative control of a police force.

I cannot think of a more obvious appearance of a conflict of interest than to continue on police commissions those persons who have a day-to-day job of sitting in court and dealing with police evidence. I think the two matters are in absolute conflict, and there is no justification for the continuation of that antiquated system.

Now, insofar as appointed and elected police commissions are concerned, frankly I have no greater faith in the ability of the Lieutenant Governor-in-Council to decide the civilian appointee than I do in the ability of the local council to decide it. I do not know where the all-seeing wisdom has been thrown onto the shoulders of the Attorney-General that he is going to be able to make a better decision than the chairman of the Metropolitan Toronto council, or the mayor and the council of Owen Sound, or whatever other municipality there is. Why is the wisdom all supposed to lodge at Queen's Park? This is part of the trend. This is part of the reason why you bring in statutes that only give you power to make regulations.

I am anticipating any day we are going to have a statute saying we can pass regulations to do anything—then we can all go home and there will not be anything more to do.

**Mr. Singer:** It is this taking onto yourself this kind of power that is destroying the opinion of local people and that is destroying their right to make decisions. Spadina is another example; there are all sorts of examples. It is this kind of thing that is defeating you. You are on your way out.

I would suggest that you repent, the hour is very, very late, but there is still a chance, and I would say you should begin to think about restoring power to the local councils and removing apparent and obvious conflicts of interest.

**Mr. Chairman:** The hon. member for Riverdale.

**Mr. J. Renwick:** I just want to say we support the position, and have done so for a long time, the position taken by the hon. member for Downsview on this very question.

**Mr. Chairman:** The hon. member for Grey-Bruce.

**Mr. Sargent:** Mr. Chairman, it goes back to the Ontario Police Commission. The personnel of the Ontario Police Commission is the least democratic commission, I would say, in our whole set-up of justice. In an area where we should have elected people deciding how our justice is meted out, we have political appointees. We have the judiciary. And what is the personnel of the police commission now—The Ontario Police Commission?

**Hon. A. F. Lawrence:** The Ontario Police Commission is Mr. Percy Milligan, QC, chairman; Magistrate Thomas Graham. Those are the two full-time members. We have a part-time member, Major General Sparling, retired.

**Mr. Sargent:** Well, at the outset, I was at the meeting as the mayor of the city when we formed the Ontario Police Commission and many of us felt it was undemocratic because there were no elected people on it. We have no recourse to elected people on the Ontario Police Commission. These people that you have on the commission, Mr. Minister—you are no part of it—they are all part of the political system, for they are political appointees, and they are responsible to you and they are part of your machine.

**Hon. A. F. Lawrence:** And I am responsible to you.

**Mr. Sargent:** Part of your machine. You are responsible to me in no way. You set out your policy and I have nothing to do with it. I can talk about it, but nothing happens. I think that somewhere along the line the minister himself, who is the elected person, who has been through the mill as it were, getting elected, who has had the guts to put his name down to run—he knows what is involved in actually representing people. Having sat on a police commission for many years, I know the control that the judiciary has over justice, and they run their own show.

As you mentioned there was a judge and a magistrate and a mayor. He has nothing to say if they want to go against him; they run their own show.

My colleague from Downsview is putting it back into proper perspective. We have always felt like the Ontario Federation of Mayors and Reeves—they represent seven

million people collectively—that we should do away with the set-up as it is now.

For the minister to say to me, to say to the House, that he is going to tone it down a bit; he is going to put a person there appointed by the Lieutenant Governor—but mainly by the Attorney General—it is still back in the political arena. The people who are elected at local level—and all government locally as far as this is concerned—should run their own show in the administration of justice and should elect the county judge who is in the area of determining the lives of the people who come before him. He is setting policy, too, and this is completely wrong. You know it is wrong. That is why I suggest to you, No. 1. Your format of personnel at the top level of the police commission is wrong and your—

**Hon. A. F. Lawrence:** On that, I fail to grasp from my friend what he thinks the make-up of the Ontario Police Commission should be.

**Mr. Sargent:** The Ontario Police Commission?

**Hon. A. F. Lawrence:** Yes.

**Mr. Sargent:** I would suggest that you could maybe make a two-year appointment of say, the mayor of Ottawa, the mayor of Windsor or the mayor of Toronto. These people could serve as the master men because they are elected people. They are not responsible to the political machine at Queen's Park. They would have the intelligence and the knowledge, the background, to give justice that people want because they are part of the democratic process.

**Hon. A. F. Lawrence:** The Ontario Police Commission, as such, does not control any police force.

**Mr. Sargent:** I know that.

**Hon. A. F. Lawrence:** They are a consultative group really. I think I would like to make their powers a little more supervisory than they now are; but again, that is just a thought I throw out here. At the moment they have very little supervisory power at all over the police forces, except now in—

**Mr. Sargent:** They set policy.

**Hon. A. F. Lawrence:** —respect of equipment. No, they do not set policy.

The Attorney General still sets the policy as far as the Ontario Provincial Police are concerned and the Ontario Police Commission—

**Mr. Sargent:** What is their function then?

**Hon. A. F. Lawrence:** The Ontario Police Commission does not set policy for the Metropolitan Toronto police force by any means.

**Mr. Sargent:** What is their function?

**Hon. A. F. Lawrence:** They are there to provide certain consultative services to the municipal police forces. They are there now to advise in respect of equipment and to have some control over equipment in relation to those fairly recent regulations which we were talking about earlier. They are there to help co-ordinate some of the intelligence services within the province.

**An hon. member:** Good idea.

**Hon. A. F. Lawrence:** I am told their duties are set out in section 39, which I guess I should read.

**Mr. Sargent:** No, it is all right.

**Hon. A. F. Lawrence:** Of course, as well, they have control over the final results on appeal in respect of discipline. But really if you think the Ontario Police Commission are doing something wrong then it is my head that should be on the chopping block, not the mayor of Ottawa's, not the mayor of Windsor's nor certainly, the mayor of Toronto's.

**Mr. Sargent:** That is the point. It is back in the political arena again. It should not be that way. It should be a democratic process.

**Hon. A. F. Lawrence:** No, I am the minister responsible to this House for the Ontario Police Commission. If they make a boob or an error, then you hold me responsible, as you justly should.

**Mr. B. Newman** (Windsor-Walkerville): But how does he get rid of you?

**An hon. member:** And how do you get rid of him?

**Hon. A. F. Lawrence:** If you get a municipally elected group on the Ontario Police Commission, I think you would be muddying the waters pretty badly, that is all.

**Mr. Sargent.** Do you not agree then there should be some balancing factor? Supposing you make a boob then, are they supposed to

go along with it? Cannot they have the democratic right to question you?

**Hon. A. F. Lawrence:** The Police Commission?

**Mr. Sargent:** Yes.

**Hon. A. F. Lawrence:** Well, if I give them an order, or if I set policy for them, that is clearly wrong I would hope that the individuals concerned would have enough gumption to indicate in no uncertain terms to me that they think I am wrong. But if it came down to my opinion or their opinion, we get a new police commission. That is all.

**Mr. Sargent:** I believe that. The only thing I am trying to get at is we have centralization of all powers here in Queen's Park then? What is the function, other—

Interjection by an hon. member.

**Hon. A. F. Lawrence:** It is not.

**Mr. Sargent:** What is the function, other than administering your policy?

**Mr. Stokes:** He does not have to hit the member for Grey Bruce over the head.

**Mr. J. Renwick:** They finally got to the root of the matter.

**Mr. Sargent:** The democratic process is not here.

**Hon. A. F. Lawrence:** Well, the democratic process is here, because if you do not like what the Ontario Police Commission does or says, you blame me.

**Mr. B. Newman:** How does he get rid of you?

**Hon. A. F. Lawrence:** He gets rid of me by continuing to ask inane questions during the question period.

**Mr. B. Newman:** By you giving him inane answers.

**Mr. Sargent:** That is the democratic process in action then. There are people like me here who are kind of stupid, I guess.

**Hon. A. F. Lawrence:** Sure.

**Mr. Sargent:** But the thing is—

**Hon. A. F. Lawrence:** I have always said this was a representative group in this House.

**Mr. B. Newman:** Speak for yourself.

**Mr. Sargent:** Well, I do not know. The thing is that—

**Mr. Singer:** Arrogance and ignorance, as I said at the beginning.

**Mr. Sargent:** The thing is that we are kidding ourselves. It is bad at top level and you are putting it down to a local level and I do not buy it.

**Mr. Chairman:** The hon. member for Lakeshore.

**Mr. Lawlor:** Yes, I would like to discuss with you for a few moments a little beyond the local police commission, although it certainly involves it as a central point.

I would like to outline for the House what your policy is—perhaps over against your predecessor, I suspect not—with respect to your area of responsibility of local police forces. Do you feel that there are circumstances and times for which it is the duty of the Minister of Justice of Ontario to intervene in the operations of the local forces?

**Mr. Singer:** It is a very good question. Very good.

**Mr. Lawlor.** Well yes, I think it is high time that we—you know, the previous Attorney General always scouted this question, he always moved away from it.

**Hon. A. F. Lawrence:** Well, I am continuing the policies of my predecessor and I am going to try to scout it too!

**Mr. Lawlor:** I just wanted to set you up. That is all.

**Hon. A. F. Lawrence:** Well, okay, set me up, but can the hon. member help me out by indicating some instances of where he questions whether this should be an area where I should intervene or not? I am not trying to evade it. I am quite willing to admit that I have not thought that much about this area of my responsibilities at the moment.

**Mr. Lawlor:** You know, perhaps the only thing that comes to mind is, for instance, say there are complaints of intimidation within a particular racial community in Toronto as to their relations with the local police. Suppose it even went further than that—that actual shootings took place.

Would you feel that if there were any questions raised in this House, that you could slough off that responsibility to the Toronto Police Commission? Or would you, as the

Attorney General, depending on the circumstances, if you felt that that commission was either obtuse or negligent or completely withdrew from its area of responsibility, do you feel that you would have an obligation to move in to protect the individuals in that community?

**Hon. A. F. Lawrence:** I would say hardly a week goes by in which, either by virtue of some communication to me, usually written by a citizen, or something I myself read in the press, I do not ask the police commission to get a report for me from either the local police force or the local police commission.

**Mr. Lawlor:** Sorry, Mr. Minister, which police commission—the Ontario or the local?

**Hon. A. F. Lawrence:** I ask the Ontario Police Commission. I think my proper vehicle in communicating with the municipal police forces is the Ontario Police Commission. I just read of something today in one of the papers that disturbed me somewhat and before the evening is out, I want to ask His Honour, Judge Graham to get me a report through the police commission in respect of certain policy changes here in Metro Toronto, as a matter of fact, which were in the press just recently. That is the way I dealt with it.

Now, since I have been in this office, I cannot think of a single instance where I have had a report come back to me when I have thought the reasoning was fallacious or the logic non-existent in respect of—or the facts misconstrued or misinterpreted either by the citizen or by the press.

I cannot think of a single instance where I have had to, in effect, indicate my deep displeasure at the policy or the procedures of the police but I have no doubt at the rate we are going here that this will soon occur and what happens when a local police chief or a local police board says to me: "You are wrong, Mr. Attorney General. This is what we are doing, whether you like it or not"?

I suppose my only recourse then is to go through the actual statutes and see if I have the power to change it and if I do not have the power to change it, then consider with my colleagues as to whether I should have the power to change it.

I may say that my understanding—I am not even too sure I was in the cabinet then so that I think I may speak of it—but I know that in one instance, as far as my predecessor is concerned, he disagreed violently with a practice that looked as if it was becoming general throughout the police forces of this province. He attempted by persuasion—

**Mr. Lawlor:** What is that, the use of Mace?

**Hon. A. F. Lawrence:** Yes—to change the attitude of some of the police chiefs without effect and that then resulted in certain statutory or regulatory changes here; a move, by the way, which I think my hon. friend agrees with and which I certainly agree with. But I have not had any indication yet from any police chief or any municipal police force or any police commission, as far as I can remember anyway, in which they, in effect, have said to me: "It is none of your business," or where they have refused to co-operate.

For a while I thought I might be reaching that stage in respect of the desire that I had to know more about audio-surveillance equipment. We still have not had all the returns back from the municipal forces which I think we should have but that is becoming academic anyway now that Ottawa is moving on it.

**Mr. Lawlor:** Took you off the hook?

**Hon. A. F. Lawrence:** No, they are not getting me off the hook by any means.

**Mr. Lawlor:** Got you off the electronic griddle, did they not? Pausing and floating in between with reports from Queen's University professors and others and not quite sure where you stood constitutionally or otherwise and certainly without the temerity, you know, without the confidence of condition in the matter and so Turner came along and lifted the veil and showed you the promised land.

Now, you do not have to do a thing. You can stand and sit there and twiddle your thumbs. Get back to police commissions for a moment. Have you the effrontery to stand there, the Minister of Justice of this province, and tell us blankly and bluntly that you do not know what your lines of authority—that you do not know whether with respect to the actions of police in this province in a multitude of functions—you do not know whether it devolves upon your head to make decisions and to give lines of direction?

**Hon. A. F. Lawrence:** No, I am saying there is certainly no blanket authority in my hands to control the police forces of this province and therefore I have asked you—

**Mr. Singer:** I think you are so wrong. You said that was one of the first remarks you made in this House.

**Hon. A. F. Lawrence:** All right, and I am asking you to give me a specific instance where you question whether I have the authority to change policy of the police and I will certainly tell you whether I think I have the authority or not.

**Mr. Lawlor:** Well, I am saying to you, that if on the books of the province—

**Mr. Sargent:** —have the authority to fire the police commission if you want to.

**Hon. A. F. Lawrence:** No.

**Mr. Sargent:** You just said you had.

**Hon. A. F. Lawrence:** No.

**Mr. Lawlor:** If your legislation is so amorphous, so indeterminate, coming down from the 19th century as to whether you stand there and doubt whether the final devolution of authority lies in your place or in your head, that seems to speak very poorly of the internal sense of responsibility that the Attorney General has. By and large, it seems to me that in the ultimate analysis he ought to have such authority.

**Hon. A. F. Lawrence:** I agree.

**Mr. Lawlor:** And he should be able to assert it, and if there is any doubt about the possibility—and it is not just in the area of the types of weapons used, the use of chemicals of various kinds—

**Hon. A. F. Lawrence:** Oh, well, my friend was not here for that. We have gone all through that.

**Mr. Lawlor:** Oh I was here and I voted for it.

**Hon. A. F. Lawrence:** No, no, I mean earlier, in the earlier discussion in which we took about two hours on that this afternoon. I am not blaming him. I am sure he was usefully employed in the public service elsewhere, but we—

**Mr. Lawlor:** Do not terminate me.

**Hon. A. F. Lawrence:** But we went all through that and—

**Mr. Singer:** He is not a public service employee.

**Mr. Lawlor:** Do not accuse me of that.

**Hon. A. F. Lawrence:** I thought that is synonymous with public service.

The regulations were amended drastically by my predecessor in relation to equipment and, certainly, ultimately through the Ontario Police Commission, I have authority in relation to equipment. There is no question about that.

**Mr. Singer:** We had an awful time getting him to do that too.

**Hon. A. F. Lawrence:** How about another general subject? Wages, shall we say?

**Mr. Lawlor:** The area of training, shall we say?

**Hon. A. F. Lawrence:** Training, right.

**Mr. Lawlor:** I think there is a diversity of modes of procedures of training, of qualifications for people entering police forces, in the level of training, and the business which my colleague mentioned a few moments ago, on crowd control. I think the Ontario Provincial Police places a great deal of emphasis upon a rather nebulous virtue that is fast disappearing from the civilized world, rendering it somewhat civilized, namely, manners, courtesy, and certain fundamental things like that.

When the member for High Park (Mr. Shulman) and I visited the police college, although we could not find anyone present in the establishment at all that afternoon, there were some pamphlets lying about which we looked at. In one class at least, considerable time was spent on public relations and upon good relations with the people at large. I am not so sure that that is widespread within the local police force.

In any event, without getting into debate at least at this time, one thing that has exercised and bothered me—we brought it to the attention of the previous holders of this office and I want to test it out on this minister as a litmus paper piece of business to see whether he turns blue or not—would be the business, of which I am personally conviced, that some kind of psychological testing ought to be brought to bear on the police force of the province.

Policemen are not badly paid any longer but they are not highly paid men and, taking the aspects of physique and aspects of intelligence, qualifications of the mind, there is always that tertium quid, that third thing. These people may be very well attracted—and the Attorney General has heard this before—to the exercise of authority, to the sense

of prestige and to the way that they can carry themselves in the public.

Men who achieve office and have taken responsibility should be humbled by the experience and should be more servitors than overlords. But the minister and I have met too many policemen, by and large, who throw their weight around and who would like to take it out on—of course, it is rather more difficult to do that with a lawyer than with others because—

**Mr. Chairman:** Perhaps the hon. member might find this a convenient spot to break his remarks.

**Mr. Lawlor:** There is no convenient spot, Mr. Chairman, so I will stop here.

**Mr. Chairman:** I regret that very much. However, it being 6 of the clock, I do now leave the chair. We shall resume at 8.

It being 6 o'clock, p.m. the House took recess.

# CONTENTS

**Thursday, July 15, 1971**


**Consumer teams checking weights and quality at supermarkets, questions to Mr. Wishart,** Mr. Sargent ..... 4037

**Foreign ownership of stockbroking firms, questions to Mr. Davis,** Mr. Nixon ..... 4038

**Examining prospectus of Whiterock Estates, questions to Mr. Wishart,** Mr. Nixon, Mr. Lewis, Mr. Singer, Mr. J. Renwick ..... 4038

**Toronto Humane Society not using humane means to destroy dogs, question to Mr. Stewart,** Mr. Nixon ..... 4042

**Tabling report, Canada-Ontario Rideau-Trent-Severn study committee,** Mr. Davis ..... 4042

**CORTS report, questions to Mr. Davis,** Mr. Nixon, Mr. Pitman, Mr. Sargent, Mr. Lewis, Mr. Peacock ..... 4044

**Duties of Minister without Portfolio, questions to Mr. Snow,** Mr. Lewis ..... 4047

**Summer programmes to compensate for projected winter unemployment patterns, questions to Mr. McKeough,** Mr. Lewis ..... 4047

**Sale of printing section of Ryerson Press, question to Mr. Carton,** Mr. Lewis ..... 4048

**Voting by proxy delegated by university student, questions to Mr. Dunlop,** Mr. Lewis, Mr. MacDonald, Mr. T. Reid ..... 4048

**Wayne State master of education programming offered to Windsor teachers, question to Mr. White,** Mr. Pitman ..... 4049

**Toxic wastes from steel mill dump on farm land, questions to Mr. Kerr,** Mr. Spence ..... 4049

**Four-day, forty hour work week, question to Mr. Carton,** Mr. De Monte ..... 4049

**Commitment to meet 50 per cent of cost of new public transport projects, question to Mr. Davis,** Mr. MacDonald ..... 4049

**Highway Traffic Act,** bill to amend, Mr. Paterson, first reading ..... 4051

**Schools Administration Act,** bill to amend, Mr. Paterson, first reading ..... 4051

**Workmen's Compensation Act,** bill to amend, reported ..... 4051

**Estimates, Department of Justice,** Mr. A. F. Lawrence, continued ..... 4060

**Recess,** 6 o'clock ..... 4084

No. 100

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

Fourth Session of the Twenty-Eighth Legislature

## Thursday, July 15, 1971

Evening Session

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

5

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

## CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO



The House resumed at 8 o'clock, p.m.

## ESTIMATES, DEPARTMENT OF JUSTICE
*(continued)*

On vote 911:

**Mr. Chairman:** We are still on vote 911. Is there any more discussion on this? The member for Lakeshore.

**Mr. P. D. Lawlor** (Lakeshore): Yes, Mr. Chairman, you will recall you stopped me in mid-stride, so to speak. I think I was at a semi-colon.

**Hon. A. F. Lawrence** (Minister of Justice and Attorney General): Did we not carry that? I wondered what it was.

**Mr. M. Gaunt** (Huron-Bruce): A long pause; that is for sure.

**Mr. J. Renwick** (Riverdale): Refreshing.

**Mr. Lawlor:** Well, I do not know how refreshing it is, but it is a job that has to be done and we will try and make it as palatable as possible.

I was speaking about the training of the local police. The minister has considerable jurisdiction. I daresay he has not begun to exercise a scintilla of it. But since he achieved office with such foofaraw—all of the noise when "St. Lawrence" came down the road, clearing the path on both sides—

**Hon. A. F. Lawrence:** No way to talk about a deputy minister.

**Mr. V. M. Singer** (Downsview): Everyone knows the minister is 2 i/c!

**Mr. Lawlor:** The minister has been so emasculated by high office that he has not been able to perform a thing since.

**Hon. A. F. Lawrence:** How does the member enunciate that?

**Mr. D. C. MacDonald** (York South): "The Peter Principle."

**Mr. Lawlor:** What I want the minister to do is I want him to consider in his department, and through his commission—I want to tell the minister that things were far more lively last year when the member for High Park (Mr. Shulman) introduced certain evidence which resulted in explosive possibilities. I think they are still hanging around—

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): They did not amount to anything.

**Mr. Lawlor:** —and my understanding is that the member for High Park will be here very shortly.

Interjections by hon. members.

**Mr. Lawlor:** I am only filling in time, Mr. Chairman. I am only here as a kind of—

**Mr. Lawlor:** —an added attraction, so to speak.

**Hon. E. A. Winkler** (Minister of Revenue): Speak for yourself. You are no attraction for us.

**Mr. Lawlor:** The boy with the snake skin in a little alley off the main sideshow. If you are going to see the fat lady you may as well see the boy with the skin of snakes.

**Mr. I. Deans** (Wentworth): After-dinner entertainment.

**Mr. Gaunt:** Any relation to Mr. Goyette?

**Mr. Lawlor:** Anyhow, what I want the minister to do is one simple thing. I want him to test—I was saying; no, I was not saying, but I will say it—at the turn of the century, for the first time, there was Coue. Coue would be toward the middle of the 19th century.

He was the psychologist in France who said that if you sit there thinking hard enough that in every day, and in every way, things are getting better and better, then somehow they will get worse. This is exactly what happened to the end of the century. You know, Coue himself was in a slow decline.

**Mr. J. E. Stokes** (Thunder Bay): Like the Tories now.

**Mr. Lawlor:** But you kind of buck yourself up or lift yourself up by your bootstraps in

this way. Then along came Freud, and Freud did place enormous emphasis on libido, sexuality as being the driving motivation.

At the same time he had a disciple by the name of Adler. Adler was the boy who did not invent, but discovered, the inferiority complex which goes along with aggressiveness—that power drives, not sexual drives of all kinds, were the predominant motives of human lives; that we sought it and spent most of our time trying to overcome everyone else. He was a real capitalist, you know.

A capitalist, by the way, is an individual who is always saying to you that he has not got any time. He is a man who has run out of time. Even socialists run out of time, so watch them. The next time I hear one of my colleagues say he has not got time I will know just where to put him.

But the business of this inferiority complex in the business of human beings seeking to acquire position in society; taking a job of a particular kind because it places them in a position of being able to aggress upon others; to overlord; to put them down; to assert some kind of ego—that sort of thing is something that you—and it goes further than that. If it were only that that would be irritating enough for the general public to have to bear vis-à-vis, the police forces. It goes further than that.

There are constables and men on the police force who join the force and one who exercise these aggressive functions in a hypertrophied way. They are people who are really sadistic.

**Mr. Gaunt:** We are on the Ontario Police Commission.

**Mr. Singer:** The Minister of Municipal Affairs had better not go away. We may need him in a little while.

**Hon. D. A. Bales** (Minister of Municipal Affairs): Can I be sure of that?

**Mr. Lawlor:** They take some delight in torturing or placing other human beings in positions of discomfort, and more than discomfort—really putting the needle in. Since the law itself says it cannot put any more than a needle—if you put a knife in, it might result in homicide—the needle is usually sufficient.

I am saying to you that we have talked about this before, but nothing has ever been done. Nor do I know of any jurisdiction in which it is done, that that sort of individual is to be eliminated from the police forces. That sort of individual is the rotten apple which rubs off onto other members of the force, because these men are emulative, you know, as men can be, if he is brusque and aggressive and gives a sense of having this superb confidence, which these kind of people rather do. They are single-minded because they have only one brain, you know; they only can think of one thing at a time—it heightens their powers because their imagination is completely dead.

There is only one thing to do. I think that some kind of testing technique should take place in which such individuals would be weeded out and winnowed out before they got into positions of power. There are techniques where if an officer is overweening in his responsibility, is too much of a martinet, is too legalistic in his approach to the citizen, his fellow officers over a period of time do tend, after they have learned, and by bitter experience, to know what this fellow can visit upon people. And I suppose the sergeant at the station and others can begin to say: "Well, this man is not suited to be a police officer and ought to be sent out somewhere else where he might do a better job."

I think it is possible, in advance of that, to forfend and to get a better quality of man; at least eliminate the psychologically perverse and cruel, in this particular area, so that you will get men with some of kind of discretion and balance who will not act as a thorn in the side

A man like that can turn hordes of citizens against the police and that is one of the great problems in our society—the degree of alienation, the degree of people who refuse to assist police officers. Of course another thing that adds immensely to that whole thing is the parking ticket. I do not suppose, and I am not even going to advocate, that in that area you ought to enter into the local life, because it is a bit much.

The parking ticket is a form of taxation, pure and simple, that has very little relationship to any other social purpose. The ostensible purpose being to clear the streets, and to that extent it has validity. But to the extent that it is used as a weapon by the municipal authorities to get extra money into the coffers as a taxation measure—and that is deliberately what is being done at the present time—to that extent the concept of the parking ticket is an illegitmate one and ought to be wiped out. And in a general way across the province you might very well have something to say about that too.

In another area affecting the provincial police, I may as well complete what I

have to say and lapse into a coma. I want to tell you about a situation with the Ontario Provincial Police. I am sure it is the provincial police—and about rock festivals. You have a bill before the House—I do not think it is your bill—it is the Minister of Health's (Mr. A. B. R. Lawrence's) bill in which surreptitiously, subtlety and by the back door, the Ontario government is moving in on these festivals.

About a year ago, a year ago late Friday night, I was called by telephone to go to a rock festival up on Rockhill. The following morning I got in my car and drove up with my son. We arrived on Saturday morning. The conditions were extremely quiet and everybody seemed to be comporting themselves well. The festival had not actually started. It was supposed to really get going somewhere around 12 noon.

Well, I arrived about 10 and made an inspection of the property, ran into a psychologist friend I know, employed by the federal government, who was there to observe festivals and to report the situation on drugs and, I suppose, on all forms of anthropoid behaviour as a general psychologist. And I toured the site and listened to as much music as I could contend with for the time being and there was not any Beethoven and much less the "Well-Tempered Clavier" in sight. But apart from little things like that, what really rocked me at the rock festival were the medical units. I really want to take some issue with this; I have been waiting for this opportunity to speak on the matter.

**Mr. Singer:** There must have been $108,000 worth of policemen in there.

**Mr. Lawlor:** Well, there were very few policemen on the site when I arrived, and they certainly were not stopping cars and inspecting them or they would have got some splenetic kind of rejoinder from me. I just think that this police inspection of automobiles under subterfuges and pretenses as an abuse of the whole process. And that is at Christmas time and any other time. But particularly at rock festivals it is a masquerade for intimidation; that is what it comes down to.

But I went down to visit the tents where the medical teams were present. There were numerous nurses; there was a major doctor—probably there was a second doctor, as I remember—and he took me into the operating theatre in the tent. And do you know that operating theatre was so elaborate that they told me they could do heart transplants; they could transplant legs, they could transplant anything in that theatre.

And here is the Ontario government—

**Hon. Mr. Winkler:** Were the member's services requested?

**Mr. Lawlor:** —that Pharisaical, breast-beating bunch, always with their undertow against the young, as was proved this afternoon in the wretched committee on University affairs downstairs, where the troglodytes come out of their holes. They were never seen in the debate; for five solid days we sat there and fought back and forward and traded punches and so on, and then the Provincial Secretary (Mr. Yaremko), the suzerain, the wizard, the wise man, comes out of his office. He cannot even administer his own department; what is he doing down in that committee? He never heard the debate; he did not do a thing.

I am off the track, I am sorry; but he is the one who threw the extra weight down there yesterday afternoon to change the whole tenure of event in that committee. What a troglodyte! In any event, back to the rock festival.

**Hon. A. F. Lawrence:** No.

**Mr. Lawlor:** The operating tent was elaborate. It must have cost—well, I do not know what operating tents cost, but I am telling you that the equipment there would have made the South African doctor's eyes bug out—fantastic! And the minister was loading, on the proprietor of this particular establishment the full cost of that, was he?

By what effrontery are we going to sue them because we had to supply these medical services? Certainly services have to be supplied for people who are taking drugs, for minor injuries and for people rolling downhill in the middle of the night because the RCMP pushed them out of their sleeping bags. That is right, the RCMP raided them; they went into every little tent and pup tent. I do not know what they were looking for; I think venereal disease or something. This is our great RCMP. Where the kids congregated, they were present, and they were present invidiously, and this government—

**Mr. Chairman:** Order, please. This has to do with 911?

**Mr. Lawlor:** Yes, it is right on provincial police.

**Mr. Chairman:** Well, we are not on provincial police yet. We are on the police commission.

**Hon. A. F. Lawrence:** That is not 911.

Interjections by hon. members.

**Mr. Lawlor:** Well, I was just talking about the RCMP!

Interjections by hon. members.

**Mr. Chairman:** Well, try to relate it to vote 911, the Ontario Police Commission and police training.

**Mr. Lawlor:** Well, you try to relate to what this debate was.

**Mr. Chairman:** I am trying.

**Mr. Lawlor:** Were you here earlier when we were discussing the RCMP, when we were discussing the relationships of municipal police forces? Has this anything to do with the OPP?

**Mr. B. Newman** (Windsor-Walkerville): He was not the Chairman then.

**Mr. Chairman:** Well, we are leading up to that. It seems to be a medical discussion up to now.

**Mr. Lawlor:** Just leave me alone. I will be finished in a minute. Well, I am telling you; you have got three other votes and I am talking them all at the one time.

**Mr. MacDonald:** That is what he is complaining about.

**Mr. Lawlor:** And then after that you will be saved. You can go home, vanish into darkness, if you wish.

I do not think anyone has said in this Legislature, and I intend to say now, that you have no business, either in contractual law or otherwise, to try to bring—By what divine privilege does this government, or the Attorney General of this province, threaten these proprietors with bearing the whole burden of whatever he, in his supreme wisdom, seems to impose upon them, either by way of police protection or by way of medical costs?

The minister cannot put whatever medical units he wants, in on any citizen group and tell it that he is doing it because in his wisdom he thinks that is what is adequate and necessary. He loads them with things that are far in excess of anything that would be deemed necessary and then turns around and says, "Pay the shot."

The minister has no contractual base for that and he knows it, so he has got this new legislation in which he tries to post bonds. He raises the ante on bonds, like he used to, the day before yesterday; he raises the ante on bail, so that it will be effectively ruled out.

I think that is high-handed. I think that shows an indisposition to youth. It shows the same obtuseness that brings about recalcitrance and gets a reflex action from the young in terms of that kind of imposition coming from the middle-aged and older people.

The Attorney General does not have to indulge. At the same time, he should not bring that kind of imposition upon anybody's head. I find it very questionable, of course, so I stuck around for quite a while after that and watched goings on. I thought everything was perfectly ordinary. They certainly were not disturbing the peace or anything. They seemed to be relatively happy people, somewhat a good deal happier than this wretched assembly in most of our moods of apathy or depression.

**Mr. E. Sargent** (Grey-Bruce): They did not have a good time talking about it, did they?

**Mr. Lawlor:** Then at 4 o'clock in the afternoon I started home and went to a restaurant along the way. Standing in the window of the restaurant on toward 5 o'clock, what did I see—I could not believe my eyes—but the phalanxes began. Down the highway came row after row of motorcycle policeman all apparently coming from Camp Borden, row after row after row.

**Mr. R. Haggerty** (Welland South): Just got out in time.

**Mr. Lawlor:** Unbelievable! Then, after that, came the cars, and the cars kept coming ad infinitum all along the road and the troops were out. It looked like some kind of foreign invasion. I wondered if it were a new visitation from Mars, whether the young people represented some foreign force seeking to occupy and scarify our planet, set up hoof and mouth disease on the lawn out there, because all these vast hordes of policemen, all descending upon them like locusts, I am sure was the most appalling sight I ever saw.

It just terrified me, so much so that I did not even go back. But I did get a call later that night to come back, that the police were

obstructing cars. I mean police can obstruct too, you know. They were stopping all vehicles coming and searching them and making everybody go through a pocket search, besides restricting the vehicle, making them produce all kinds of identification, anything to harass—

**Mr. Sargent:** Shame, shame.

**Mr. Lawlor:** —and annoy and put their backs up—I am saying that kind of thing has to cease in this province—

**Mr. Sargent:** Right; hear, hear!

**Mr. Lawlor:** I think that the training of the police, which I am concerned with in this vote, at the OPP staff college—thank you, Mr. Chairman—should be raised and that, in some way, the same standards and the same rapport and the same decencies that we wish to afford to one another must be the standard of conduct among us all, young and old alike. If you cannot measure up to that level of courtesy, then you are not fit to govern.

So the minister has a responsibility in my opinion to look into training conditions in the local police, which I think are worse, if I may say so, on the whole, than that of the provincial police who have a grain of civilization. Down below there is harassment. There are officers with these hereditary, instinctual dislikes and even hatreds of the young who are hanging them up all the time.

I was told, just yesterday, that this applies to Ontario Provincial Police. I was talking to young people who have just travelled across Canada. They had an old Volkswagen in which they did it. I said, "Did you have any trouble?" They said, "In only one place. We were stopped twice in northern Ontario by the Ontario Provincial Police."

I said, "And nowhere else?" They said, "Yes; but the way in which it was done by the RCMP in Saskatchewan was so gracious. They just wanted to know how we were getting along really." But that was not true about the OPP.

The other day I asked the minister a question in the House about these hitchhikers, if the federal government—and as far as we can gather—

**Mr. Chairman:** Order, order. I presume this will come under vote 914.

**Mr. Lawlor:** I am talking about the Ontario Provincial Police operation.

**Mr. Chairman:** Yes.

**Mr. Lawlor:** All right, I will wait. You will get it all later on, I do not care. It comes at vote 719½.

**Mr. Chairman:** Vote 911, the member for Downsview.

**Mr. Singer:** Mr. Chairman, before the dinner hour the member for Lakeshore returned to a theme that I had enunciated at the beginning of these estimates, and I think bears repetition now. I made a point there that certainly in our opinion the Attorney General should be all of the law. He should control all of the legal functions of this government; he should be the responsible minister who controls each little legal suzerainty that exists; he should be able to avoid the sort of nonsense that we had to get into because of the stubborness of the Minister of Agriculture (Mr. Stewart); he should have been able to avoid the badly drafted bill introduced by the future Minister of the Environment (Mr. Kerr) and the equally badly drafted bill introduced by the Minister of Mines (Mr. Bernier).

But he has abandoned all of those responsibilities and apparently he does not yet know what his responsibilities are. He does not yet know at this date, July 15, whether or not he is responsible for policemen. Now that is a very fascinating thing. Two of his predecessors sit in this House and on this very same point we had the same difficulty with his immediate predecessor who still sits on the cabinet benches.

Certainly, the other gentleman who sits as a member of this House had no doubt in his mind that it was one of his responsibilities as the chief law officer of the Crown, as the person in charge on behalf of government to look after the administration of justice—which is the responsibility the province has set out in section 92 of The British North America Act—that he was responsible for the police.

Mr. Chairman, I do not want to drag these estimates out any longer. I do not want to return to the sort of cases like that of Shirley Hunter, where the Metropolitan Toronto Police Commission refused the direction and the instruction of the former Attorney General to hold an inquiry into the peculiar circumstances resulting in her arrest and detainment.

I do not want to again belabour the cases where the gentleman happened to be picked up as an alcoholic and was held because he had a name similar to somebody else they

had been looking for on a driving offence—and in fact this fellow had never driven a car in his life—and we could not get any answers from the then occupant of that office.

I would have thought that at least within the provisions of the present Police Act, or failing that, certainly within the very clear and explicit terms of The British North America Act, section 92, there could be no possible doubt in the mind of even the 2 i/c of this government as to what his duties and responsibilities were.

He so hungered after office that he treats it as an expedient. Not once during the course of this whole series of estimates has he ever given us his philosophy. What does the chief law officer of the Crown do? What are his responsibilities? Or does he just sort of patch up the wall as the hole appears from time to time? Does he just try and dance around the immediate problem?

Mr. Chairman, there is no point in belabouring this issue. Obviously the time that this minister has spent in his office has taught him nothing. He has been afraid to announce his philosophy if he has one?

**Mr. Chairman::** Order please, that discussion was out of order.

**Mr. Singer:** Oh, no.

**Mr. Chairman:** Order please.

**Mr. Singer:** Mr. Chairman, I am talking about his responsibilities for police.

**Mr. Chairman:** Right.

**Mr. Singer:** And if the Attorney General of this province cannot stand on his feet sometime during the course of the estimates of The Department of Justice and say who is responsible for the police officers of the Province of Ontario, then I say he is no Attorney General.

**Mr. Chairman:** Order please.

**Mr. Singer:** Now that is what we are talking about.

**Mr. Chairman:** Order please, that was on vote 901

**Mr. Singer.** No sir, that is about police, supervision of police programmes, and we have to find out who polices them.

**Mr. Chairman:** The responsibilities of the Attorney General were discussed under vote 901; we are on 911.

**Mr. Singer:** Mr. Chairman, that was under general office, when the tradition of this House allows the general discussion of all the Attorney General's estimates. Now we are talking about police—

**Mr. Sargent:** Right.

**Mr. Singer:** —and all the police in the Province of Ontario and I am absolutely within order. And if you choose to rule me out of order, I challenge your ruling and will continue speaking.

Interjections by hon. members.

**Mr. L. C. Henderson,** (Lambton): You are out of order. Sit down.

**Mr. Chairman:** Order please! Order please!

**Mr. Singer:** No, Mr. Chairman—

**Mr. P. J. Yakabuski** (Renfrew South): There is not a person in the galleries, only one reporter in the galleries.

**Mr. Chairman:** Order!

**Mr. Sargent:** Mr. Chairman, for 20 minutes you let the member for Lakeshore speak about the Ontario Provincial Police. My colleague is right on target and you rule him out of order.

**Mr. Chairman:** Order please. I will decide that.

When I interrupted the last hon. member he was discussing the responsibilities of the Attorney General and that is vote 901.

**Mr. Singer:** Mr. Chairman—

**Mr. Chairman:** Order please.

**Mr. Singer:** The responsibility for police is vote 911 and that is what I am discussing.

**Mr. Chairman:** Well you were talking—

**Mr. Singer:** I certainly have the right to discuss the Attorney General's ideas about who is responsible for the policemen in the Province of Ontario—

**Mr. Chairman:** I agree.

**Mr. Singer:** —because I do.

**Mr. Chairman:** But vote 901 is the duties of the Attorney General.

**Mr. Singer:** Now, Mr. Chairman—

**Mr. Chairman:** Vote 911.

**Mr. Singer:** —what I am saying is the Attorney General does not know—

**Mr. Chairman:** Order please.

**Mr. Singer:** —who is responsible for the police in the Province of Ontario and it is high time he learned.

**Mr. Chairman:** Order please.

**Mr. Singer:** He has an ability—if you want to kick me out of the House, do it.

**Mr. Chairman:** No.

**Mr. Singer:** I am going to continue to talk because I am asking about his area of responsibility.

**Mr. Chairman:** Well, just one moment please. You may discuss the work of the Ontario Police Commission or police training, yes, but the other trend was out of order.

**Mr. Singer:** Mr. Chairman, I would draw your attention to the words under programme description where it says, "The programme is designed to promote the maximum efficiency of police forces in Ontario to advisory services, crime intelligence, police training and disciplinary procedure."

**Mr. Chairman:** And it is broken—

**Mr. Singer:** We are discussing who is responsible for it.

**Mr. Chairman:** It is broken down into the Ontario Police Commission and the police training.

**Mr. Singer:** —training and advisory sevices, intelligence and disciplinary procedures and I am discussing who is responsible for it and I have every right to discuss it.

Now, Mr. Chairman, as I was saying as the Attorney General is not able, at this stage—

**Mr. Chairman:** Order please. Order please.

On vote 901, if you read the programme description it says, "This programme represents the duties and responsibilities of the law officer of the Crown which is the Minister of Justice."

**Mr. Singer:** No, law officers.

**Mr. Chairman:** No, no.

Interjections by hon. members.

**Mr. Chairman:** The duties and responsibilities of a law officer of the Crown come under 901.

**Mr. Singer:** I am talking about who is responsible for police forces—

**Mr. Chairman:** Right.

**Mr. Singer:** —advisory services, crime intelligence, police training and disciplinary procedures.

**Mr. Chairman:** Well, you are mixing it all up now.

**Mr. Singer:** Now, this is the minister who is, and he does not accept that responsibility.

**Mr. Chairman:** Well, try to keep—

**Mr. Singer:** And that is what I propose to discuss—

**Mr. Chairman:** Well just try to keep in the vote.

**Mr. Singer:** —and if I have to stand on my feet here all night I am going to discuss it.

Now, Mr. Chairman, I think the time has come when the Minister of Justice should be able and prepared to accept the responsibility that he has in this serious office and to recognize that if he is the person who recommends to the government of Ontario what should be in The Police Act and how the administration of justice is to be carried on, that he should recognize the difference between being an enforcer and the chief law officer of the Crown; accepting the responsibility for the administration of justice and accepting the responsibility for all of the police forces of the province.

And if he still has doubt in his mind, as he indicated early after his assumption of office and as he indicated to the hon. member for Lakeshore earlier this evening, then I say, sir, that in my opinion he has no understanding at all of how his office should be conducted and he does it as an expediency rather than in accordance with his duties as are set out by the customs of this House and the constitution of this country.

**Mr. Chairman:** The hon. member for Windsor-Walkerville.

**Mr. B. Newman:** Mr. Chairman, is the minister going to reply to the hon. member for Downsview?

**Hon. A. F. Lawrence:** We discussed all this—

**Mr. Chairman:** The member for Windsor-Walkerville.

**Mr. B. Newman:** Thank you, Mr. Chairman. I wanted to ask the minister if the police commissions have met with the Police Association of Ontario and discussed the supercar for police forces in Ontario.

**Mr. Henderson:** —your friends this afternoon—all Liberals.

**Mr. B. Newman:** Mr. Chairman, earlier in the session I had asked the minister if the department was setting up a code of minimum standards for police vehicles so that they can better enforce the law. At that time the minister said he would look into the situation, and to date I do not have an answer from him,

I am sure the minister is aware of the recommendations of the police association of the province. John Garswood, a police officer from the city of Windsor drew up a series of specifications, and the minister is probably aware of the Chicago manufacturer by the name of Federal Sign and Signal Corporation that has developed the super cruiser, a police vehicle that incorporated special features to better aid the law-enforcing agencies throughout the country.

Now, I know it is not a simple matter but I think there should be some type of rule or regulation developed by the police commission so that we could encourage auto manufacturers across Canada and the United States to develop a special type of vehicle for the police officers rather than use the normal commercial vehicle which can be duplicated by practically anyone who wishes to challenge the law—a special vehicle eventually; why not now, Mr. Minister?

**Hon. A. F. Lawrence:** I think the brief from the Ontario Police Association was received last year by my predecessor, and has been referred to the Ontario Police Commission for review.

They are in the process of reviewing that and they have had discussions, I gather, with the authors of the brief and others and hopefully their review and their recommendations to me will be forthcoming fairly shortly.

**Mr. B. Newman:** Thank you, Mr. Minister. I readily understand that we cannot have a special vehicle only for the Province of Ontario because no one could come along and manufacture such a vehicle. But at least the Police Association of Ontario seems to be the sparkplug for the development of that type of vehicle.

They are to be highly commended for their keen interest in the thing. And they are selling the idea to law-enforcing agencies throughout the United States, and I think if there was a little more push from the police commission of the Province of Ontario that day would come a little sooner when a super cruiser could be developed for police associations, or police bodies throughout north America.

**Mr. Chairman:** Vote 911. The hon. member for Grey-Bruce.

**Mr. Sargent:** Mr. Chairman, earlier today the Attorney General said that if the Ontario Police Commission did not follow his orders to the letter he would fire them. In other words, he would get rid of the Ontario Police Commission if they did not do exactly what he wanted.

In reviewing this thing very briefly, the fact that we do not have elected people on the Ontario Police Commission—and they are subservient to the minister—I am concerned about the power that this one man has which will develop in our talk about the Ontario Provincial Police.

As pointed out by the hon. member for Lakeshore with regard to levying $108,000 for police protection at a rock festival; the arrogance of one man who can say he is God and can levy these things is a matter of concern to all democratic people.

The Minister of Trade and Development (Mr. Grossman) did not do too well in his estimates; he should not be advising you right now, I am telling you.

**Mr. Yakabuski:** We thought he did exceptionally well.

**Mr. Sargent:** He is lucky to be off the hook. He is lucky he still has a job.

**Mr. Yakabuski:** You are the fellow who was on the losing end of that stick.

**Mr. Henderson:** What do you want to quote on?

**Mr. Sargent:** Look at the smile, look at the smile.

**Mr. Singer:** Glad you are back, Lorne. We missed you. Where have you been? Nice of you to come in again.

**Mr. Henderson:** We have missed you the last few months.

**Mr. Sargent:** What did you drop in for?

**Mr. W. Ferrier** (Cochrane South): That is the new wave of the new government, Eddie.

**Mr. Sargent:** That is a blockbuster, that one is.

**Mr. Yakabuski:** Very immature.

**Mr. Sargent:** We have the power of the Attorney General to filter down through the system as it were, through the Ontario Police Commission, down to police chiefs in each local area. And he is the boss of them too.

**Mr. Henderson:** Eddie, did you realize Bernie did better than Vern?

**Mr. Sargent:** Last week, I brought up in this House the fact that we have a debtors prison system in this province. A lady in Wiarton was picked up on a warrant because she could not pay a careless driving charge of $121 and was driven to jail. She could not pay it so they sentenced her to 30 days in jail and were taking her away to Toronto to serve her sentence.

I asked the minister about this and he said he would look into it. Well, I have asked him repeatedly about things which he would look into and he never looks into them, he never comes back with an answer.

But what I am concerned about, Mr. Minister, is the fact that justice is the only thing you cannot get in this province on the instalment plan. And the amount of money you have in your pocket defines whether or not you go to jail. So you tell me, as the chief law enforcement officer, instructing—

Interjections by hon. members.

**Mr. Chairman:** Order, order please.

**Mr. Sargent:** —the local police chief—

Interjections by hon. members.

**Mr. Chairman:** Order, please. That was all thoroughly discussed in an earlier vote. We are now dealing with the supervision of police forces, mainly the Ontario Police Commission.

**Mr. Sargent:** I submit to you, Mr. Chairman, he has the supervision of the Ontario Police Commission, the police commission in Owen Sound. The police commission in Owen Sound takes its orders from him—

**Mr. Chairman:** But the minister—order please. If you look at the vote—

**Mr. Sargent:** Now come on. Why do you not grow up and listen to what I am talking about?

**Mr. Chairman:** I did, a long time ago. Under "Law Officer of the Crown Programme," the responsibilities of the Attorney General are in vote 901. And your discussion is out of order, and I so rule.

Vote 911; the member for Welland South.

**Mr. Sargent:** I am not going to buy that.

**Mr. Chairman:** Well, you can challenge it if you wish.

**Mr. Sargent:** The thing is, I am talking about the administration of the Ontario Police Commission—

**Mr. Chairman:** No you are not.

**Mr. Sargent:**—and police forces.

**Mr. Chairman:** We want the work of the Ontario Police Commission, that is what you should be—

**Mr. Singer:** And police forces.

**Mr. Sargent:** Crime intelligence, police training and procedures.

**Mr. Chairman:** I realize that.

**Mr. Sargent:** I am talking about it as far as my people are concerned. I am talking about the fact that you put a lady in jail for 30 days because she cannot pay her fine.

**Mr. Chairman:** That has nothing to do with the Ontario Police Commission.

**Mr. Sargent:** I am talking about who tells the police chief in Owen Sound to pick the lady up and put her in jail.

**Mr. Henderson:** I thought you paid that fine.

**Mr. Sargent:** I did.

**Mr. G. Bukator** (Niagara Falls): That is something you would not do.

**Mr. Sargent:** I want to find out what his answer is to this.

**Mr. Chairman:** We have discussed this thoroughly in earlier votes.

**Mr. Sargent:** If I cannot find out in the House, where can I find out?

**Mr. Chairman:** Ask before the orders of the day then, because we have already covered it.

**Mr. Sargent:** I cannot get the Speaker's eye.

**Mr. Chairman:** Any further discussion on vote 911?

**Mr. Sargent:** I am not going to drop this. I want to know what is going to happen. Is he going to answer my question or not?

**Mr. Ferrier:** They are trying to muzzle the hon. member.

**Mr. Chairman:** The hon. member for Grey-Bruce is out of order. I call on the hon. member for Welland South.

**Mr. Sargent:** Is the minister going to answer my question?

**Hon. A. F. Lawrence:** I did not get the question, I am sorry.

**Mr. Sargent:** How could the chief of police, under the laws of this province, put a lady in jail because she could not pay her traffic fine for $121? In this system of ours, how could it happen?

**Hon. E. Dunlop** (Minister without Portfolio): The judge did that.

**Mr. R. J. Boyer** (Muskoka): That would be a matter for the court.

**Hon. A. F. Lawrence:** I can assure the hon. member that it does not come under this vote. But as I think I tried to indicate the other day, I am concerned about the monetary standards in some of our penal legislation, and whether some of those things should be there. On the other hand, the ultimate remedy also has to be there. If people insist upon not obeying the law, what does my friend think the ultimate remedy should be?

Interjections by hon. members.

**Mr. Chairman:** Order, please.

**Mr. Lawlor:** Does the Attorney General care to do something about that back there?

Interjections by hon. members.

**Mr. Singer:** Yes, why do you not rule somebody out of order?

**Mr. Chairman:** Order please. Vote 911.

**Mr. Sargent:** Just a minute, he is going to answer my question.

Interjections by hon. members.

**Mr. Singer:** Where is your authority, Mr. Chairman?

**Mr. Chairman:** Order please.

**Hon. A. F. Lawrence:** There has to be a final remedy somewhere along the line if people pay no attention to the law or to fines levied against them.

Interjections by hon. members.

**Mr. Chairman:** Order please.

**Mr. Stokes:** I think they had too many orders.

**Mr. Lawlor:** When was the last time you made a contribution to the debate of this House?

**Mr. MacDonald:** What are you talking about?

**Mr. Yakabuski:** Come on! The hon. member for York South should not be associated with that. You have more principle than that, have you not?

**Mr. Chairman:** Order, please, the hon. minister has the floor.

Interjections by hon. members.

**Mr. Chairman:** Order please.

**Mr. Lawlor:** —personal privilege, I do not admit to inhabiting the same sewer.

**Mr. Yakabuski:** You had better speak to the member for High Park.

**Hon. A. F. Lawrence:** Well, in any event, I am looking for guidance here. We are dealing with a matter of pretty great principle, regardless of whether it come under this vote or not. What should you do with a citizen who pays no attention to the law, ultimately, or fines and penalties? I have got a couple in mind.

**Mr. Sargent:** Thank you, but the fact is that the lady did not have the source of funds to pay the fine. If she had had the money she would not have gone to jail. In our economy your freedom should not be governed by the amount of money you have. I think the minister agrees with that. But I wish something would be done about it, because for any chief of police to go out and issue a warrant for a traffic violation and put people in jail, is wrong.

**Mr. Chairman:** The member for Welland South. Were you not wishing to speak on this vote? Oh, Waterloo North. I am sorry.

**Mr. E. R. Good** (Waterloo North): Regarding the—

**M. J. E. Bullbrook** (Sarnia): An understandable mistake, Mr. Chairman, in view of all the confusion in the Tory backbenches.

**Mr. Good:** One point I would like to ask of the Attorney General and that is—

Interjections by hon. members.

**Mr. Good:** Mr. Chairman, I would like to ask the minister what his feelings are regarding the functions of local police commissions in licensing of taxis, buses, cartage firms, junk yards, salvage yards, and things of this nature. Does the Attorney General, Mr. Chairman, really believe these are fit and proper functions for the local police commission?

**Hon. A. F. Lawrence:** These are under The Municipal Act, not The Police Act. I stand to be corrected on that, but I think under The Municipal Act this Legislature has given the municipalities the authority to regulate the issuance of licences for various things.

In some of the municipalities they have set up a special licensing commission; sometimes for good and sometimes for not so good. In some municipalities the municipal council has decided that it should be a police board of some nature or other. In others, they have delegated that authority to the police chief I believe, but that is a municipal decision.

**Mr. Good:** Mr. Chairman, am I correct in understanding that it is a duty put on the police commission by the local municipality? Is that correct?

**Hon. A. F. Lawrence:** Well, I am corrected. I gather The Municipal Act says that a municipality of a certain size can do it either by a licensing commission or by a police board. But that again is The Municipal Act.

**Mr. Good:** Under a certain size it is done by the police commission. Is that not right?

**Hon. A. F. Lawrence:** I am really not that conversant with The Municipal Act.

**Mr. Good:** Well, in other words then, Mr. Chairman, the minister has no feelings one way or the other on whether or not these authorities should be properly carried out by a police commission?

**Hon. A. F. Lawrence:** I have never really thought about it.

**Mr. Good:** Would you give an undertaking to think about it?

**Hon. A. F. Lawrence:** Yes I think so. But again, you know, what are the objections to it? You say you do not like it, why do you not like it?

**Mr. Good:** Did I say I did not like it?

**Mr. Bullbrook:** That is the first time he has been forceful in the whole estimates.

**Hon. A. F. Lawrence:** How do you know? You have only been in for the last half hour.

**Mr. Bullbrook:** You have been sitting there smiling for three weeks.

**Hon. A. F. Lawrence:** Well this is my eighth day as I remember.

**Mr. T. P. Reid** (Rainy River): Like a sphinx.

**Hon. A. F. Lawrence:** I am sorry, was I misconstruing what you were saying? You say you do agree with it or you do not agree with it?

**Mr. Good:** I have not even committed my opinion on this.

**Hon. A. F. Lawrence:** I know you have not.

**Mr. Good:** What I am saying is that what has brought it to my attention is this: the fact that this type of responsibility is being thrust in another bill—which will be before this Legislature tonight if we ever get through these estimates—on a regional police force, most of whom are appointed by the government here by a regional manager. That regional police force will then have responsibilities to decide whether or not another sightseeing bus should be licensed to drive the streets, say in Niagara Falls, or some other city around the area.

I am just wondering if the Attorney General, who must be conversant with the responsibilities of police commissions, feels this is a proper function of the police commission? I am beginning to have little doubts in my own mind.

**Hon. A. F. Lawrence:** Well, the only experience I have had with a licensing body has been the Metropolitan Toronto Licensing Commission and that was long before I got into the cabinet, and I did not particularly agree with some of their procedures. We are now cleaning up that, but whether it should be, whether it detracts from the normal police function or not—

**Mr. Good:** This is what I am wondering.

**Hon. A. F. Lawrence:** —is something I have never honestly thought about. I am sure if the police chiefs themselves thought that this was something they should not be doing I would hear about it. I have not heard about it. That may not be the standard, of course.

**Mr. Good:** As a final word let me just say this, that in areas outside of this city of Toronto, of which the Attorney General evidently is not aware, or has not looked into, most police commissions do have these functions. I am wondering if he would look into this and see whether it is a fit and proper function for a police commission to be responsible for the licensing of auto wrecking firms, junk yards, secondhand stores, sightseeing buses and taxicabs and this sort of thing, I am beginning to have my doubts.

**Hon. A. F. Lawrence:** But there are other licensing functions of those boards as well. There are secondhand shops, pawnbrokers, people like that, and I am sure if you were sitting on a licensing commission or charged with the licensing function, you would want to have some indication of whether or not those individuals had a police record. Therefore, the police have to be involved in some manner, shape or form, in respect of some of those categories, for a police investigation.

I am sure the thought behind the idea in the first place was that it was so closely tied in that in some cases those boards should perform that function. I have never really thought about it. I will make some inquiries and find out if there has been any universal or even partial objection to it. I have never heard a complaint before.

**Mr. Good.** Mr. Chairman, that train of thought could lead one to the position where the Attorney General would be thinking that police should be issuing liquor licences and lottery licences and things of that nature as well.

**Hon. A. F. Lawrence:** Certainly they do an investigation into those things, yes.

**Mr. Good:** Does the minister think they should be doing the issuing of the licences?

**Hon. A. F. Lawrence:** No, this Legislature has decided otherwise.

**Mr. Chairman:** On vote 911. The member for Cochrane South.

**Mr. Ferrier:** I wonder if I could ask the Attorney General a couple of questions. I recently had some representation by one of my constituents about the training of the police force in my municipality. Are the standards set for municipal police forces by the local police commissions?

**Hon. A. F. Lawrence:** Yes.

**Mr. Ferrier:** And if the local police commission desired that a police officer should have training at Aylmer or some place like that, it would be its responsibility to direct this to be done?

**Hon. A. F. Lawrence:** That is right.

**Mr. Ferrier:** Would there be any grants for that or is this solely the financial responsibility of the municipality?

**Hon. A. F. Lawrence:** We pay everything for the Aylmer Police College except the salaries of the men who are taking the courses. That is still the responsibility of the local police force.

**Mr. Ferrier:** I thank the minister very much.

**Mr. Chairman:** On vote 911? The member for High Park.

**Hon. A. F. Lawrence:** Of course, we are trying to encourage more and more people to go to it. We are extending the facilities; hopefully, we are bettering the courses and it may be that some time in the future, once the thing is rolling, we may require people to be going to the police college or to have certain standards in that respect. We do not at the moment, because the facilities are not there.

**Mr. Ferrier:** That is a worthy goal.

**Mr. M. Shulman** (High Park): Mr. Chairman, at the beginning of this vote the member for Lakeshore suggested that I should drop a few bombs this evening, but I did not want to cause any trouble this year because under this vote last year at this time I did get into a great deal of difficulty. I still have four libel suits which we are working through from 911 last year.

However, there are two or three little things I would like to ask the minister about; of no great importance actually, just for my own information under this vote. Actually, there are only two things. The first thing is I am curious about what the police commission is doing about the isle of Sark swindle which I understand originated in Ontario? To refresh the minister's memory, that was

the swindle which was described in the Wall Street Journal and Business Week, when some $40 million was stolen, mostly from the United States, by the printing of phony paper by the "Bank of Sark." The directors of the "Bank of Sark" for some reason are all Torontonians, or Ontarians in any case. I would like to ask the minister what is happening on that particular item.

**Hon. A. F. Lawrence:** I have never heard of it before. This is not to mean that the anti-racket squad or the fraud squad or some other squad has not heard, but I cannot give the member that. If he would permit me to answer that at a later time when I might have the details here—

**Mr. Shulman:** Could the minister not ask his advisers what is happening on that particular matter?

**Hon. A. F. Lawrence:** Well, I have been looking anguishedly at them and nothing has happened yet.

**Mr. Shulman:** Well it may be that they have not got the information here on that either. Well, in case they do not know about it—although I find this difficult to understand —a phoney bank was set up by a number of Ontarians on the island of Sark, which is off the south coast of England, and this bank proceeded to incorporate itself in Sark and it had millions and millions of dollars in non-existent assets which were deposited from other phoney corporations. They then proceeded to make loans from various banks all around the world, but primarily in the United States, on the basis of the "Bank of Sark's" guarantees. The "Bank of Sark's" guarantees were not worth the paper they were written on and this has been the largest fraud that has ever taken place anywhere and we have discovered now that it was all done, I am proud to say—because if there is going to be the biggest fraud anywhere it should come from our fair province because this is the province of opportunity—it was all done by Ontarians. I would like to ask the OPP and the police—they are nodding, yes, they remember now—

**Mr. A. D. Paterson** (Essex South): All organized by a man by the name of Cutty was it not?

**Mr. Shulman:** No, it was organized by a man by the name of Singer actually.

**Mr. Singer:** Shulman must have been in there too.

**Hon. R. T. Potter** (Minister without Portfolio): What was his first name?

**Mr. Shulman:** Herbert Ryan.

**Mr. Chairman:** Order please.

**Mr. Lawlor:** He wrote a poem.

**Hon. A. F. Lawrence:** Stand by for the bomb. The intelligence unit is very much aware and has a lot of information on the problem and they are studying it!

**Mr. Shulman:** Well I guess that is as much as we can expect.

**Hon. A. F. Lawrence:** No, but really on these things I am sure the House would not expect us to bring the whole fraud squad files in on the Attorney General's estimates.

**Mr. Stokes:** Surely you should know as much about it as the member for High Park?

**Hon. Mr. Winkler:** It takes one to know one.

**Hon. A. F. Lawrence:** Well I am sure they do. It all depends. I am told that they have a lot of information but the senior officers here would not necessarily have all of that information at their fingertips and I am sure the House would not expect them to. Let me look into it and I will be in touch with the hon. member on that.

**Mr. Shulman:** I really would not expect him to have the fraud squad bring all their files in. I thought this case might have been somewhat unusual and there might have been some knowledge of it passed up to the Attorney General—

**Mr. Singer:** A good point.

**Hon. A. F. Lawrence:** I try to keep up on these things too and I have never heard of it before.

**Mr. Shulman:** I would like to go into a second matter but perhaps before I do, I wonder if the Attorney General has seen last Friday's Ottawa Journal because on this particular subject they made some comments and I would like to conclude his disposition by perhaps—they are only a few lines long—reading them:

> Allan Lawrence, who projected an innovative and progressive image to many delegates, has become a vacillating and uncertain Attorney General, not aware of what is going on in his department.

It goes on at some length:

> He fumbles here and he is evasive there. He is confused here. He is paralyzed by a fear to taking any stand that will upset the combination which almost made him Premier of Ontario. Allan Lawrence seems to have missed the point on what the Conservative Party in the province—

Well anyway that is not too important.

**Hon. A. F. Lawrence:** I gather they love me in the Journal?

**Mr. Shulman:** Yes, you have made a great hit as Attorney General. Well anyway that is—

**Hon. A. F. Lawrence:** Wast that a paid advertisement or was that an editorial?

**Mr. Shulman:** This is the lead editorial.

**Hon. A. F. Lawrence:** Oh, all right.

**Mr. M. Makarchuk** (Brantford): Put in by the Premier (Mr. Davis)! I will be glad to send a copy over, one to the Attorney General and one to the Premier.

Now the point I wanted to bring up was —and this is just for a matter of information —can the minister inform me if the Ontario Provincial Police have a group—a large group or a small group—a substantial group of paid informants whom they pay on a regular basis or irregular basis? I do not mean people coming in and giving specific pieces of information, like getting a one-shot payment, but do they have a group of paid informants who receive fairly regular payments for keeping an eye on groups of people?

**Hon. A. F. Lawrence:** No, we do not—

**Mr. Chairman:** Order please. We are not under the Ontario Provincial Police yet.

**Mr. Shulman:** No, this is under the Ontario Police Commission. I am sorry.

**Hon. A. F. Lawrence:** Are you ruling the hon. member's question out of order?

**Mr. Chairman:** No, no. He informs me that he meant the Ontario Police Commission, not the Ontario Provincial Police.

**Hon. A. F. Lawrence:** Well, the Ontario Police Commission does not.

**Mr. Shulman:** It is the Ontario Police Commission.

**Hon. A. F. Lawrence:** I am sorry, I am told the OPP does not. The Ontario Police Commission certainly does have an intelligence unit now, but I have never quizzed them as to where they gather their information.

**Mr. Shulman:** Well—and I do not want to press the minister too much—I am just trying to get some vague idea of what this is all about. Would the intelligence unit, for example—and I am just taking a far-fetched example—would they pay teenaged boys to spy on the classmates, would the Attorney General allow things like that?

**Hon. A. F. Lawrence:** Well, it would not sound right to me. I have never heard of it. If the hon. member has—

**Mr. Stokes:** His predecessor would not anyway.

**Hon. A. F. Lawrence:** —a specific instance in mind—

**Mr. Shulman:** Oh, no, I do not want to give the impression I am mentioning a specific interest. I was just wondering if this would be against policy.

**Hon. A. F. Lawrence:** On the other hand the police forces—not necessarily the Ontario Police Commission—certainly have the duty and the responsibility to root out information about crime no matter where it is occurring, whether it is in a high school or not and it would not seem to me that is the right way to go about gathering information but on occasion it may be the only way. I do not know.

**Mr. Shulman:** Well, I am just trying to understand policy. I am not making any allusion and I want to make that very clear and I have no information whatsoever that the OPP does such a thing. I just want to get the policy straight but in the absence of any knowledge of specific crime, would the minister agree with me that this would be a reprehensible practice?

**Hon. A. F. Lawrence:** I am told there is no regular pay or regular group of people paid to produce information.

**Mr. Shulman:** Now, I would like to ask one other question. Does either the OPP, or the OPP with the approval of the police commission, tap the phones of any public servants, specifically MPPs?

**Hon. A. F. Lawrence:** No.

**Mr. Shulman:** I see, and do they put traces on the phones of any MPPs?

**Hon. A. F. Lawrence:** No.

**Mr. Shulman:** Thank you. That is all I want to know.

**Hon. A. F. Lawrence:** We got into a discussion on this this afternoon and I did indicate that some government offices have been swept.

**Mr. Shulman:** Oh, yes, but it would be out of the question for them to put a tap or a trace on the phone of an MPP, his own private office, outside of these buildings.

**Hon. A. F. Lawrence:** That is my understanding. A couple of weeks ago I had an inquiry to make specifically along that line—

**Mr. Shulman:** And you could give a categorical no, could you?

**Hon. A. F. Lawrence:** —and I was told that the OPP and the OPC certainly are not doing that.

**Mr. T. P. Reid:** Oh, I can rest better tonight.

Vote 911 agreed to.

On vote 912:

**Mr. Singer:** On vote 912, Mr. Chairman, there are two brief questions that I want to direct to the minister. The first one relates to the question of central purchasing. As a result of the royal commission dealing with the Duke matter and the substantial display of evidence in relation to the unusual purchasing habits of the OPP concerning—

**Hon. A. F. Lawrence:** We did deal with the matter earlier, remember. I was—

**Mr. Singer:** Central purchasing and the OPP?

**Hon. A. F. Lawrence:** Yes, the criticisms of the purchasing procedures in the Duke inquiry specifically. We did run through those in the House earlier in the estimates.

**Mr. Singer:** Oh, well now that may have been when I was not here because I do not recall hearing it.

**Hon. A. F. Lawrence:** As a matter of fact I think I have left my material on that back in the office—

**Mr. Singer:** Well, I cannot argue with the Attorney General because they apportioned these estimates when I was not here but he summarized then what—

**Hon. A. F. Lawrence:** Yes, we have corrected. As a matter of fact I think the hon. member for High Park asked and I did go through with it.

**Mr. Shulman:** Actually I do not think I asked but we were discussing it in my budget speech.

**Hon. A. F. Lawrence:** Well, in any event, the criticisms that were made have been rectified.

**Mr. Singer:** Well, to what extent?

**Hon. A. F. Lawrence:** The practices that were criticized have been rectified.

**Mr. Singer:** All right. What are the present purchasing procedures exercised by the OPP in relation to, say, automobiles, uniforms and lawn cutting equipment?

**Hon. A. F. Lawrence:** Lawn cutting equipment I did not go into.

Interjections by hon. members.

**Hon. A. F. Lawrence:** First of all, the position of purchasing officer within the OPP has been established—it did not have one before—to centralize and control the overall purchasing function. All office furniture is now being purchased through the central supply board of The Department of Public Works. Paper products are obtained from the same source. All stationery is purchased through the central stationery office of The Department of Public Works. The services for specification, improvement, and supply of goods from the central supply board are being utilized to the fullest extent and will increase as additional supplies and equipment are made available for purchases through the board. Tendering practices have been reviewed and, wherever and whenever possible, tenders are obtained and considered to ensure tight control in this important area of the purchasing operation. I am informed that lawn mowers are now tendered for from the main office.

**Mr. Singer:** What about—

**Hon. A. F. Lawrence:** At least three tenders. I gather it is—

**Mr. Singer:** The main office of what?

**Hon. A. F. Lawrence:** The main office of the OPP, not the main office of The Department of Public Works. And it is an invitation tender—

**Mr. Sargent:** Back to where we started.

**Hon. A. F. Lawrence:** —from the three main lawn equipment manufacturers within the province. At least three; there has to be a minimum of at least three tenders come in.

**Mr. Sargeant:** Where do you buy your grass?

**Mr. Singer:** What about uniforms and automobiles?

**Hon. A. F. Lawrence:** The OPP has special specifications for its cars and in all of the invitations, I gather, the four main manufacturers of cars in the province are given the specs on this and it is done by tendering.

**Mr. Singer:** Particularly in relation to cars, if we can pause at that point, are all the cars purchased in one order or in four orders, or are they purchased unit by unit throughout Ontario?

**Hon. A. F. Lawrence:** Oh, no. The OPP alone use up to 800 new vehicles a year and they are in groups of about 40.

**Mr. Singer:** Are they all ordered centrally, or division by division?

**Hon. A. F. Lawrence:** They are ordered centrally, in my understanding, from the manufacturers directly.

**Mr. Singer:** Are they delivered by the manufacturers direct or are there commissions paid to individual dealers in various sections of the province?

**Mr. Bullbrook:** I think the member just said the magic word.

**Hon. A. F. Lawrence:** The invitations are made directly to the manufacturers. The manufacturers deliver them through dealers throughout the province.

**Mr. Singer:** Who chooses the dealers?

**Hon. A. F. Lawrence:** The manufacturers.

**Mr. Singer:** The manufacturers. The OPP has nothing to say, nor does anyone in government about which dealer supplies each group of 40 cars?

**Hon. A. F. Lawrence:** The commissioner informs me that they require the dealer to be the closest one of that manufacturer's dealers to the area where it is going to be used. I would suppose the purpose of that is to make sure the servicing is done as close as possible to the point. Certainly, I can assure you that I have never heard or seen of political influences around here being brought to bear either through my office or through the cabinet or the Lieutenant Governor or the council in general.

**Mr. Singer:** I cannot imagine the Lieutenant Governor asserting any political influence.

**Hon. A. F. Lawrence:** No, the Lieutenant Governor-in-Council—the executive council.

**Mr. Singer:** Are commissions paid to these individual dealers over and above the purchase price?

**Hon. A. F. Lawrence:** No, it is done on tender.

**Mr. Singer:** Done on tender?

**Hon. A. F. Lawrence:** That is the lowest tender. My understanding is that when these contracts, these invitations to tender go out, the OPP scrutinizes them. As I say, they are specially equipped cars in any event.

**Mr. Singer:** Yes, I can appreciate that. they need to have springs and heavy batteries and all sorts of radios.

**Hon. A. F. Lawrence:** I was intrigued to find that the roof has to be reinforced to hold the lights.

**Mr. Singer:** That is standard.

**Hon. A. F. Lawrence:** I was not aware of that. The OPP accept the lowest tender, I guess.

**Mr. Singer:** Accepting the lowest tender as given by one of the four manufacturers—Ford, General Motors, or Chrysler, who else have we got, American Motors?

**Hon. A. F. Lawrence:** It is the OPP's belief that the dealer gets the normal commission from the manufacturer.

**Mr. Singer:** The manufacturer only selects the dealer, is that correct?

**Hon. A. F. Lawrence:** That is my understanding.

**Mr. Singer:** What about uniforms?

**Hon. A. F. Lawrence:** I am told that the uniform tender is a very large order and there are not that many manufacturers in the province who are capable of fulfilling the order. The tenders are asked for from the large firms who are capable of fulfilling the order.

**Mr. Singer:** Has the minister any idea of how many manufacturers there are?

**Hon. A. F. Lawrence:** I am told there are about three in the province.

**Mr. Singer:** I see. There is no attempt made to advertise for public tender?

**Hon. A. F. Lawrence:** No.

**Mr. Singer:** Now does the OPP, in any of the three fields I have dealt with—either purchase of cars, uniforms or lawn cutting equipment—not take any advantage at all of the facilities supposedly supplied by The Department of Public Works relating to central purchasing? We have had a branch there for some time. It has been pretty hard to figure out what it does.

**Mr. Sargent:** You are right.

**Mr. Singer:** There were certain recommendations from PIP about the economies that could be effected by central government purchasing. Is the OPP separate and apart from all of these schemes?

**Hon. A. F. Lawrence:** No. On just about everything else, now, matters are co-ordinated through the central supply board of The Department of Public Works.

**Mr. Singer:** Except the three things I happened to mention?

**Hon. A. F. Lawrence:** No, even the cars now. We are reviewing this policy at Treasury Board in some considerable detail and it may be that that system is going to be changed. The difficulty there again, though, is that the OPP require or have special specifications which are not, I am told, in most of the requirements of the other government departments.

**Mr. Singer:** Cannot the central supply board say that for police cars, we need certain specifications? For cabinet ministers' cars we need gooseneck lamps in the back and other additional facilities? I am sure they can work that out. Telephones in the floor—I do not know—I have seen some of the cabinet ministers' cars with telephones in the floor. Those are special kinds of things. Cannot that be worked out centrally and an economy effected? Why still do you have lawn equipment purchased by the OPP and not by the central supply board?

**Hon. A. F. Lawrence:** Buy lawn equipment? I do not know.

**Mr. Singer:** That is very specialized too, I guess.

**Hon. A. F. Lawrence:** I am told that the OPP asked them to do it and they said that with the quantity and the prices required, simply, they did not want to do it because there is no advantage to do it that way. No lowering in price, in other words.

**Mr. Sargent:** Mr. Chairman, the thing I am not clear on is that when you write the specs for the purchase of your automobiles for the OPP, is it decided to go the route of Ford or Chrysler or GM one year? Is it one type of car for that year, and you write the specs? Is that correct?

**Hon. A. F. Lawrence:** No, I am told that the specifications go to the four manufacturers, the four Canadian manufacturers, and they may get split up. For instance, if they are asking for a tender of 40, it is conceivable and sometimes it has happened, that the tender will be split up so that there are 10 in from each of the four.

**Mr. Bullbrook:** Does that ever cause the minister concern as Minister of Justice?

**Hon. A. F. Lawrence:** What does the hon. member mean, the combines in cars? Yes it does.

**Mr. Sargent:** Mr. Chairman, this is completely unacceptable to me as a taxpayer; the fact that you, the chief law enforcer of this province, will not tell this man, Mr. Silk, and his people to go through the proper channels to do business.

The minister gives them the right to pick and choose what type of car he will use, the dealers he will use and the commissions they will pay, and anyone who tells me you do not pay commission is not telling the truth because I know it happens.

And for the minister, the chief law enforcer, to sit there and shake his head and say there are no commissions being paid—we know that is a lie.

**Hon. A. F. Lawrence:** I said, the manufacturer, as far as we know, pays the dealer the normal commission.

**Mr. Sargent:** All right. All right. Why does the minister not go the normal route then of putting it through proper purchasing and say, "We will buy specs this way this year," and that the minister cannot pick and choose what dealers will get the deal.

**Hon. A. F. Lawrence:** We do not.

**Mr. Sargent:** Somebody does.

**Hon. A. F. Lawrence:** The manufacturer does.

**Mr. Sargent:** The manufacturer does not because he picks and chooses what cars they will buy—

**Hon. A. F. Lawrence:** I do not think that is so.

**Mr. Sargent:** —and what dealers will get the deal. And it is completely unacceptable, the fact that man can say, "No, we will not go through central purchasing, we will do it our way." And he tells them both to go to hell. This is not right and the minister knows it is crooked.

**Hon. A. F. Lawrence:** No. I do not think it is crooked.

**Mr. Sargent:** The minister must know it is wrong. Why does the minister not get someone to do it properly then? Why does every other department have to do it the right way and why does he get away with it?

**Hon. A. F. Lawrence:** My understanding is that The Department of Transportation and Communications orders its own cars.

**Mr. Bullbrook:** Who orders the cars?

**Mr. Sargent:** And I can tell the minister the commission deal is a lot worse than this OPP, too.

**Hon. A. F. Lawrence:** If the hon. member is making those allegations—

**Mr. Sargent:** And do not ever say that is acceptable.

**Hon. A. F. Lawrence:** I would hope if the hon. member is making those allegations he will give me the specifics of it.

**Mr. Sargent:** I can back them up.

**Hon. A. F. Lawrence:** I would like to have them.

**Mr. Sargent:** You bet your boots you will get them.

**Hon. A. F. Lawrence:** All right.

**Mr. Sargent:** The dirty fact is that the minister lets that man pick and choose. The route he wants to go is wrong.

**Hon. A. F. Lawrence:** If the hon. member is referring by "that man" to the commissioner, I have already indicated to the hon. member that the specifications are supplied to all four of the dealers—I am sorry, all four of the manufacturers.

**Mr. Chairman:** The hon. member for Sarnia.

**Mr. Bullbrook:** May I carry forward on this line a bit and apologize to the minister through you, Mr. Chairman, for not having joined the debate before. It was not because of any lack of interest, but you will find, through Hansard that I was engaged elsewhere.

May I first ask the minister this. Is the minister familiar that all government cars with the exception of the OPP are bought by The Department of Highways?

**Hon. A. F. Lawrence:** No.

**Mr. Bullbrook:** The minister was not familiar.

**Hon. A. F. Lawrence:** No.

**Mr. Bullbrook:** I did not think the minister was.

**Hon. A. F. Lawrence:** I know we are looking into this right now. As a matter of fact we were a little bit over the barrel about a month ago in respect of certain Treasury Board indications along this line and the whole matter was at a stalemate. We simply were not getting the cars this year for the OPP that we require.

**Mr. Bullbrook:** You see, having been on public accounts this year and having been involved, Mr. Chairman, in a review of the function and responsibilities of central purchasing, we were made well aware of this, and when we talked about the OPP making their purchases on their own we were given the sleight of hand treatment that is being tried on the members of the Legislature tonight, that it is because of the individual specifications of the OPP.

Of course, the individual specifications of the OPP are not nearly as sophisticated and esoteric as—the people within central purchasing cannot grasp them, or the people within The Department of Highways who purchase the motive power for the government of Ontario cannot grasp them.

The fact of the matter is I am inclined—not with the vigour perhaps of the member for Grey-Bruce but certainly inclined to agree with him that the OPP takes the attitude,

"We will do what we want and we do not care whether you like it or not," and frankly I am sick and tired of the minister sitting there nodding and smiling or negating what we said. He will get up, I trust, in response to what I say and let Hansard know his attitude in this respect. I want to ask him a direct question.

**Hon. A. F. Lawrence:** I am saying there is no attitude of the OPP saying in effect, "We pay no attention to anybody else but ourselves." That is simply not the attitude and on this car issue I know this is not the attitude.

**Mr. Bullbrook:** Are you saying to me, Mr. Minister through the Chairman, that the specifications for the OPP vehicles are so unique, so sophisticated, so involved and so esoteric that The Department of Highways could not grasp their need and be involved in the total automotive purchasing power of the government of Ontario. Is that what you are saying?

**Hon. A. F. Lawrence:** No. I am saying that earlier this year the OPP were informed that their car purchases would have to take place along with every other department's car purchases this year on a co-ordinated uniform plan.

**Mr. MacDonald:** Who informed them?

**Hon. A. F. Lawrence:** But this year there have been problems with the manufacturers. For a while there was no delivery of any cars this year to the provincial government. For a period of time, the OPP were able to make do, but the time then came, with the emergence of the summer season upon us, when we had to break the stalemate. With the full permission of the Treasury Board, we had to break the stalemate and the OPP this year, hopefully for the last year, went out and asked for tenders themselves in the way in which they have been doing in other years.

**Mr. Bullbrook:** That is fine; at least we are making headway. I think my colleague, the hon. member for York South, will agree that we were responded to, frankly, with a shrug when we asked about the OPP's singular and unique involvement with The Department of Transportation and Communications.

**Hon. A. F. Lawrence:** Where did you get the shrug? From me? Is that what you are indicating?

**Mr. Bullbrook:** No, I said the member for York South will agree with me that we were responded to by central purchasing people with a shrug—

**Hon. A. F. Lawrence:** Oh.

**Mr. Bullbrook:** —when we asked why the OPP were not involved or with The Department of Transportation and Communications in some type of central purchasing enterprise.

I want, just as an exercise that I trust will not take too long—

**Mr. Lawlor:** You do not like being accused of a shrug?

**Hon. A. F. Lawrence:** No. I do not like being accused of anything, especially when he has not been here.

**Mr. Bullbrook:** I remember the member for Grey-Bruce did bring up something that I think is worthy of some involvement from the point of view of the Minister of Justice. Now he says he has, Mr. Chairman, 800 vehicles, and he says, as I understand it—

**Hon. A. F. Lawrence:** No. I said their annual requirement was up to 800 vehicles; this year it was cut down to about 600.

**Mr. Bullbrook:** How many vehicles do you have now? What is your complement on the road now?

**Hon. A. F. Lawrence:** Over 1,000 I am told.

**Mr. Bullbrook:** Over 1,000 vehicles now, and your turnover is approximately 800 annually, is that correct?

**Hon. A. F. Lawrence:** No, this year they were cut down to about 600.

**Mr. Bullbrook:** Well, you have 1,000 on the road now. I am very interested from the point of view of your enterprise in knowing what your complement of makes are—or your complement of makes is, I suppose?

**Hon. A. F. Lawrence:** I am told that it varies from year to year.

**Mr. Bullbrook:** What was it in the last fiscal year?

**Hon. A. F. Lawrence:** Just a minute now. Depending on the attributes or the lack of them in each year's models from each of the manufacturers.

**Mr. Bullbrook:** Well, tell me—

**Hon. A. F. Lawrence:** But this year there are more Chrysler products—

**Mr. Bullbrook:** There are more Chrysler—

**Hon. A. F. Lawrence:** —than there are of any of the others.

**Mr. Bullbrook:** But surely you will—

**Hon. A. F. Lawrence:** I also imagine that at the bottom level, of course, would be the smallest manufacturer, American Motors.

**Mr. Bullbrook:** Why do you imagine that? What does that have to do with meeting specifications? If a person only produces 10,000 rather than 100,000 cars, what does that have to do with specifications?

**Hon. A. F. Lawrence:** Simply because, as I travel around the country I have not seen very many American Motors cars which are OPP cruisers.

**Mr. Bullbrook:** You do not order your cars, Mr. Minister, to specific specifications. Now please let us get into this. Let us find out what was the complement in the fiscal year 1970-1971—I am sorry, 1969-1970—of your cars.

**Hon. A. F. Lawrence:** I have not got that information here, and I do not think the commissioner has it.

**Mr. Bullbrook:** Well, then from—

**Hon. A. F. Lawrence:** In any event in relation to American Motors as my friend, I think, should be aware they have air conditioners as standard equipment and we did not believe that this should be required equipment on OPP cruisers and this was one of the reasons why they were not able to meet our specifications to the extent that some of the other manufacturers were.

**Mr. Bullbrook:** May I say this to you, Mr. Chairman, I am not really concerned with the complement. I hold no brief for American Motors, frankly, or their air conditioning on list price. The point I want to make is I am convinced—and I ask you to respond—I am convinced basically that the complement of your cars amongst the big three is a pretty level complement.

I would say to you that, by and large, you have a fairly level complement of Chrysler products, General Motors products and Ford products. In point of fact, your tender system is such that when you tender for 40 cars, as you said before, the manufacturers themselves get together, I have no doubt, and the local distributor, the local dealers. They all get their cut from time to time. I have no doubt of this at all. It is indeed unfortunate that you do not have the details here so that you can resist this—

**Hon. A. F. Lawrence:** I can respond to that argument. I have no doubt at all that the hon. member is 100 per cent correct.

**Mr. Bullbrook:** Right.

**Hon. A. F. Lawrence:** As a matter of fact, it is that system that we were trying to beat—we, the government—were trying to beat just this spring.

**Mr. Bullbrook:** Right. Finally, we have got them there then. At least we have had some involvement. I suppose that came in 1967, with some new wave in the purchase of motor vehicles, at least.

I want to ask you something. For example, in Sarnia you saw fit, at least your commissioner saw fit, in 1967 to move the headquarters of the Ontario Provincial Police force from Sarnia to Petrolia, some 14 miles away. At that time I wrote to your predecessor, now the Minister of Financial and Commercial Affairs (Mr. Wishart), and was given a response by the commissioner of the force which said in effect that the need for it was because of some degree of geographic concentricity.

Now I am not heavy on this frankly, because I suppose one could if one wanted to carry forward logically the question of geography we might, notwithstanding the density of population in Metropolitan Toronto, carry forward a force up to Hudson Bay for the reason of geographic coverage. I am very interested as we go on in these estimates in finding out from the Commissioner of Police the mileage that that detachment has logged since it moved from Sarnia.

I want to say to you, that the Commissioner of Police should have known that the Highway 402 facility, which would have been the prime obligation of the OPP from a traffic point of view, is removed from Petrolia by some 12 miles. Of course, it is right at Sarnia itself. So that the commissioner, through you Mr. Chairman, and the minister are not taken aback, I intend to question him, if at all possible, on the total financial impact of that move—from the point of hours on court duty; hours logged to and from Petrolia; hours logged on Highways 7 and 21 out of the Petrolia detachment.

Now that we are on this, who is the recipient of the dealer beneficence when you buy your vehicles for the Petrolia detach-

ment? Is there a Petrolia dealer or would it go into Sarnia? I would hope it would go into Sarnia frankly since of course most of the force's work, you recognize, emanates from Sarnia and has to do with the traffic involvement and other quasi-criminal and criminal activities in Sarnia. Who gets the commissions when you buy for the Petrolia detachment?

**Hon. A. F. Lawrence:** I do not know. We can get that information for the hon. member though.

**Mr. Bullbrook:** I wonder if you can then—

**Hon. A. F. Lawrence:** It is the service—you are talking now about the service work?

**Mr. Bullbrook:** I am talking about service and initial commissions.

**Hon. A. F. Lawrence:** We can find out from which dealer they were supplied and who does the servicing. Whether or not they get a commission is something you would have to ask the manufacturer.

**Mr. Bullbrook:** Right. The commissioner—since we are not in committee where he has the opportunity of replying, it is unfortunate that we are not because he does make direct and articulate replies, as do you, Mr. Minister—through the Chairman, I am wondering if you can at this time, if my colleagues will permit, unless they want to go on with the business of the purchase of motor vehicles. One of my colleagues does.

**Mr. Paterson:** I would like to pursue the matter of the purchasing of motor vehicles and, specifically—

**Mr. Chairman:** With respect, I am not certain that other members did not want to pursue that very same point, too. Other members had indicated so and caught the Chairman's eye previously.

**Mr. Bullbrook:** Well, surely, I yield to them, of course, I intended to go on to another subject.

**Mr. Chairman:** All right, then, I think it only fair to determine whether or not the hon. member for High Park, who had first caught my eye, wishes to pursue the same subject or not. If not, the hon. member for York South.

**Mr. MacDonald:** Mr. Chairman, I do not want to repeat at any great length discussions we have had in the public accounts committee and elsewhere with regard to the whole role of the central purchasing agency. But the hon. members for Downsview and Grey-Bruce, not having had the benefit of the public accounts' detailed questioning of central purchasing spokesmen, were viewing it from what was a year ago considered to be the approach of central purchasing, namely, the central purchasing agency that did all the central purchasing. We have now discovered, without going into any great detail, that that is not what the government is attempting to set up. What it is attempting to set up is a central purchasing agency to decide what agency might do the central purchasing, and in this instance, The Department of Transportation and Communications might do the central purchasing.

Quite frankly, I am not surprised that it has taken a year. I am encouraged to learn that the Treasury Board is now reviewing the situation, and had given some instructions to the OPP to do its purchasing through The Department of Transportation and Communications, because there are some departments, the OPP being the classic case, that would need a different kind of car. I am very puzzled as to why The Department of Correctional Services needed a different kind of car, and it, apparently, was ornery about it, as was the OPP during the past year, in terms of not co-operating. However—

**Hon. A. F. Lawrence:** May I just clarify the attitude of the OPP? As far as I am concerned, there has been no dispute whatsoever from the OPP in respect of this purchasing policy. As I am sure the member has discussed this in public accounts, and I hope he has, he will appreciate that for a number of months earlier this year there was a real stalemate between the manufacturers and the government in respect of cars.

We had to break it, unfortunately. We had to break it. The OPP had to break it because our cars were just worn out and we needed replacements before the summer season came.

**Hon. Mr. Grossman:** Yes, that is what happened.

**Mr. MacDonald:** What I said is really by way of background. I want now, with that background, to ask the minister a question, because a comment of his has intrigued me. Who gave the orders to the OPP that this year it must do its purchasing through The Department of Transportation and Communications?

**Hon. A. F. Lawrence:** I do not know. It did not come through me, but I knew of it. I am sure it probably occurred at Treasury

Board, but, I mean, again, it was not a case of giving orders. It was asking questions more and more in respect of how the OPP purchased cars and what its specifications were and were they different from anybody else's. Once there was a full understanding, it was a very amicably worked-out arrangement—no problem at all. As a matter of fact, I am certain from the commissioner's point of view, he was glad to get the thing off his shoulders.

**Mr. MacDonald:** Is the minister a member of Treasury Board?

**Hon. A. F. Lawrence:** No.

**Mr. MacDonald:** The reason I am asking is this, before the public accounts committee we learned that the central purchasing agency had no power. It could not order. It could lay down standards and it could request, but an educational process is necessary, and pressuring along with the education. Furthermore, the Committee on Government Productivity has recommended that central purchasing should not have the power, that it will make recommendations and it will pass the recommendations to the Treasury Board and when the Treasury Board comes to the conclusion that the standards will be established presumably by order-in-council, orders will go out to everybody, including the OPP. The reason I was intrigued by the minister's comment is apparently he had a trial run on this before the Treasury Board had got to the point of actually issuing an order-in-council, because we were told, as of two weeks ago, that no orders had yet been issued on anything. The recommendation was made by the Committee on Government Productivity's first report no more than two or three months ago. We are really in the evolutionary stage here, and I can only judge that the Treasury Board exercised the power without order. It was a persuasion and that some time—

**Hon. A. F. Lawrence:** This is the way it would be done, and this is the way it is normally done.

**Mr. MacDonald:** Well no, it is the way it has got to be done, because presumably the central purchasing agency could have done it by persuasion but they did not have the power. And now they do not want the power, and what is evolving is that they make the recommendations and if the Treasury Board becomes persuaded, they issue the orders and at that point, presumably, everybody obeys them.

**Hon. A. F. Lawrence:** Well, that could be. That was not the case here. My understanding was that this was something that was worked out quite amicably, and everybody was happy with it except the manufacturer.

**Mr. MacDonald:** Well, I do not want to take any more time, Mr. Chairman. This was a very interesting illustration of another problem we have been discussing at some length elsewhere.

**Mr. Chairman:** The hon. member for Essex South.

**Mr. Paterson:** Yes, on purchasing, Mr. Chairman. Two or three years ago I believe the Provincial Police moved into the position of acquiring a great number of motor bikes, and motor bikes with side-cars specifically. I wonder if the minister could advise me as to how many motor bikes are now owned by the OPP and in use? Does he have that detailed information here, Mr. Chairman?

**Hon. A. F. Lawrence:** The departmental transport equipment operated by the force during 1970 included 113 motorcycles, of which 112 are radio-equipped. I do not know what happened to that one that is not.

**Mr. Paterson:** It is the minister's.

**Mr. D. M. De Monte** (Dovercourt): Has it got television?

**Hon. A. F. Lawrence:** Yes, it has got television! There were two motorcycle side-cars.

**Mr. Paterson:** My information is somewhat different from that. Has the department a stockpile of these side-cars in storage anywhere? I wonder if the minister could advise me as to how many side-cars were originally purchased when this policy change was enunciated, that they were moving into a series—

**Hon. A. F. Lawrence:** Well, I would assume that the annual report is made on the inventory of the force, and in the annual report they say they had two motorcycle side-cars.

**Mr. Paterson:** Well, I wonder—

**Hon. A. F. Lawrence:** I am sure the commissioner or his officials have no more information than that either.

**Mr. Paterson:** Therefore, this quantity of side-cars have been sold off, I assume. I wonder if the minister could take this question as notice and advise me, to see what

the financial loss was in the disposition of the quantity of side-cars in the past couple of years?

**Hon. A. F. Lawrence:** I am told that seven or eight years ago the force bought a limited number.

**Mr. Paterson:** About 100?

**Hon. A. F. Lawrence:** No, about eight or nine. They have got two now; so I suppose that means they have either smashed up seven, given them away or sold them.

Is that satisfactory or not?

**Mr. Paterson:** This does not concur with the information I have, but I will accept the minister's reply.

**Mr. A. F. Lawrence:** Well, if the member wants to give me privately the information he has, that will help me to track it down.

**Mr. Chairman:** Vote 912.

**Mr. R. F. Ruston** (Essex-Kent): Just one question here, Mr. Chairman, on personnel. Does the Provincial Police employ students in the summer-time to assist in the enforcement of law in any of the resort areas or has it ever used this procedure?

**Hon. A. F. Lawrence:** No, not to assist in law enforcement, I am told. They do employ a small number of students in the main office or some of the other offices, as well as student summer help, for administrative purposes only.

**Mr. Ruston:** I see by the report—

**Hon. A. F. Lawrence:** The total number is 54 this year.

**Mr. Ruston:** There is an extreme shortage of staff in some areas, and I am thinking of the Pinery for one thing where they only have six men and the problems are quite large there. The federal government uses university students for enforcing customs and immigration laws, and actually doing the work completely, and it finds them quite suitable.

**Hon. A. F. Lawrence:** I think that is slightly different from police duty.

**Mr. Ruston:** Not so much. It is still enforcing laws.

Vote 912, agreed to.

**Mr. Chairman:** The committee will be interested, I am sure, to know that there are 4½ hours left for the consideration of the estimates.

Vote 913, agreed to.

Vote 914, agreed to.

**Mr. Chairman:** This completes the estimates of The Department of Justice.

**Hon. A. F. Lawrence:** Could I inquire, Mr. Chairman, while the House leader is coming in, is it going to be routine through the Prime Minister's department, or not?

**Mr. Singer:** What?

**Hon. A. F. Lawrence:** Is the House routinely going to pass the Prime Minister's estimates? No. Okay.

**Mr. Singer:** They are up for grabs.

Hon. Mr. Wishart moves the committee rise and report it has come to certain resolutions.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of supply begs to report that it has come to certain resolutions and asks for leave to sit again.

Report agreed to.

## REGIONAL MUNICIPAL GRANTS ACT

Hon. Mr. Bales moves second reading of Bill 112, An Act to amend The Regional Municipal Grants Act, 1970.

**Mr. Speaker:** The member for Wentworth.

**Mr. I. Deans** (Wentworth): Thank you, Mr. Speaker.

**Mr. V. M. Singer** (Downsview): The official critic, surely, Mr. Speaker.

**Mr. T. P. Reid** (Rainy River): The official critic.

**Mr. Speaker:** Order, please. I believe that the member for Waterloo South should be the first to speak on this.

**Mr. Singer:** Waterloo North.

**Mr. Speaker:** I am sorry. I do not know my ridings.

**Mr. Deans:** I am not going to argue with you. I am too tired to argue.

**Mr. E. R. Good** (Waterloo North): Mr. Speaker, speaking to the principle of this bill, of which there are several in the bill, I think we should first point out that the main principle is that there can be additional moneys paid into areas which have regional governments established. This may be done on authority of the Lieutenant-Governor-in-council, and the payment then may be made either to the regional government or to the area government within the region.

To provide regional governments with additional funds is certainly a noble thought and a good idea and one with which we must agree. I am certainly disturbed to a considerable degree by the manner in which it is now necessary to patch up the financial arrangements and the financial basis in the new regional governments that have been established. The terms and conditions of these payments are set out and are done only on such terms and conditions as the minister may direct.

This principle involved in the bill I think is certainly not one which we can wholeheartedly support. We feel that there should be measures; there should be things set out in the statutes which would tell these governments what they might expect. The period of five years is mentioned over which these payments may be made so that one would gather that this is a phasing-in period at which time truly at the discretion of the minister and the cabinet additional funds can be made to these regional governments.

Well, we must look at the fact first of all that without exception the regional governments have been suffering from the lack of funds after the governments have been established, the tax base has not lessened, it is still there, but undoubtedly the problems have arisen because of two sources: First of all, the increased finances required for the operation of regional governments and, secondly, the increased difficulty in spreading the shares of costs equitably among the lower tiers within the region.

There is one principle in this bill which deals with new methods of spreading the cost equitably among the various areas of the regional government.

Now, the two purposes mentioned in the bill for which these payments can be made are, first of all, to minimize changes in the incidence of local taxation. Well, we found out in our school board levies in the various townships within the county school region there were in fact great increases of taxation in certain areas within the county boards.

So when our regional government was set up we found out there have been great increases in taxes that have to be paid by the area government within the region.

No one has figured out exactly why these drastic changes take place although it is generally accepted that they have taken place because of the shift that results from merged municipalities and the shift in taxation that results from the new equalization factors which are figured out in the various areas.

I feel the shifts have occurred mainly because the levies from the areas to the region are done on an equalized rateable assessment basis and the grants are given on a per capita basis.

I do not think you will ever get a proper and equitable distribution of tax weight among the area governments until you do something about this fact, that the levies are made on an equalized rateable assessment and the grants are given on a population basis.

Coupled with that—this brainchild of the former minister—the density grant, I feel, has been one of the things which has caused a great deal of problems, especially in the Niagara region. As it turns out, the city of St. Catharines is the only area government not enjoying the advantages of a density or sparsity grant. That, coupled with the fact that they have high assessment within the area, according to their brief, shows that while they enjoy only 29.8 per cent of the equalized assessment they are in fact getting 47.59 per cent of the net levy.

So I presume that this legislation is designed so that the minister at his discretion can try to eliminate this inequity of taxation in the Niagara region.

The second manner in which this discretionary power of the minister may be used, according to the Act, is for the development of services on a regional or district basis. In many aspects, this is a worthwhile idea to promote regional services.

The Ottawa-Carleton bill, I think, shows that their regional water system down there is in need of financial help. I suppose some will be forthcoming under the provisions of this bill. It has been shown in many areas across the province that the provision of sewer and water services now is such a costly proposition that many small municipalities cannot afford it, even under existing conditions whereby the province is paying almost half the capital cost.

Let me state as an example, Mr. Speaker, so that the Minister of Municipal Affairs (Mr. Bales) will know exactly the problems of some of the smaller municipalities. In my own area at the present time I have three small municipalities who are in the process of acquiring, in two cases, sewer and water services; in another case, sewer services only. In the village of Baden, for instance, a householder in that municipality with a 100-foot lot is required to pay $307 a year for sewer and water services; something which we in the city of Waterloo can get for $60 a year and the city of Kitchener for about $80 a year and in the town of Elmira they get it for less than $50 a year.

So as these new, small municipalities get these services, they are actually being asked to pay about five times as much to provide services for that municipality as is being paid by people living in an established community that already has these services.

Well, Mr. Speaker, in my view, the only answer to these problems is the regionalization of some of these services—regional rates, regional help or provincial help is forthcoming. It is no wonder the municipal board is faced with a hearing in which there were almost 150 people objecting in the one village, out of a population of 900. So the promotion and development of services in the area is certainly a noble intention under this Act.

The other principle which I would like to deal with briefly before I ask a few questions, which I would like the minister to answer in reply, is the matter dealing with the transitional adjustments within the region which are now authorized under the existing regional government bill. This provision is provided, I think, in all of the regional governments whereby, over a five-year period, the tremendous increase in taxation which has occurred to some area governments can be worked out in the area itself to lessen the fluctuation in tax rates so that it can be phased in over a five-year period.

Well, the idea was all right, not to put all the thrust on the people in one year. But unless there was any money coming from outside the area itself, it just simply meant that the load that you lessened in one area of government had to be picked up by the other area of government—and you can imagine the conflict of interest the regional officer would have in deciding to say: "Well, that is fine, we would like to lessen your tax load but do not add it on to our area government because I have to get elected by my people back home."

So, finally I see in this the principle whereby there could be the provision of government, the provision of money, externally from outside the region, that is by the provincial Treasury, to help in these transitional adjustments over a five-year period.

I hope that is the correct translation of that section of the bill.

Now, the other matter dealing with shifts in the incidence of taxes in various areas, which I believe have been caused by changes in the equalization factor, permission is now given to regional government to draw up new agreements with these areas to do away with the old agreements for services and sewers when there is, say, an extension to a sewer works in a merged municipality particularly or in another municipality. So that the old agreements can be eliminated and new ones drawn up as the service or the sewer facility is expanded. This, I suppose, is necessary because of changes which result in the equalization factor, which in turn drastically affect the taxation of people in that area.

So, much of this whole bill, in my estimation, is reactionary; it has just been put in to affect a certain situation, and I do not consider it as basic tax reform. We have basic regional government structural reform, basic municipal government structural reform in the establishment of the regional government, but, Mr. Speaker, the minister has not yet come up with basic taxation reform that will meet the needs during this transitional period from ordinary municipal government to regional government.

The minister is quoted as saying outside the House, after introducing the bill, he was unable to say how much the assistance would be but he thought it would involve several million dollars before the year ends. This is the amount of money, Mr. Speaker, that is required to bail out, if you want to use the words, the regional governments that have been established around the province.

I would like to ask the minister, in his projection of $2 million, whether this includes the $25,000 being put into the Muskoka area, over and above the statutory amounts which were provided for in the Muskoka bill, which were $50,000 for planning purposes, $50,000 for administrative purposes and $100,000 for a pollution control fund. I presume this $25,000 is over and above that. I am wondering if the $275,000 that is being put

into the Niagara area to establish the regional police force is in the minister's $2 million estimate. I am also wondering whether the $1 million going to the York region in lieu of the money which it used to receive from the Toronto and York Roads Commission, is in the estimate of $2 million before the end of the year. Also, it is my understanding that the $1 million to the York regional government will be phased out over a five-year period.

We then have these moneys going into the various areas. Perhaps in his reply the minister could inform the House whether any type of arrangement or deal has been made with the city of St. Catharines, which could be authorized under this legislation, to alleviate some of their problems which have been set forth very plainly by them in their brief to the government.

Finally, may I present this idea to the minister? We are dealing here, in my estimation, with patch-up legislation to try to fix up this regional government problem. There is an admission here that the financial structure within a regional government must be considerably different than it is under regular municipal government. The regular municipal government's financial structure has been grossly interfered with by the establishment of a regional government, and we have the problems that arise with merged municipalities, the problems that arise with the change in the equalization factor and how they affect the levies from the areas to the regional government.

I think many of these problems could be eliminated—and we have spoken of this on numerous occasions—if there had been proper appraisal of potential regional government costs and cost apportionments done before the actual establishment of it.

I would just like to refer briefly to a few parts of a letter written to the minister by the Waterloo County Area Planning Board. This board was very intensely engaged with departments of government in establishment of the Waterloo South-Wellington land study used. And from the information gathered there they feel quite confident they at the local level—if they were given some more provincial financial support—could figure out the exact implications of the cost of regional government for the Waterloo county area in advance of it being established.

Their request to establish a regional cost appraisal stems from the fact that at this particular point in time the area planning and development study is undertaking a special financial capability study of the principal alternative regional government plans.

Now they go on to say that for some reason or other while they do not understand why these detailed cost analyses have not been done by the department during and prior to the establishment of many of these regional governments, they are confident that this could in fact be done.

There are accurate growth projections in our area, and I am sure these are available in other areas, so I would ask the minister to give consideration to permitting financial capability studies to accompany any proposal, or to precede any proposal, for regional government so that if and when these are established in the future we will not have to go through this annual ordeal of introducing up tax legislation to give this municipality a few hundred thousand dollars for something which we did not know about before.

The danger was there. We recognized the danger that this could happen. And with proper analysis of the costs I am sure it could have been ascertained to a very accurate degree. Mr. Speaker, we will support this bill. We are disappointed it does not spell out in more detail the exact responsibilities and the exact things which an area or regional government could expect in the way of grants, but leaves so much unfortunately to the discretion of the minister.

Mr. Deans: Mr. Speaker, I am going to be very brief in my comments in regard to this bill. There is no one in this House who has been more critical of this government's taxation methods in the municipalities than I have been. I do not intend to go over them here tonight. I do not think I have to. They are all on the record.

This particular bill is designed, as I can see it, to meet a specific problem, one that has to be met. It is unfortunate that perhaps the advice we gave earlier on about regional government was not heeded and that there had not been larger grants to municipalities in the first instance to offset a lot of the financial difficulties the regional municipalities are now facing.

But nevertheless this did not happen, and because it did not happen we are faced with this kind of a problem. There are things that bother me, and I suppose most members, that in a bill such as this there is no clear indication of what we are talking about in regard to finances.

It is very difficult to imagine what benefits will likely accrue to which municipalities, and yet I recognize the problem at this stage in setting out in concise terms the amounts of money that will be allocated to each municipality.

So I would hope that the minister from time to time, as he is able to properly assess what will be spent, make regular reports to the House in order that we can understand what the tax shifts have been throughout the various regional municipalities in order that we can then better understand what specifically must be done in those areas to provide for a more equitable tax base.

I think together with this legislation that perhaps there ought to have been another clause. I do not intend to move it but nevertheless I think it should have been there over and above this to provide additional moneys to certain regional municipalities who are having other kinds of financial problems.

The situation in the Niagara region is perhaps a little different from the problem in York, or perhaps a little different from the problem in Muskoka. It may require—I would think it probably will—more money in the Niagara region to offset not only the tax shifts but the considerable additional burdens that are going to be borne by the municipalities within the region.

I hope to hear from the minister very shortly that those moneys will be made available, and that they will be made available in an unconditional way, so that the municipalities—not only the regional municipality, but the local municipalities—will have an opportunity to ease the tax burden of their residents.

We will, of course, support the bill; we cannot do anything but support the bill. It provides some tax relief, or it ought to provide some tax relief, and because it does that it will be looked upon favourably by most municipalities who benefit from it. I would hope, and I say this, as did the member for Waterloo North, I would hope that in the very near future we will see a clear definition of the new taxing policies of this government.

I have my own thoughts on how long that might take, but we cannot afford to wait until after all the reassessment is done before the minister announces the basis upon which future municipal taxation will be formed. We have got to know fairly quickly how it is that he intends to have municipalities finance future efforts. I think we have come to the end of the road with regard to the realty tax as the major taxing source for municipalities.

I suggest to him that it will be necessary to establish, as we have often suggested in this House, a foundation programme of some kind, whether ours or yours, but nevertheless a foundation tax programme; and in addition to that, to relieve all of the municipalities, regional and otherwise, of the burden of cost of many of the services that they presently are forced to provide, to make available moneys to those municipalities in unconditional grants so that they can have not only the money to spend but the right and the autonomy to determine how it will be spent.

Having done that I then feel sure that we will not be faced with a continuous barrage of legislation of this type to try and meet problems that arise because of what I think are poorly thought out changes in administrative regions. With that in mind I suggest to the minister that if this could be done immediately it should be done immediately, and we will support this particular effort because it happens to be needed.

**Mr. G. Bukator** (Niagara Falls): Mr. Speaker, I could take several hours and say "I told you so." I have the greatest of respect for the present Minister of Municipal Affairs. I think he has been saddled with a very difficult chore to put the house in order. When Bill 007 came into existence—and then it was numbered Bill 174—I met with the former Minister of Municipal Affairs, the hon. member for Chatham (Mr. McKeough), and I followed him from meeting to meeting in the Niagara Peninsula to listen to what they had to offer—

**Mr. R. Haggerty** (Welland South): It was not too much actually.

**Mr. Bukator:** —and on occasion I felt maybe I was a little too critical of the government. There were times after it was over with I felt I took up much more of the time of the House than I should have. However, it did not take a mastermind and it did not take an intelligent being to find that there were these pitfalls. And not, as someone said before me, not to take up too much time of this House with my argument on this amendment, to agree or disagree with portions of the principle of this amendment, I want to have it clearly understood with members who were here last year or two years ago that it was not too hard to find that there may

be added costs, because one just cannot bring about the type of administration that was spelled out in that bill without adding taxes to the people who are living in that area.

One portion of the bill, states that the minister will have within his discretion the opportunity to assist financially where municipalities had been affected. As my colleague from Kitchener said, St. Catharines was badly, very, very seriously hurt financially with the added costs to assist other municipalities to equalize and assist the municipalities which could not bear the costs themselves.

I made a suggestion at the time about the police forces, which was not too difficult. The former Attorney General (Mr. Wishart) was in St. Catharine's talking to the police of that area, the magistrates and the judges and the sheriffs—

**An hon. member:** He was talking too much.

**Mr. Bukator:** —and many police were there. I raised the question that if he was going to add to the forces of that peninsula, if he was going to give similar protection to the people of the whole area, he had to add more police. It was as simple as that.

The mayor of Niagara Falls, I recall, stated that if he was going to give equal policing to the portions that were coming into the city of Niagara Falls—the village of Chippawa to the south, Willoughby township, a part of Bertie township and a portion of Humberstone with quite a large section of Crowland—that he would have to have at least 18 more policemen and five more automobiles to give equal policing.

What amuses me about this bill is that the minister goes back to the old method of the county councils. He goes back into the municipalities that are affected and he is going to give them some concession in their taxes if they do not require as much policing as the municipalities that have the larger population require. As I interpret the section of this bill, the principle of this bill, then the police commission, or the police—what do they call that particular group that has taken over the whole county?

**Hon. D. A. Bales** (Minister of Municipal Affairs): The Niagara Police Commission.

**Mr. Bukator:** The Niagara—I will get it—the Niagara regional police force is going to be responsible for this. I find the minister has a section in the principle of this bill again—to assist municipalities, such as townships, that do not have too large a population, so, therefore, they will get a little bit of a break in their taxes. I think this is right, but what did they have before the bill came into existence? They had the very thing that you are going to give them now. If the minister is going to assist financially, he is going to get this money from taxpayers, taxpayers of the Province of Ontario, to assist an area—

**Mr. Haggerty:** Rural citizens never see a police officer now.

**Mr. Bukator:** —that has had added costs put on its shoulders in its taxes and, because of that, he is going to take taxpayers' money to assist it. But what is going to happen when he phases out these particular costs? I would like to know what is going to take place. I suppose I will have the opportunity, Mr. Speaker, to ask the question when the time comes. What is going to take place in a place like Crystal Beach, which is part of the town of Fort Erie now, if it has provincial police at no cost? Many members recall that I argued for many years that, if the population of the province is going to come to Crystal Beach, as it does at Wasaga, that the provincials who do the work on the highways, that come into that municipality, the cost, their wages, should be paid by the province as a whole. Eventually, instead of Crystal Beach having to pay for the 11 more or 12 more policemen in the summer, the province has decided in its wisdom, to concede to our requests and, finally, the village of Crystal Beach was getting, and is still getting, free policing by the provincials but it must pay—and this bill provides so in principle again in its content—the bylaw enforcement officers. It is the only thing the Crystal Beach has to do. The provincials would not impose the local bylaws or put parking tickets on automobiles, so the village of Crystal Beach pays just for the bylaw enforcement officers.

Here we have a police force within the town of Fort Erie that does the job through the regional police force. You have a detachment of provincials that are policing that village for nothing, and therefore I imagine the reason that portion of this bill is here is to assist a municipality like that by way of financial assistance so they will not have to carry the same burden for policing as the rest of Fort Erie.

I think that the minister would agree and I would interpret it that way anyhow. Where a municipality does not require additional policemen, they do not have to pay as much taxes as the others that have the population. Crystal Beach has, naturally, free policing and

they only pay for the bylaw enforcement officers.

The most peculiar thing happened today. Several of my cheques were sent to me by my office to pay some of my taxes in that region, and I am paying an interim tax bill. The reason that I am not paying my taxes in full, as of July 15, is because they have not set their mill rate yet in the region of Niagara. Can the minister imagine that? July 15 and no tax rate set.

I have heard this minister and I hope the time comes in his comments when he will explain this to me. I gathered at one point, either in this House or committee, that he said that the increase in taxes to certain municipalities would be about 34 per cent higher—one-third of their taxes—because they have become part of a region that seemed to be so good to this particular House.

Everyone on the government side said this is the proper thing and the desks were thumped, I tried to keep you all awake until 2:30 one morning—there was somebody taking pictures around here that time. He caught two sleeping and I think that bears discussing!

**Mr. T. P. Reid:** Not because of the hon. member's speech.

**Mr. Bukator:** I think so.

**Mr. T. P. Reid:** Oh, no! It was the lateness of the hour.

**Mr. Bukator:** I was amused at the member for Prince Edward-Lennox (Mr. Whitney) when he was asked what was going on. He said, "How would I know what was going on? I was sleeping." I thought that was a very honest remark. And I do not suppose—

**Mr. S. J. Randall** (Don Mills): The member should have been here at 4 o'clock.

**Mr. D. A. Evans** (Simcoe Centre): The member for Riverdale (Mr. J. Renwick) is sleeping down there.

**Mr. T. P. Reid:** The government members are sensitive tonight.

Interjections by hon. members.

**Mr. Bukator:** There is no member in this Legislature that I have more respect for than the member for Prince Edward-Lennox; a fine man doing a good job—

**Mr. Deans:** Nice to know.

**Mr. Bukator:** —however, I heard an interjection from the member for Don Mills. It is nice to hear him come to once in a while. He has not been saying too much in this House and that might be an addition.

**Mr. Randall:** On a point of order, I understand that one of the members of the NDP was taking pictures here at 8 o'clock tonight of the lack of members over here. He should have been here at 20 minutes to 4 this afternoon and he would have found the only man speaking over there was the member for Riverdale and he was the only one in the NDP caucus.

**Mr. J. P. Spence** (Kent): For goodness sake!

**Mr. Bukator:** I would say, Mr. Speaker—

**An hon. member:** And he was asleep!

**Mr. Randall:** He may have been asleep, but he was speaking.

**Mr. Deans:** What point of order was it that the member—

Interjections by hon. members

**Mr. Deans:** Mr. Speaker, what point of order?

**Mr. Bukator:** Whatever the member for Don Mills contributed, I think it was a good contribution. I get quite—and I suppose I can deviate a little bit—I get the biggest charge out of members in this House accusing each other of not being in attendance.

All three parties—and I know that if there was no one there but one member of the NDP, I am sure they were down in the two very active committees down the hall.

**Mr. W. Ferrier** (Cochrane South): Hear, hear! That is where we were.

**Mr. J. E. Stokes** (Thunder Bay): Thanks!

**Mr. Bukator:** I have noticed on occasion very few members here even though the minister is speaking, I know that they are all busy men and I only hope that some day a member of the press will take enough time to pick any one of you—any one on either side of the House—and take in their activities for a day; for a week; for a month and see what they are contributing for their portion of money.

**Hon. A. Grossman** (Minister of Trade and Development): Take a roll call up there.

**Mr. Bukator:** I tell you, Mr. Speaker—

Interjections by hon. members.

**Mr. Bukator:** I do not suppose any member has a right to say this any more than I do. I very seldom speak to the reporters, not because they are not nice people, but I just do not feel that I want to approach them to make same statement to the press because I talked to them about it. They have their own opinions on the Legislature, and they can write them up as they see fit—and that is quite in order with me. But I would like them once, one individual to take the time to take any member of this House and put on the record what that man does in this House and in his municipality, and his correspondence in his own office, and tell me—who would have the audacity after checking on that—to tell me that that man is not earning his keep here.

**Some hon. members:** Hear! Hear!

**Mr. Bukator:** I would like to—

**Hon. Mr. Grossman:** The NDP will check the record of members who attend this House.

**Mr. Bukator:** I suppose it will all come out during the campaign and we will all be accused of not earning our pay in this House. But that is quite all right, that is part of the game. I am only glad that it only lasts for about six weeks.

Interjection by an hon. member.

**Mr. Bukator:** To get back to the bill, the principle of the bill, I must say the same thing that the member for Wentworth said. How can we on this side of the House oppose this amendment to the Act to amend—I am on Bill 116. Can I have another hour of this?

**Hon. Mr. Bales:** I was sure it was wrong.

**Mr. Bukator:** Am I permitted to take another hour and go to the right bill.

**Hon. Mr. Bales:** We will just take what the hon. member said now and apply it to Bill 116 when we get to it.

**Mr. Bukator:** You see, one does get tired after putting in 10 and 12 hours in this particular House. Mr. Speaker, I will get to Bill 116 a little later on in the session. Thank you for being so patient with me.

**Mr. Speaker:** Is there any other member who wishes to speak to this bill? If not, the minister has the floor to close the debate.

**Hon. Mr. Bales:** Mr. Speaker, all of the regional Acts provided for adjustments being made by the regional corporation as between the area municipality. I am sure all of us recognize that in establishing regional governments, such as there are in the areas cited in this bill, they are unique. There are going to be a different situations arise from time to time, and certainly inequalities between the areas and within the area municipalities have arisen within these regions. But I think this was to be expected if you look at the situation here in Metropolitan Toronto in the early years of its formation, from 1953 on. There were certain adjustments had to be made at that time.

So that the principle of this bill itself, of course, is to allow grants to be made by the government to minimize the shift of taxation that has taken place between the areas themselves, and these particularly occur in the formative years of these regional governments. The bill will do more than that, however. It will permit the department to review the budgets of these various regional governments and to assist them with some supervision in the early period.

This is a needed situation. The type of assistance required will vary from region to region. If you think of Ottawa, for example, there have been severe pollution problems, sewage problems in that area partly caused by the situation on the river and the other city immediately across the river. I think certainly Ottawa does require some additional assistance in reference to that type of situation.

In other areas, we have established a regional police force, that is referred to by several of the members including the hon. member for Niagara Falls. When you establish a regional force it does require special assistance in the earlier years, and some of that is provided in the bill itself in reference to Niagara. In other areas, we want to see planning on an overall basis developed just as quickly as possible. That is expensive in the earlier years and we must try to assist the areas in that regard.

The same thing applies in reference to the transitional grant, and the hon. member for Waterloo North referred to that. So there are varying situations in all of the municipalities and this bill will enable myself, as minister in the department, to try to meet the situations in the different regions.

The member for Waterloo North referred to certain specific grants to various regions; for example, Muskoka and York. Those moneys are not included in the moneys we anticipate making available to the regions under this bill—none of those specific grants are referred to in the different regional bills

for those particular regions. These will be new moneys that will be made available to them.

He referred to a statement made by me as to several million dollars. I think he was talking about $2 million. I said several million dollars, because it has to be calculated as to the moneys that we will actually require to be paid to them.

In the bill, and I mentioned this a moment ago, it contemplates certain supervision because we have to know what their projected expenditures are. The hon. member for Niagara Falls referred to a statement I made about an increase of 34 per cent in a budget. What I really said then was a 34 per cent increase in projected expenditures. We have had meetings now with all of these area municipalities in Niagara so that we could ascertain what their projected expenditures were, and I think we have assisted them in looking at them and seeing those which should be undertaken in the early years of that government and those that might be postponed for a period of time. That is the kind of arrangement that will be made.

I believe that, taken with the assistance that was provided in the original bills establishing the several regions and the provision of the original Regional Municipal Grants Act, as well as this addition to the bill, we will be able to assist the regional governments and their area municipalities so that the incidence of tax shift will not be overly great and will provide the kind of assistance that they do require, particularly in the early years.

Once they have been formed for a few years, then they will have a much better understanding and appreciation of the cost of the regions and their new responsibilities and the savings that can be made in the area municipalities. We see that particularly with a new taxation policy coming within the five-year period. That is the reason the stipulation as to time is in this bill. Certainly, within that period of time, I think the kind of assistance we envisage at the moment will be phased out. But I want to provide a sufficient period of time so that their needs can be cared for over the next few years.

I think, Mr. Speaker, I have dealt with most of the questions and comments made by the various members who have spoken on this matter. I appreciate the points that they have raised, and I will give consideration to any of them that pursue the various matters for the future.

**Mr. Bukator:** Could I ask a question?

**Mr. Speaker:** It would have to be a question of clarification.

**Mr. Bukator:** That is exactly what it is. I would like to ask of the minister—no one knows when this bill will get royal assent, but how quickly after this bill gets royal assent can the city of Niagara Falls set their mill rate, because that is what they are waiting for, is it not?

**Hon. Mr. Bales:** Mr. Speaker, I presume perhaps because of the nature of the bill itself, we may not be taking it to Committee of the Whole House and, if so, I would be glad to answer the question.

**Mr. Bukator:** Oh, I am sorry. I can ask the question again.

What I was going to say was that with this bill, I guess the city of Niagara Falls, or the Niagara region, is waiting for this bill to be passed, but the minister can go on with his grants so they can set their mill rate. Is the minister almost ready to make this contribution to them as soon as the mill rate—

**Mr. Speaker:** What the minister has said is that if the bill goes directly to third reading and not to committee, then he could answer you. So perhaps we will deal with the bill and then give the minister the opportunity to speak to it.

**Mr. Bukator:** Fine.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading? No?

**Mr. Good:** No, I have several questions for clarification, Mr. Speaker. I would appreciate it if it went to the Committee of the Whole House. Unless you want to deal with them now; I am prepared to.

**Mr. Speaker:** Well it would all depend on how extensive the questions were and also of course, as was demonstrated this afternoon, once Mr. Speaker varies from the order and the procedures of the House then he is lost, so therefore, as far as I am concerned, there can be no further debate on the bill. It can go to Committee of the Whole House.

Agreed to.

## REGIONAL MUNICIPALITY OF OTTAWA-CARLETON ACT

Hon. Mr. Bales moves second reading of Bill 113, An Act to amend The Regional Municipality of Ottawa-Carleton Act, 1968.

**Mr. Speaker:** If the hon. member is going to be more than two minutes perhaps we will adjourn the debate on this bill.

**Mr. Good:** Two minutes, Mr. Speaker?

**Mr. Speaker:** Two minutes would be the most yes. The House must adjourn at 10:30.

**Mr. Good:** Mr. Speaker, this bill deals mainly with—

**Mr. J. Renwick** (Riverdale): Leave it until tomorrow. Move the adjournment.

Mr. Good moves the adjournment of the debate.

Motion agreed to.

**Hon. A. F. Lawrence** (Minister of Justice): I rise on a point of order. I find that earlier this evening I may have unintentionally misled the committee of supply in that I was asked a question by a member of this House if I had any knowledge of any telephone line of any member of the Legislature lately being tapped or intercepted or any call on a member's line being traced by the police forces.

At that time I said that my understanding was that the answer was no. My understanding arose from a particular question which I asked officials of both the Ontario Police Commission and the Ontario Provincial Police a couple of weeks ago in preparing myself for the estimates. The answer I received at that time was no.

After the completion of my estimates tonight, I was informed that one member of the Legislature to his knowledge was informed that a particular call which was to have been placed to him was to be traced through the co-operation of both the Ontario Provincial Police and the Bell Telephone Company of Canada.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, before I move that the House adjourn I would like to advise the members that tomorrow we will continue with the legislation which the Minister of Municipal Affairs has on the order paper—that will be the item 17, Bill 113 which we are dealing with now on second reading—and items 18, 19 and 20 on today's order paper.

And there is item 26, also a piece of legislation, Bill 123 from the Minister of Municipal Affairs.

Then I would expect to go on to call the bills being presented by the Minister of Energy and Resources Management (Mr. Kerr); items 9, 10, and 11, Bills 93, 94 and 95.

Then, if we have time tomorrow, item 27, Bill 124, Minister of Social and Family Services (Mr. Wells):

I would add this, Mr. Speaker, as I did yesterday evening, that members must be prepared now for all those items which stand on the order paper as standing orders and the exigencies of the situation may require me to call any of them at any time.

Hon. Mr. Wishart moves the adjournment of the House.

Motion agreed to.

The House adjourned at 10:30 o'clock, p.m.

# CONTENTS

**Thursday, July 15, 1971**

**Estimates, Department of Justice,** Mr. A. F. Lawrence, concluded ..... 4089

**Regional Municipal Grants Act, 1970,** bill to amend, Mr. Bales, second reading ..... 4111

**Regional Municipality of Ottawa-Carleton Act, 1968,** bill to amend, Mr. Bales, on second reading ..... 4120

**Motion to adjourn,** Mr. Wishart, agreed to ..... 4120

No. 101

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Friday, July 16, 1971

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

5

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

FRIDAY, JULY 16, 1971

The House met at 10 o'clock a.m.

Prayers.

**Mr. Speaker:** Statements by the ministry.

Oral questions.

## MEETING '71 PROGRAMME

**Mr. R. F. Nixon** (Leader the the Opposition): Mr. Speaker, I want to ask the Provincial Secretary for a further report on his programme with the Indian communities called, I believe, communication 71. Now that he has received approval for a continuation of the programme from 90 per cent of the Indian groups contacted, can he explain what he will do during the summer months to assist them in their endeavours to improve their own community, and specifically what funds remain to be allocated in support of these programmes?

**Hon. J. Yaremko** (Provincial Secretary): Mr. Speaker, I do not have before me the breakdown of the Indian community resource funds. They are being expended on a regular basis. We deal with some three or four applications, almost on a weekly basis, and I think the rate of dealing with the applications is fairly normal.

With respect to Meeting 71, the department stands ready to provide the Indian bands and the areas which are participating with information either from our department or through our department, or directly from other departments. We are continuing making available the VTR—that is the videotape recording equipment—whereby they will be in touch with us and they will videotape each other's gatherings and then send it to other areas.

It will be my intention to meet now with the organizations—the union, the grand council, the alliance—so that one of the beneficial factors of having initiated Meeting 71 two weeks ago was the fact that we are now in an ordinary developmental process.

Incidentally, I may say that we have received word that of the London group there are some bands which have indicated that they would like to participate in Meeting 71.

**Mr. Nixon:** Supplementary: "Participation" means the minister sends them money, that is right?

**Hon. Mr. Yaremko:** No, they would probably like to take advantage of the funds which were made available for the consultation process.

**Mr. Nixon:** "Taking advantage of the funds" means the minister sends them money?

**Hon. Mr. Yaremko:** Yes, there were $14,000 made available to that area and by the resolution no part of that was picked up, but I understand there are those who wish to take advantage of the funds for the consultation processes.

**Mr. Nixon:** Well, supplementary: If as the minister reports, they now will use the money—they are prepared to accept the money—what does the minister expect them to do with these funds? Convene meetings whereby the Indians can discuss what they want the government to do with them?

The minister nods.

Supplementary: In the case of the Six Nations Reserve, how is he going to apportion those funds between the more than two groups that do not normally co-operate in the establishment of local policy? Is all the money going to go to the elected band council, as is indicated?

**Hon. Mr. Yaremko:** So far the Meeting 71 group has been dealing with the elected chief and members of the council who were invited to Meeting 71.

**Mr. Nixon:** Supplementary: It is very proper that the government should deal with the elected council, but is the government aware of the importance of the divisions on the reserve, which led to some substantial difficulties involving the Ontario Provincial Police last year and, I would say, some problems for the then Attorney General?

**Hon. Mr. Yaremko:** Mr. Speaker, I am aware of the situation.

## HOSTEL ARRANGEMENTS FOR TRANSIENT YOUTH

**Mr. Nixon:** Mr. Speaker, I have a question of the hon. Minister of Public Works.

What is the financial responsibility that Ontario has in the making available of the Mercer lands for a tent city? Is he aware as yet that the tent city has been moved, or will be moved, from the campus of the University of Toronto to the Mercer lands?

**Hon. J. A. C. Auld** (Minister of Public Works): Mr. Speaker, in essence, there is no financial responsibility as far as The Department of Public Works is concerned. Perhaps I might read the letter of intent which my department, through the deputy minister, sent to Mr. Sword on Wednesday:

> This letter will serve as the authority for the governors of the University of Toronto to immediately take possession of the former Mercer reformatory site, subject to the interests of the Toronto Youth and Athletic Club who, as explained to your representative, is, or will be, occupying a portion of the property for use as a parking lot.

I might just say, Mr. Speaker, that for some time we have leased, I think for $1, a small portion of the site to this group for them to rent as a parking lot to raise funds for some of their youth activities.

I refer back to the letter:

> Subject to approval by order-in-council, the Crown is prepared to lease to the governors of the University of Toronto the former Mercer Reformatory site for a term commencing on July 14, 1971, and ending on September 15, 1971, at a rental of $1, if demanded, and upon the following terms and conditions:
>
> 1. The governors of the University of Toronto lease the site for the purpose of providing an area which the SAC can make available to Grass Roots for hostel and camping facilities for transient youth.
>
> 2. The governors of the University of Toronto covenant with the province that the site will be made available only on condition that the hotel and camping facilities are operated at all times in accordance with all relevant municipal and provincial health and safety regulations and bylaws that may affect the occupied area.
>
> 3. The governors of the University of Toronto will further covenant that not more than 200 tents shall be erected on the leased area and not more than 500 persons will occupy the area at any one time.
>
> 4. The governors of the University of Toronto will be responsible for any and all damage caused to the property of the Crown during the term of the lease and agree to restore, at their own expense, the said lands to their original condition, including the removal of all debris to the reasonable satisfaction of the Crown and to reimburse the Crown for any damage by reason of such work, if any, at a reasonable valuation to be set by the Crown.
>
> 5. The governors of the University of Toronto will pay all municipal taxes and all charges for service and utilities, whether municipal or private, if any, supplied and charged to the said land.
>
> 6. The governors of the University of Toronto accept the said land in their present condition, as is, and the Crown incurs no liability thereto.
>
> 7. No transfer or assignment of the lease will be permitted without the consent in writing of the Crown or her successors.
>
> 8. The governors of the University of Toronto convenant that they will at all times hereafter save harmless and keep indemnified the Crown, her successors and assigns, together with the Crown employees, servants and agents, from and against any loss, damage or injury arising in any way from the granting of this lease and also from and against all losses, costs, expenses and damages which may be incurred by or by reason of any action or other proceedings which will or may be brought or instituted against the Crown, her successors assigned, agents, servants, and employees in any way arising out of this matter.
>
> This letter is being sent to you now, as it is our understanding that the mayor of the city of Toronto has indicated his approval of this site for the purpose of a hostel and camping facilities for transient youth.
>
> Yours very truly,

It is signed by the deputy minister.

**Mr. Nixon:** A supplementary: Has the council of Metropolitan Toronto expressed an opinion in this or has it participated in the plan for the establishment of this?

**Hon. Mr. Auld:** Mr. Speaker, I think that question should more properly be directed to the hon. member for Quinte, the Minister

without Portfolio (Mr. Potter), who is the one who met with, as I did, the representatives of the University of Toronto and who, I believe, was in touch with the municipal people. He is chairman of the cabinet youth committee, as the hon. member is aware.

**Mr. Nixon:** Well Mr. Speaker, at the suggestion of the minister, I would so redirect the question.

**Hon. R. T. Potter** (Minister without Portfolio): Well Mr. Speaker, I think the Leader of the Opposition knows that I did meet with the president of Toronto university and several members of his staff the other day when they requested that arrangements be made for them to lease the reformatory to provide facilities for a tent city. I was in contact with Mayor Dennison, who was less than enthusiastic about the suggestion, but he did finally agree not to object to the government entering into arrangements with the University of Toronto.

**Mr. V. M. Singer** (Downsview): That was commendable.

**Hon. Mr. Potter:** I understand that he contacted some of the members of his council, because Alderman Rotenburg phoned me. He too, was a bit disturbed when he first phoned, but finally agreed not to disagree and agreed that he would not offer any objection to the University of Toronto making arrangements with the government to provide the facilities, providing there were some restrictions on how the camp should be operated and that they would be responsible for the method in which it was operated. I passed this information on to—

**Mr. Nixon:** Who is responsible for the method?

**Hon. Mr. Potter:** The University of Toronto. And I passed this on to the Minister of Public Works and the government.

**Mr. Nixon:** A further supplementary: Has the move of the tent city begun or is it being delayed until the approval of federal grants?

**Hon. Mr. Potter:** Well, really, this part I did not get involved with. This was a negotiation between the Minister of Public Works and University of Toronto officials. I do not see any reason why it should not be begun really. I understand from the newspapers that the funds are available from Ottawa.

I was out and looked over the site myself. I think it is an ideal location. It is certainly in the middle of an industrial area; I do not know why anyone could be too disturbed about them locating there. Water is already there in the way of fire hydrants, there are street lamps in there, they are prepared to put up other facilities, so that I cannot understand why there should be a two-week delay.

I am sure that if you or I or anybody else made up our mind to get the camp in operation it could be done within a day or two.

**Mr. S. Lewis** (Scarborough West): Especially with fire hydrants immediately available.

**Mr. Nixon:** A supplementary: Who is going to be responsible then for seeing that proper sanitary facilities are available?

**Mr. L. C. Henderson** (Lambton): Trudeau!

**Hon. Mr. Potter:** The president and the members of the University of Toronto who met with me assured me that it would be their responsibility to see that this was carried out, and that they would guarantee that this did come up to standards.

**Mr. Nixon:** Would the minister not agree that there is a substantial role for the province to play, particularly in view of the legislation pending from the Minister of Health (Mr. A. B. R. Lawrence) with regard to seeing that the place is properly set up and that there is an opportunity for the young people out there to have good sanitary facilities?

**Hon. Mr. Potter:** There is no question about that and I am sure that this will be met.

I think we should realize that we should not confuse this with the youth hostel programme which is being operated across the province and in Metropolitan Toronto. This is a different facility entirely, which the federal government has sponsored. It is not entirely for transient youths. I am confident that many of the youth who are in this tent city will not be transients.

At the present time, that is as of Monday and Tuesday of this week 20 per cent of the hostel facilities in Metropolitan Toronto were not being used, so that the tents that were set up on Hart House lawn were not there because of necessity—because other facilities were not available. Other facilities were available and they still are available.

I am confident that the minister and the department will ensure that it does come up to health standards. Perhaps he could answer that for you.

**Mr. W. G. Pitman** (Peterborough): If I might ask a supplementary question: Would the Minister without Portfolio agree that this shows the need for some form of continuing hostel arrangements for young people who simply are out of touch with their own parents or with the school situation, and this really has very little to do with the summer programme?

**Hon. Mr. Potter:** Yes I would, and the inter-departmental committee on youth is working on this now to make recommendations to the government in the fall that we do, in fact, promote a hostel programme on a 12-month basis. While we appreciate that the demand for hostels is greater in the summer, the demand is still there all year around.

We are now reviewing the hostel programmes as they have been operating for many years in Europe and in other countries and we have a wealth of information that we are going to make available to the government later this year, hopefully.

**Mr. Pitman:** One other short question: Would the minister try to arrange for some form of withdrawal hostel—I think this has been referred to as a withdrawal hostel—that is, so kids can withdraw from the society in which they live, and that this will be ready before the Mercer operation is closed down in the fall?

**Hon. Mr. Potter:** No, there is no way that this can be ready before the Mercer operation closes down.

**Mr. Pitman:** Well, some kind of arrangements?

**Hon. Mr. Potter:** Certainly arrangements are being considered and certainly we are trying to get all the information we can to be sure that, when the programme is instituted, it is in the fact the best programme we can operate in the province.

**Mr. Pitman:** Some transition arrangements are going to have to be found.

**Mr. Speaker:** The leader of the Opposition?

The member for Scarborough West.

## REHABILITATION OF PIT AND QUARRY SITES

**Mr. Lewis:** Mr. Speaker a question of the Minister of Mines and Northern Affairs.

Why is the Minister of Mines and Northern Affairs prepared to countenance gravel and quarry operations in northern Ontario without the stipulation of rehabilitation of the sites?

**Hon. L. Bernier** (Minister of Mines and Northern Affairs): Mr. Speaker, we will have all kinds of opportunities to discuss this matter on second reading of the bill I introduced just the other day.

**Mr. Lewis:** By way of supplementary, I will repeat the question; Why is the minister prepared to allow Crown land to be gravelled and quarried in northern Ontario without requiring rehabilitation of the site?

**Hon. Mr. Bernier:** Mr. Speaker, I repeat what I said earlier—we will have all kinds of opportunity to discuss this when we reach the second reading of this bill.

**Mr. Lewis:** By way of supplementary; Why is the minister prepared to allow northern Ontario to be desecrated in this fashion without rehabilitating the sites that are launched? Why has he got one rule for the south and another for the north?

**Mr. W. Ferrier** (Cochrane South): That is a good question.

**Hon. J. White** (Minister of University Affairs): Questions on legislation are not in order.

**Mr. Lewis:** No; not at all?

On a point of order, Mr. Speaker, if I may. Frequently in this House, when bills are introduced—the auto insurance legislation comes to mind—you have regularly permitted questions on various points of interest prior to formal reading.

I would think that this is perfectly legitimate, and I ask the minister again by way of supplementary:

Am I right? Are the news reports right that there will be 449 permits issued this year to pits and quarries on Crown land in northern Ontario without any requirement for rehabilitation? Why is the minister willing to allow the north to be scarred in this fashion?

**Hon. Mr. Bernier:** I will take it as notice, Mr. Speaker. I repeat we will have all kinds of opportunity to discuss this on the second reading of the bill. I do not want to comment on any newspaper reports.

**Mr. Lewis:** That will satisfy a lot of people!

**Mr. Speaker:** Order! The hon. member is on his feet to ask questions.

**Mr. Lewis:** I am sorry.

**Mr. M. Shulman** (High Park): There is very little justice in that answer.

## QUARRY OPERATOR'S LICENCE SUSPENDED

**Mr. Lewis:** You are right, Mr. Speaker. My apologies.

I would, therefore, like to ask the Minister of Mines and Northern Affairs another question if I may.

Has the Minister of Mines and Northern Affairs ordered that Consolidated Sand and Gravel close down its operations?

**Hon. Mr. Bernier:** Yes, Mr. Speaker, that licence has been suspended and the matter has been referred to the mining commissioner for a hearing.

**Mr. Lewis:** By way of supplementary, when was the licence suspended and when will the hearing be held?

**Hon. Mr. Bernier:** I believe the licence was suspended just yesterday or possibly the day before; and I have notified the mining commissioner, who hopefully, will hold the hearing as soon as possible. The licence is suspended as of yesterday morning.

## APPOINTMENTS TO COMMITTEE TO SCRUTINIZE DOCTORS' ACCOUNTS

**Mr. Lewis:** A question, Mr. Speaker, if I may, of the Minister of Health: Did he suggest to the doctors last evening at his meeting with them that the committee which would have the right to scrutinize or rationalize accounts that were submitted would be drawn exclusively from the College of Physicians and Surgeons?

**Hon. A. B. R. Lawrence** (Minister of Health): Mr. Speaker, all physicians practising in the province are members of the college. The suggestion I made was that the membership of that committee, although appointed by the minister would be from those persons who have been nominated for appointment by the college itself. That could include every physician in the province.

**Mr. Lewis:** Right!

By way of supplementary, will there be an independent presence in the auditing procedure then as the minister now envisages the bill; other than, I take it, government and doctors?

**Hon. A. B. R. Lawrence:** There could be, but at the moment I do not feel myself that I want to insist upon it.

The college itself, I am advised, from time to time has co-opted or used on its committees laymen or other than physicians. At the moment I think I would like to leave that to their discretion.

I can picture complicated cases, complicated from an accounting point of view, where they might clearly want to do this. I can picture the ordinary, run of the mill case where it would not be necessary.

**Mr. Shulman:** A supplementary: In view of the college's weakness in this matter in the past, would the minister not agree with me that this committee should include at least some persons not appointed or suggested by the college?

**Hon. A. B. R. Lawrence:** Mr. Speaker, my feeling is that the college has shown a tremendous response, as the hon. member knows, over the last three or four months to suggestions that I have made with regard to increasing its powers and functions and authority.

It seems to me that we should try this, to see how broadly conscientious they intend to be in this capacity, also how conscientious they intend to be with new legislation which I have suggested we develop next fall. I think we will have to deal with it on a very pragmatic basis.

**Hon. Mr. Bernier:** Like the lawyers!

## REVISION OF OMA FEES

**Mr. Lewis:** A question, Mr. Speaker, for the Minister of Health: On what basis will he decide whether or not to pay the doctors 100 per cent of the Ontario Medical Association fee schedule as of 1973, as reported in the Globe and Mail?

**Hon. A. B. R. Lawrence:** It was a hypothetical question and a hypothetical answer, but I was not quarrelling with the fact that a completely redesigned OMA fee schedule reflecting different social attitudes and different changes in the technology and the practice of medicine might permit us in the next two years to develop a revolutionarily —no, a revolutionary, changed—

**Mr. Pitman:** Be careful there! That word does not come easily to the minister.

**Hon. A. B. R. Lawrence:** —fee schedule.

**Mr. Lewis:** Does the minister mean he expects the medical profession to follow this?

**Hon. A. B. R. Lawrence:** As I said in this House, Mr. Speaker, the effort should be for government and the OMA to work out a new fee schedule.

As members probably realize, the Canadian Medical Association and the OMA admit that there is tremendous room for improvement—

**Mr. Shulman:** We hope the minister is going to give us a living wage this time.

**Hon. A. B. R. Lawrence:** —in the structure. If we can come to that, I do not think there is any magic in whether it be 90 or 100 per cent.

**Mr. Lewis:** The minister will assure the medical profession of a guaranteed minimum income, though.

**Mr. Speaker:** The Leader of the Opposition has a supplementary.

**Mr. Nixon:** Mr. Speaker, in the minister's answer, did he intend to say that the fee schedule would be worked out by the government and the OMA? Is this a change in policy, because would he not agree that he has rejected until now the concept that the schedule would be worked out with the government taking any role at all?

As a matter of fact, when the word "negotiation" was used, he rejected it. He said that he would only talk with the doctors' association.

**Hon. A. B. R. Lawrence:** I have rejected the principle of negotiation in terms of its being settled as one would a collective bargaining agreement between management and labour.

My hope is that my term "working it out" is a much more intimate and much more sophisticated procedure of our officials and their officials and appointees working as a joint committee on the project, not negotiating it but working together.

**Mr. Nixon:** A supplementary: Would the minister not agree that there is nothing bad in the word "negotiation" other than the implication that the government would have some responsibility before the schedule was finally agreed upon, and therefore must be paid out of the public purse?

**Hon. A. B. R. Lawrence:** I will never quarrel with the proposition, Mr. Speaker, that the government has the responsibility.

## TRANSFER OF SUPERINTENDENTS OF PSYCHIATRIC HOSPITALS

**Mr. Lewis:** A question, Mr. Speaker, for the Minister of Health: Is it not correct that there is presently an exchange to take place between superintendents of Ontario psychiatric hospitals, the superintendent of Thunder Bay going to Whitby and the superintendent of Whitby going to Thunder Bay?

**Hon. A. B. R. Lawrence:** Yes, Mr. Speaker, and this might give me an opportunity to apologize for a slip in the information which I gave to the member for Thunder Bay (Mr. Stokes) the other day.

I asked my officials whether the superintendent at Whitby had been transferred to Thunder Bay, and the answer no came back to me. Then when I followed it up I found that the answer was no, he had not been transferred to Thunder Bay, but he would be transferred in September.

**Mr. J. Renwick** (Riverdale): He was packing.

**Hon. A. B. R. Lawrence:** That was not the spirit of my question, nor the spirit of the question of the member for Thunder Bay, and I am sorry the answer was so given.

**Mr. Lewis:** Extraordinary officials the minister has.

**Hon. A. B. R. Lawrence:** They are meticulously accurate, Mr. Speaker.

**Mr. Lewis:** By way of supplementary, have they meticulously explained to the minister yet why they closed down the school of nursing at the Whitby Psychiatric Hospital without the minister's knowledge?

**Hon. A. B. R. Lawrence:** Mr. Speaker, they have not closed it down.

**Mr. Pitman:** They are just phasing it out; would that be more accurate?

**Mr. P. D. Lawlor** (Lakeshore): Barely there!

**Mr. Nixon:** This is like "negotiate."

**Mr. Pitman:** A creeping phase out.

**Hon. A. B. R. Lawrence:** They have not closed it down, Mr. Speaker. What they have said is that in view of the fact there are only eight or nine students there they intend to close it down unless, of course, they find that the eight or nine students cannot be properly and fairly educated and complete their next year in another institution.

**Mr. Shulman:** There are nine in one class.

**Hon. A. B. R. Lawrence:** My officials were down there the day before yesterday. I have not yet met with them because I have been fairly busy myself.

**Mr. Lewis:** The minister should question them closely.

**Mr. W. Newman** (Ontario South): Mr. Speaker, a supplementary: Maybe I misunderstood; when is this transfer of superintendents taking place?

**Mr. J. E. Stokes** (Thunder Bay): September!

**Hon. A. B. R. Lawrence:** In September, Mr. Speaker.

**Mr. E. W. Martel** (Sudbury East): Does the member for Thunder Bay want to get rid of him?

**Mr. Stokes:** The member for Ontario South is getting the best of the deal, I can assure him of that.

**Mr. Shulman:** Is the minister aware that there are nine students in one class, but that there are other classes of students also there?

**Hon. A. B. R. Lawrence:** No, I was advised that the order would affect only nine students.

**Mr. Lewis:** May I ask the minister if he is aware that the order as read by Mrs. Kidd said that the other classes were still being decided upon?

**Hon. A. B. R. Lawrence:** I shall find out the accurate answer to that, Mr. Speaker.

## ARMED OPP GUARD AT ROYAL COMMISSION HEARINGS

**Mr. Lewis:** One final question, Mr. Speaker, of the Attorney General and Minister of Justice. Why was an armed guard necessary, as I gather was the case—an OPP officer I guess —at the royal commission on book publishing? Why was his presence necessary?

**Hon. A. F. Lawrence** (Minister of Justice): Yes, Mr. Speaker, I noticed that press report myself.

I had no knowledge of it until I read the press report. I immediately made inquiries and was told that the commission themselves asked for the presence of a uniformed constable in case there were any interruptions during the course of the inquiry. The fact that he was armed was merely that all of the constables are armed. There was no connotation there at all. He did not have a Thompson sub-machine-gun or a shotgun in hand. He was a uniformed constable.

**Mr. Lewis:** The interruption would be met with reasonable application of force.

**Mr. Singer:** He would have had one of the new water guns.

**Mr. Lewis:** Perhaps some Mace.

**Mr. Singer:** Water cans, I am sorry.

**Hon. A. F. Lawrence:** Hidden on his person, yes!

**Mr. Lewis:** Well, I am glad that justice prevailed.

**Mr. Speaker:** The Minister of Trade and Development has the answer to a question asked the other day.

## FINANCIAL ASSISTANCE TO PUBLISHING HOUSES

**Mr. R. F. Ruston** (Essex-Kent): This will be a change.

**Hon. A. Grossman** (Minister of Trade and Development): Mr. Speaker, on Wednesday last, the hon. member for Scarborough East (Mr. T. Reid) asked the following question:

> Has the Ontario Development Corporation received any correspondence from any of the remaining Canadian-owned publishing houses for financial assistance, possibly along the lines of the financial assistance promised by this government

and, I believe, already partially made to McClelland and Stewart?

I replied:

> My recollection is that we have one letter from at least one company and I am not too sure that there was a request for funds or whether they were commenting on the assistance we gave to McClelland and Stewart. But I would be glad to ascertain that and provide the member with the information.

The hon. member, in a supplementary said:

> If there was any such letter to his department, and I know there has been one specific request in writing, whether or not the officials of his department have bothered to reply to that request, would the minister ensure that a reply is forwarded?

Of course, I promised to do so.

I can only assume, Mr. Speaker, that the member is referring to an inquiry which was received by the Ontario Development Corporation on July 6. Our director of the project evaluations branch phoned the company on July 9 to inform them that ODC will not consider this application until the final recommendations of the royal commission on book publishing are received. However, it was indicated to the company that if it wished to apply for a small business loan under a new programme, with regard to its printing operations, it should forward the necessary information and consideration would be given to such an application. Such an application, Mr. Speaker, was received on July 14 and is being considered at the present time.

**Mr. Speaker:** A supplementary? The Minister of Justice has a reply to a question.

**Mr. H. Peacock** (Windsor West): You realize we have 10 minutes left, Mr. Speaker?

## ONTARIO'S ENERGY NEEDS

**Hon. A. F. Lawrence:** Yes Mr. Speaker, the other day I believe the member for York South (Mr. MacDonald) was inquiring of the ministry relative to the position the government of Ontario is making to the National Energy Board, commonly referred to as the TransCanada Pipe Lines application, and I undertook at that time to table both the intervention and any estimate the government had respecting future energy demand in this province. So I am filing here two copies of the intervention, two copies of a book entitled, "Ontario Energy Supply and Demand 1955-1980," dated April 16, 1968.

I should caution the hon. members, however, that in reading the estimates of the Ontario energy demand in this province, the Ontario study was prepared in 1968 and did not take into account—because no one knew about it in 1968—the large recently emerging requirements of Ontario Hydro for gas to minimize air pollution in the thermal generation of electricity.

The Hydro requirement will be about 60 billion cubic feet per annum in 1972, the pertinent year, and will be escalated thereafter. So, if hon. members are looking at this estimate, if they merely add 60 billion cubic feet now to this estimate that was made then, that is still the estimate which the government people believe will be the energy requirement in 1972, which is the pertinent year for this particular TransCanada application.

**Mr. Speaker:** A supplementary?

**Mr. M. Makarchuk** (Brantford): Can the minister indicate whether some studies were made as to the raw material requirements of natural gas? By raw material, I mean the natural gas that would be used for plastics industries and other associated petrochemical industries, not as energy.

**Hon. A. F. Lawrence:** These are the total requirements in the Province of Ontario.

**Mr. Makarchuk:** By way of supplementary, Mr. Speaker, this is total requirement for the generation of energy. What I am interested in is the total requirement in Ontario for the secondary petrochemical industries as a form of raw material, and I am sure the minister is interested in the establishment of secondary industries in Ontario.

**Hon. A. F. Lawrence:** I understand it is not only the energy requirements, it is the gas required in Ontario. But if my understanding is not correct, I will correct it at a later date. My understanding is it is not only the total energy requirements; I have not read that report for over a year now, but I believe in the report it is broken down to include the purposes referred to by my friend.

**Mr. Lewis:** A supplementary, Mr. Speaker, since this is the first time we have had this accumulative information and Hydro has now emerged on the scene fairly dramatically, could we have tabled as well an estimate of

Hydro's demands? I notice, for instance, it is not only 60 billion cubic feet for the Hearn generating station, but it is now another 20 billion cubic feet for Windsor's J. Clark Keith station by 1974, rising to 40 billion later in the 1970s. I do not know how to phrase this as a question, but the energy requirements by virtue of Hydro, have reached such astronomic proportions that both transmission and export now are on the edge, and surely we can have those figures as well.

**Hon. A. F. Lawrence:** Mr. Speaker, obviously for unanticipated or unknown demands in the future this estimate will be revised continually, but my understanding is —and again I really have not looked at it since I left The Department of Mines and Northern Affairs—that the Hydro requirement of 60 billion cubic feet per annum in 1972 includes requirements of Hydro other than Hearn. That is not the total requirement of Ontario Hydro. The total requirement of Ontario Hydro, instead of being about 60 billion cubic feet, will be about 90 billion cubic feet in 1972; but the 30 billion in between there was already included in the original estimate. Do I make myself clear?

**Mr. Lewis:** Yes, but I think the minister will find the 60 billion is too low.

**Hon. A. F. Lawrence:** Then it will be revised as time goes on.

**Mr. Makarchuk:** A supplementary, Mr. Speaker: Is the minister aware that if the National Energy Board undertakes to export a certain amount of natural gas, Ontario will perhaps not be able to attain or acquire the Hydro requirements in the future. Is he aware of that?

**Hon. A. F. Lawrence:** I think the hon. member should read the intervention first, so that he will understand our position.

**Mr. Speaker:** The hon. member for Kent.

## FARM TAX REBATE PAYMENTS

**Mr. J. P. Spence** (Kent): I have a question of the Minister of Municipal Affairs. Is the minister aware there are a number of farmers who have not received their farm tax rebate as yet? Could the minister inform us why the long delay?

**Hon. D. A. Bales** (Minister of Municipal Affairs): Mr. Speaker, the regulations were changed and we had to obtain information from the various assessment areas as to corrections in the assessment role so that land previously designated as residential would be corrected to agricultural. That is being done, and I anticipate the cheques will be going out as soon as we get those matters cleared up. They are being done by district. We are not doing them all at once.

**Mr. Spence:** How long will it be before the cheques will be sent out?

**Hon. Mr. Bales:** I cannot give the member an accurate—

**Mr. Ruston:** A week before the election?

**Hon. Mr. Bales:** No. I anticipate they will will be going out within the next couple of weeks.

**Mr. I. Deans** (Wentworth): That is the week before the election.

**Hon. Mr. Bales:** Thanks for telling me.

**Mr. Speaker:** The hon. member for Windsor West.

## AMERICANIZATION OF ONTARIO UNIVERSITIES

**Mr. Peacock:** Mr. Speaker, a question of the Minister of Justice, in the absence of the Minister of University Affairs—

**Hon. A. F. Lawrence:** He was here a minute ago.

**Mr. Peacock:** Would the minister take under consideration the statement his colleague made in the House on May 25—found on page 1976 of Hansard—that the matter of the disproportionately large number of American professors on the faculty of the University of Windsor law school could be examined by the standing committee on human resources?

My question of the minister is this: Given that the standing committee on human resources is choked with work so to speak—the estimates of The Department of Education are now before it—would the Minister of Justice consider whether the matter might properly be referred to the benchers of the Law Society of Upper Canada under the provisions of the statute of this Legislature empowering the society to take responsibility for legal education in the province?

**Mr. Lewis:** Not a bad thought.

**Hon. A. F. Lawrence:** I will certainly consider it. I have not heard that point of view expressed before. I will take it under advisement—I think that is the phrase.

**Mr. Speaker:** The hon. member for York Centre.

## PURCHASE OF PROPERTIES IN PICKERING BY METRO CONSERVATION AUTHORITY

**Mr. D. M. Deacon** (York Centre): Mr. Speaker, a question of the Minister of Energy and Resources Management: Has the minister yet approved the property acquisitions in the Pickering area negotiated by the Metro conservation authority, delay of which approvals has embarrassed the owners of eight properties as the deals involve $141,800?

**Hon. G. A. Kerr** (Minister of Energy and Resources Management): Yes, Mr. Speaker, I am just perusing—

**Hon. Mr. Grossman:** Those two fellows got together.

**Hon. Mr. Kerr:** He must have a pair of spyglasses over there. I have approved these—

**Mr. Singer:** Does the minister have his usual comment to make on that point?

**Hon. Mr. Kerr:** The particular properties to which the hon. member referred are in the process of being approved. We have to satisfy ourselves as to the appraisals. This involves a substantial amount of land.

**An hon. member:** A hell of a lot of money too.

**Hon. Mr. Kerr:** And a substantial amount of money. I want to be satisfied with the appraisals and we are in the process of doing that.

**Mr. Deacon:** A supplementary: Why should the negotiations not have involved the department at an earlier stage so that the owners would not have been so frustrated by the delay of several months, since they thought the deals were closed?

**Hon. Mr. Kerr:** Mr. Speaker, that is not correct. The application was just received by us within the last two or three weeks from the Metro authority and only when we have an application can we process it and approve it.

**Mr. Speaker:** The hon. member for Wentworth.

## OHSIP ACT COVERAGE

**Mr. Deans:** Thank you, Mr. Speaker. A question of the Minister of Health: Would the minister consider moving with some haste to amend the OHSIP Act and regulations to bring within the scope of the Act the condition that is suffered by the child that I brought to his attention some months ago? It is known as ectodermal dysplasia.

**Hon. A. B. R. Lawrence:** Mr. Speaker, if the hon. member means within the next few days I do not think that is practical because it opens a much wider field. I must say I find it hard to read in the press that as minister I ruled against the payment for that particular child, because as the hon. member and other members know, the Minister of Health is as much bound by the law as anyone else. As the law exists, of course, the payment cannot be made.

As for changing the law within the next few days, I really do not think it is physically possible, because obviously it involves not only the very pathetic case in issue but many other cases and the whole principle of that very difficult line between what is considered to be dentistry and that which is arbitrarily considered to be medical.

**Mr. Deans:** One supplementary question: Is it the minister's intention to wait until such time as the government moves into the field of providing services for dentistry before making the necessary adjustments to the Act or can we anticipate that adjustments will be made that will cover the few but very difficult cases, directly related to medical problems, that confront people in the province?

**Hon. A. B. R. Lawrence:** Mr. Speaker, that would be the ideal that we would aim at accomplishing, to be able to cover these cases that are so sensitive from a compassionate point of view without opening the whole flood-gate to a new programme. And that, as I suggest, will take more than a few days to assess.

**Mr. Speaker:** The member for Waterloo North.

## PAYMENTS FOR FITTING CONTACT LENSES

**Mr. E. R. Good** (Waterloo North): Mr. Speaker, I have a question of the Minister of Health.

Why will OHSIP honour a payment to an ophthalmologist for the fitting and medical correction of a medical condition of the eyes by use of contact lenses at a rate of 90 per cent of the $100 fitting and examination fee, when the same service can be and is legally provided by optometrists who cannot collect this fee from OHSIP on behalf of their patient because they are not classified as medical doctors?

**Hon. A. B. R. Lawrence:** Well that is the answer, because they are not classified as medical doctors.

One is a medical procedure carried through by a physician within the scope of the physician's practice under The Medical Act. The other has a more limited responsibility; he does not have the responsibility that is placed upon a physician. Whether he is capable of carrying it out or not is not the question.

**Mr. Good:** Mr. Speaker, my understanding is, by way of supplementary—

**Mr. Speaker:** What is the question?

**Mr. Good:** Would the minister not admit there is a discrepancy here in the fact that optometrists who specialize in the fitting of contact lenses are doing this service but are unable, on behalf of their patients, to collect the fee for this fitting and examination service from OHSIP because they are optometrists and the other people are doctors? Is this not discriminatory against optometrists?

**Hon. A. B. R. Lawrence:** No Mr. Speaker. There are two different roles; one involves a much wider responsibility and a much greater technical training, background and level of care. Optometrists are not physicians. I do not see under the present legislation how there is any real discrepancy involved.

**Mr. Speaker:** The oral question period has expired.

Petitions.

Presenting reports.

Mr. Villeneuve from the standing human resources committee presented the committee's report which was read as follows and adopted:

Your committee begs to report the following bill with certain amendments:

Bill 80, The University of Toronto Act, 1971.

**Mr. Speaker:** Shall this bill be ordered for third reading? Am I correct that there may be some amendments? The minister is not here. If so, it should go to committee.

It is not unanimous, so it will go to Committee of the Whole House.

The member for York North.

Mr. W. Hodgson from the standing estimates committee reported the following resolution:

RESOLVED:

*that*, supply in the following amounts and to defray the expenses of The Department of Trade and Development be granted to Her Majesty for the fiscal year ending March 31, 1972.

Department of Trade and Development

| | |
|---|---|
| Departmental administration .. | $ 1,631,000 |
| Trade and industrial development ..... | $ 5,867,000 |
| General development ..... | $ 8,913,000 |
| Ontario Economic Council ..... | $ 247,000 |
| Industrial incentives and development ..... | $ 24,360,000 |
| Ontario Housing ..... | $157,624,000 |

**Mr. Speaker:** Motions.

Hon. Mr. Wishart moves that on Monday next the House will sit at the usual hour of 2 p.m.

**Mr. Nixon:** Before the motion is carried, will the House leader indicate what the hours will be next week, other than the 2 p.m. beginning on Monday?

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): The motion which I put, I think, Mr. Speaker, some days ago, indicated the hours of sitting throughout the week would be starting at 10 a.m. to 12 noon; 2 p.m. to 6 p.m.; and 8 p.m. to 10:30 p.m.; with the exception of Monday morning and with the exception of Friday afternoon. We may perhaps change the Friday arrangements and possibly the Wednesday night arrangements next week.

**Mr. T. P. Reid** (Rainy River): On the other hand, we may not.

**Hon. Mr. Wishart:** On the other hand, we are doing very well and we may not need to.

**Mr. Peacock:** Mr. Speaker, may I ask the government House leader if the return to

normal hours of sitting on Friday, today, and Monday, was the result of some information which reached him that certain members were having difficulty making travel arrangements for the time following the previous order of adjournment for 10:30 tonight and 10 o'clock sitting on Monday morning?

**Hon. Mr. Wishart:** No Mr. Speaker, not really as a result of any information that reached me. There was the uncertainty of Air Canada flight arrangements. In any event, a number of our members, particularly those from northern Ontario, in all parties, have difficulty in getting here on Monday morning, unless they come down a day earlier.

**Hon. Mr. Grossman:** The members over there always forget about northern Ontario.

**Mr. Stokes:** Not really.

**An hon. member:** I have been having difficulty in getting home.

**Hon. Mr. Wishart:** I felt that the House work was moving forward reasonably well and we could have those arrangements continued.

**Mr. Lewis:** Well enough to sit Wednesday night and next Friday night?

**Hon. Mr. Wishart:** Possibly Wednesday night, yes.

**Mr. Lewis:** The government brought in that law on electoral regression and it will add several days to the session.

**Mr. Speaker:** Order, order!

The motion by Hon. Mr. Wishart is that on Monday next the House will sit at the usual hour of 2 p.m. Is it the pleasure of the House the motion carry?

Motion agreed to.

Introduction of bills.

**Hon. Mr. Wishart:** Mr. Speaker, before the orders of the day—

**Hon. A. F. Lawrence:** Members should see the press release that is going to be out tomorrow.

**Hon. Mr. Wishart:** I thought it might be helpful if I indicated the possibility of a slight variation from the order so that members might be prepared. The Minister of Trade and Development has indicated to me that he has two bills on the order paper, and because of arrangements which he has made in connection with the work of his department, he would like to be away shortly. So I would propose, after items 17, 18, 19 and 20 have been disposed of, to call 15 and 16 on today's order paper.

**Mr. Singer:** Why do we not do some of the estimates over again?

**Hon. Mr. Yaremko:** Mr. Speaker, before the orders of the day, it would be of interest to members that this Sunday, July 18—

**Mr. Nixon:** The minister has got to be kidding!

**Hon. Mr. Yaremko:** —a relatively small but interesting group in our community will celebrate the national day of their homeland, and I refer to those who are of Spanish descent. Sunday will be Labour Day in Spain and the occasion will also be observed here in our capital city at a number of receptions and events. The influx of Spanish citizens—

**Mr. Lewis:** As a matter of fact that is not even a joke. That is not even funny.

**Hon. Mr. Yaremko:** —to Ontario is relatively recent. However, in the past decade our province has welcomed about 5,000 and we have benefited from their skills as technicians, mechanics and in business and the professions.

**Mr. Lewis:** The minister knows that there are people in jail in Spain for belonging to the labour movement.

**Hon. Mr. Yaremko:** The Spanish involvement in Canada goes back to our beginning, and too little known today is the work of Spanish navigators on our west coast. Vancouver Island, in fact, was originally named Quadra and Vancouver Island to commemorate the friendship between Bodega y Quadra and Captain George Vancouver.

I am sure that members of the Legislature would want to join with me in conveying to the Spanish vice-consul in Toronto, Mr. Harold Fishleigh and to those whose mother tongue is Spanish, the congratulations and best wishes of the people of Ontario:

"Felicitaciones del gobierno y del pueblo de Ontario."

**Mr. Lewis:** Harold Fishleigh? The Harold Fishleigh who sat for the Tory party in this Legislature until he was defeated by Ken Bryden?

**Mr. Shulman:** Before the orders of the day, I would like to rise to pay tribute to a small but influential group in my riding. This Sunday is Labour Day in Outer Mongolia, sir, and I would like to pay tribute to all the Outer Mongolians who live in High Park, because, particularly on this Sunday, they are celebrating the 400th birthday of Joseph Kurt von Sternberg the original liberator of Mongolia.

**Mr. Lewis:** Come on! The minister should favour us with a few words. How did he miss them?

**Mr. Peacock:** Mr. Speaker, on a matter of privilege, if I heard the Provincial Secretary correctly he was giving recognition to the celebration of Labour Day in Spain.

**Mr. Lewis:** Just outrageous!

**Mr. Peacock:** I think that is correct. That recognition by the Provincial Secretary is an offence to me. I have been a member of the trade union movement of this province, which is affiliated with the world free trade union movement, the ICFTU, which has regularly protested to the International Labour Organization, an agency of the United Nations, of the treatment of workers by the government of Spain, many of whom are in jail on account of their activities with the free trade unions. I put it to the Provincial Secretary that it is an offence to the members of this House, who have been members of the free trade union movement of this country and to all trade unionists and to all members of this House who believe in democratic principles.

Interjections by hon. members.

**Hon. Mr. Yaremko:** I do not think that the member for High Park and his associates—

**Mr. Lewis:** He disassociates his party. He speaks for his party.

**Mr. Speaker:** Order! The hon. member for Oshawa.

**Mr. Lewis:** The minister is a crude and exploitative politician.

**Mr. Speaker:** Order!

The hon. minister and leader of the New Democratic Party will please give order for the member for Oshawa, who has either a point of order or personal privilege.

**Hon. W. D. McKeough** (Treasurer): Tell us about the strike.

**Mr. C. G. Pilkey** (Oshawa): Before the orders of the day, the other day there was a question asked of the Minister of Labour (Mr. Carton) by the member for Downsview in relation to a strike situation in Oshawa between the Oshawa Co-op and the retail, wholesale and department store union. I want to inform the House that yesterday, under the mediation of Mr. David Archer, the president of the Ontario Federation of Labour, and with my participation in those negotiations for the first time, we have reached an amicable settlement which will give the workers a measure of economic security for two years.

Interjections by hon. members.

**Mr. Speaker:** Order!

Orders of the day.

**Hon. Mr. McKeough:** Thank you E. P. Taylor!

**Mr. Lewis:** That is cause for celebration. Follow his precedent!

Maybe the Provincial Secretary will think twice, since he never thinks at all.

**Hon. Mr. Yaremko:** That remark is insulting. The member for High Park is insulting—

Interjections by hon. members.

**Mr. Speaker:** Order!

The hon. minister will please refrain from disrupting the orderly procedure of this House.

I would ask that the House leader now call the order of the day.

**Mr. Lewis:** The House leader is too embarrassed to call the orders of the day. He is always looking over his shoulder to find out what will happen.

Will the Provincial Secretary rise on South African day? What about Rhodesian independence?

**Hon. Mr. Yaremko:** I will not pay tribute to Stalin.

**Clerk of the House:** The 17th order, resuming the adjourned debate on the motion for the second reading of Bill 113, An Act to amend The Regional Municipality of Ottawa-Carleton Act, 1968.

## REGIONAL MUNICIPALITY OF OTTAWA-CARLETON ACT

*(continued)*

**Mr. Speaker:** The member for Waterloo North.

Interjections by hon. members.

**Mr. Speaker:** Order! The hon. members will please give the member for Waterloo North the floor.

**Mr. E. R. Good** (Waterloo North): Mr. Speaker, there are a few comments I would like to make regarding the bill as it affects the regional municipality of Ottawa-Carleton.

I understand that Ottawa-Carleton is the first regional municipality that is going into a regional water system and is permitted, under this Act, to take over on the regional level the powers of water distribution which had previously been held by the area municipalities. This I think is a good step, if it is done with the idea of bringing sewer and water facilities into outlying areas of the region. I think that in many of these things we are going to have to move to the concept of area rates in the provisions of water and sewers so that the smaller municipalities can, in fact, afford these services.

The principle of the next part regarding the reapportionment of costs for these services is similar in many of the bills which we deal with this morning. It will permit a municipality, as I understand it, to change the whole agreement that exists on a sewer waterworks if there is any extension to that facility. Because of this, of course, the balance of levies could be changed within the emerged municipality or other municipality if there is an extension of services, so I presume the second part is necessary to accomplish this purpose.

I would like to make a brief comment on the principle involved in section 4, which is the means by which the region is authorized to make agreement for acquiring waste disposal sites within the region.

I am wondering if there is, Mr. Speaker, to the Minister through you, any provision for the acquiring of waste disposal sites, should they be necessary, outside the regional municipality? This, I think, is something which is going to have to be worked out over the years and I am wondering if there is any provision for acquiring and making agreements for disposal sites outside the region. By doing this then, I suppose, it will bring this bill in line with the York and Niagara bills in which this was written into the Act.

Those are my comments on the second reading of this bill.

**Mr. I. Deans** (Wentworth): Mr. Speaker, very briefly I want to say that we recognize that in changing the municipal structure so drastically as the changes were in forming regional government, there will be from time to time the necessity to make alterations. Those alterations will be based on experience and experience has shown that these changes ought to be made and therefore we support the bill.

**Mr. Speaker:** Any other member wishing to participate before the minister?

The minister has the floor.

**Hon. D. A. Bales** (Minister of Municipal Affairs): Mr. Speaker, the hon. member for Waterloo North referred to some of the changes incorporated in this bill and the main one is in reference to the water system. Under the provisions of the bill, the region is given all of the authority that previously was available to the city of Ottawa through special legislation. In this case the Ottawa-Carleton region will be dealing with the municipalities or directly with the people in the matter of water distribution and hence the new section and the deletion of the previous section.

I think it advisable that the region should be able to establish waste disposal sites for all of the region and that is provided for in this legislation. The legislation itself confines it to areas within the region and as it is a large area, I think that that would be quite adequate.

They are mainly changes to assist the region to carry out its work and I think do a better job. This regional government has functioned very well and I think these amendments will be of assistance to them.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Agreed to.

## REGIONAL MUNICIPALITY OF YORK ACT

Hon. Mr. Bales moves second reading of Bill 114, A Act to amend The Regional Municipality of York Act, 1970.

**Mr. Good:** Mr. Speaker, the provisions of this bill are similar in aspects to some of the provisions in the Niagara bill. There are just a few questions on the principle involved under one of the sections to which I would like to make reference.

The procuring of water outside the area, of course, is understandable in that I suppose they would be getting water from Metropolitan Toronto municipalities.

There is the matter of bylaw enforcement which will give a regional police force the power to do bylaw enforcing in the area municipalities. I am wondering whether this will then preclude the area from having its own bylaw enforcement officers, or whether there will be in fact two bodies doing bylaw enforcement in the area municipalities.

I understand from the Act here the principle is then whoever lays the charge and prosecutes the case will collect the fine. If it is the area bylaw enforcement officers, the area will collect the fine, or if it is the regional police force, the region will. The only point I am not quite clear on, Mr. Speaker, is whether by giving this power to the regional police force the area municipalities will have to get out of the bylaw enforcement business.

Under section—5 the principle there, regarding the assessment rolls not being returned in the current year in time for purposes for which they are needed and using the previous year's roll, I understand this has been brought about because of the large number of appeals on last year and that the levies cannot be properly done until such time as all these appeals are cleared out of the way. Perhaps, Mr. Speaker, the minister could indicate when he expects these appeals will be processed through the courts and when the final roll for the previous year can be finalized.

The provisions whereby the hydro commission within the area will be continued to exist are provided "until such date as the minister may by order designate." In the original Act, I believe, the public utilities commissions that operated hydro were just given permission to act for this one current year.

The briefs and discussions between the OMEA and the minister have resulted, I presume by this legislation, in a position whereby the Municipal Affairs department and the minister have conceded to the request of OMEA that hydro commissions continue to operate the hydro at the local level and that they would not be turned over to regional municipalities as was the distribution of water and the responsibility for sewers. So perhaps in his reply, Mr. Speaker, the minister could give the House an indication of whether there has been a firm and fast policy decision on allowing present local hydro commissions to remain in existence indefinitely.

**Mr. Speaker:** The member for Wentworth.

**Mr. Deans:** Mr. Speaker, most of what is in the bill is bringing it into line with the requirements. I want to say something about the hydro situation primarily.

It is not good that we should continue the hydro commissions indefinitely and there is no indication from the minister that this will be a short-lived amendment—that the result of the amendment will be short-lived.

Why is it that we cannot have the necessary changes to The Power Commission Act? What is it about the government that somehow or other holds up the changes that are required in order that we can have the proper election of officials in the regional municipalities?

I can remember during the debate on the York bill we discussed this very point. At that point, which is now many months ago, and during that time, there was a commitment made that there would be the change made and that the elections would take place. I know in the case of York that the municipality has been awaiting this change.

Many people are eagerly awaiting the change, and I can only say that it certainly is a sign of the lack of concern on the part of the government as a whole. Whether it can be directly reflected on the Minister of Municipal Affairs, I doubt, but it certainly is a sign of a lack of concern on the government's part that they cannot bring in the changes that are required in order to allow the orderly electoral processes to take place.

Now with regard to all other things contained in the bill, I am delighted to see some of the changes, quite frankly. I think that the more power we are prepared to give to the regional municipalities the better they will function. The more rights which they have to negotiate one with the other, particularly in the area of providing much needed services, the better the whole function of the Province of Ontario will be.

Again we will support the bill, bearing in mind that we are not at all happy with the situation as it affects the Hydro commissions.

**Mr. Speaker:** The member for York Centre.

**Mr. D. M. Deacon** (York Centre): Yes Mr. Speaker, there are two or three items that concern me about this bill. First of all, the part of the Hydro commission which has already been alluded to.

The situation now involves a continuing denial of the democratic process in these areas, and there is tremendous confusion. In the town of Richmond Hill, for example, there are three separate organizations dealing with hydro; they have the Richmond Hill Public Utilities Commission; Vaughan Township Hydro-Electric Commission, and the Ontario Hydro. We have different rates, and the whole question is one that is perpetually causing increasing concern.

I feel that surely 13 months after the fact, we should have had a solution to the problem instead of a continuing postponement. I hope the minister will clarify that one and clean it up very quickly.

The last point I want to bring to the attention of the minister is the fact that the regional municipality is so restricted by its present Act that we have to have a specific donation—a grant of $60,000 to the Blue Hills Academy, payable over the years 1971 and 1972 in equal instalments—put into legislation. Why would it be necessary for us to have a specific grant made by a regional municipality put in legislation?

The member for Wentworth was talking about the increased powers. What increased powers are given to a municipality when they have to come to this Legislature for legislation to make a specific grant? I think it is ridiculous that we have such restrictions in our municipal legislation for regional municipalities so that they would have to come before us with that.

**Mr. Speaker:** Does any other member wish to speak to this bill before the minister? If not, the minister has the floor.

**Hon. Mr. Bales:** Mr. Speaker, the matter of reaching agreements in reference to sewer and water has been an intricate one between Metro and the York region. The legislation requires change in order that we can reach a better system with Metropolitan Toronto negotiating directly with the York region. It is, I think, a very important principle that the region should be responsible for the general distribution of water throughout the region as well as the general arrangements in reference to sewers, and these amendments will permit that.

There is a change in reference to the assessment arrangements and so on, and I anticipate that those appeals will be dealt with and finalized soon.

The whole principle behind the bill is to update the legislation and to meet the needs of the region to become a stronger and more viable unit.

I think one point raised by the hon. member for York Centre, was that all of the regions have restricted powers in reference to making grants. The areas themselves under the general legislation have power to make those kinds of grants; and particularly in their formative years, regions themselves are limited that way. Metropolitan Toronto has been limited. Members may recall that earlier this year we raised the limit for Metropolitan Toronto in the way of annual grants.

Those kinds of situations are normally dealt with by the areas themselves, within the region, and that is the reason for the limitation.

One concluding point I would like to touch on, Mr. Speaker, is in reference to the hydro commission. This has been a difficulty and certainly the hon. member for York Centre touched on it in reference to Richmond Hill. This is a fairly extreme example of the regions.

I anticipated we would have been able to reach agreement with Hydro and the various areas on these matters, but they are extremely complicated. I think it is much better to have an elected commission to deal with these matters and I certainly anticipate that after the adjournment we will be able to finalize those arrangements so that we can bring them to an elective basis.

I may say that I have had a number of meetings since I came to this department in reference to this matter and I have a number that still must be scheduled, but the more I have had the more I have found the complications increasing. But I think if we can meet all the groups, the OMEA and others, we can find a common solution and deal with the various regions on that basis. It is certainly not my intention to leave it on an appointed basis any longer than is absolutely necessary.

Motion agreed to, second reading of the bill.

**Mr. Speaker:** Shall this bill be reported for third reading?

**Hon. Mr. Bales:** Mr. Speaker, I would like it to go to committee. There is a minor amendment to be made and the legislative counsel is drafting it.

**Mr. Speaker:** To the Committee of the Whole House?

Agreed.

## DISTRICT MUNICIPALITY OF MUSKOKA ACT

Hon. Mr. Bales moves second reading of Bill 115, An Act to amend The District Municipality of Muskoka Act, 1970.

**Mr. Speaker:** The member for Waterloo North.

**Mr. Good:** There is nothing in this bill that is not covered in any of the other bills. We agree with the principle as with the provision now that the minister has stated they are going to move on this PUC—the continuation of the hydro commission throughout the area. The problem here is similar to the last bill. That is all the comment we have.

**Mr. Speaker:** The member for Wentworth.

**Mr. Deans:** Mr. Speaker, we will support the bill.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Agreed.

## REGIONAL MUNICIPALITY OF NIAGARA ACT

Hon. Mr. Bales moves second reading of Bill 116, An Act to amend The Regional Municipality of Niagara Act, 1968-1969.

**Mr. Speaker:** The member for Niagara Falls.

**Mr. G. Bukator** (Niagara Falls): I was speaking on this bill last night, apparently. But I might say that had I not mentioned any section of this bill, everything I said applies to Bill 112. I did not realize what a genius I was, really, until last night.

**Mr. R. F. Nixon** (Leader of the Opposition): We always knew that.

**Mr. Bukator:** I suppose there comes a time in our lives when we disagree with each other and then we have a perfect right to change our minds. Since this is the amendment to the proper bill, 174 and now 116, an Act to amend The Regional Municipality of Niagara Falls Act, I suppose I should touch just slightly on the history. I find that the New Democratic Party has been concurring and agreeing with every amendment to regional government bills. As I heard the member for Wentworth speak last night, I gather they have always supported —at least they have opposed—regional government without proper consideration.

The record will show that when I moved the resolution to hoist Bill 174 on the Niagara region, they voted with the government rather than with my party. They were not too enthused about stalling for a period of time until we cleared up some of the problems that we have before us now. Now we have no other choice, Mr. Speaker, but to go along with the amendment because it is an improvement over Bill 174.

I suppose the way we benefit in this world of ours is through trial and error, and so the government has had had a period of trial and has found some of its errors. I argued quite some time ago—apparently I have to disagree with my colleague from York Centre—in some areas, utilities commissions or hydro commissions, to the minister, through the Speaker, are doing a good job. The government has left the door open for them to continue, as I see it in section 10 of this bill. I suppose one should not make reference to sections, but hydro commissions will continue in operation until the minister, in his discretion, sees fit to put them out of order, or put them under a committee, I suppose, of regional government.

I find the hydro commission in the city of Niagara Falls has been doing an exceptionally good job for very little cost to that area. With that kind of experience and people who are, in my opinion, most capable to continue, I would think that this minister, in his discretion, would let them operate for a good period of time to do the fine job they are doing now.

I hope the day does not come when because he wants, as he says, to consolidate and put it all under one head of the regional government, he is going to add again to the cost of those regions. The government is now wrestling with the possibility—not possibility, it is an actual fact—that taxes will be increased to all of the people of that region,

metropolitan Niagara, simply because if the government is going to give; well I tell them they cannot afford a Cadillac, they will have to drive a Ford. That is about what it amounts to.

If this government is going to pick up the difference in costs and pay to that region the dollars that are necessary through this Act to equalize and to have a semblance of fair cost—that is the costs to the whole Niagara peninsula—then someone has to pay that money.

It was well said last night to me by one individual that the province will provide those dollars to assist in getting this regional Niagara municipality under way in a method proper and fair to those people. But where do we get the dollars in the Province of Ontario? From the taxpayers themselves, so we are not giving them anything.

I suppose that early in the day one can add a little bit of humour through an illustration. I am reminded of the preacher who was visiting in a country church when the collection plate was started, it started with the preacher and he put 50 cents on the plate. He had his 12-year old boy with him who sat in the congregation. The plate was passed about among the congregation and it got back to the preacher. Eventually, as the visiting preacher was going out the door, the resident preacher said to him, "We always give the collection to the visiting preacher and you are entitled to what was taken here this evening." So he put the plate before him and the reverend gentleman, being the kind man that he was, picked up the 50 cents—the only bit of money on that plate—put it in his pocket and said, "Thank you." His son said, "You see Dad, if you had put more in you would have taken more out."

Now if the minister is going to give us that portion of money on the plate, where did he get it but from the preacher, or from the people of that area, or the people in the province? It might be that the government has a larger tax base than a municipality, because it is taking the money from land in taxes—and the municipalities are not taxed properly in my opinion.

I think this is in keeping with what we are talking about, Mr. Speaker, so I would like to say to you that if this government wants to be fair to the people of any region, and especially the Metropolitan Niagara region, we ought to do what the Liberal Party has been saying in this House for many years, and pay the largest portion—yes, 80 per cent or 90 per cent—of the school costs and take it off of the land tax.

If we take the education costs off the land tax of any particular taxpayer in this province, then we are coming to the place where regional governments might be able to work a little better than they do.

I would like this minister to tell me—and when we come into this bill section by section I will ask that question; yet it bears putting on the record for his people to have his answers for him when the time comes—what is going to happen to Crystal Beach where they have the Provincial Police doing the policing of that municipality for nothing?

We have law officers in that village of Crystal Beach who are not paid by that village; and now the minister is going to reapportion the cost of policing throughout the whole area.

In other words Crystal Beach is getting policing for nothing, and justly so. Wasaga Beach has the same concession from this government. Many tourists come into the village, of something like 2,000 people; there are 25,000 visitors a day there, and naturally there are always a few people who make trouble. And the province in its wisdom did see fit to put the Provincial Police in there at no cost to the village of Crystal Beach. I wonder how this particular problem is going to be handled.

As these things flash through my mind, I wonder whether we did not start regional government before we had the answers to many of these problems. I will refer to it again. I sat with the sheriffs, the judges, the magistrates and many of the police forces—the Provincial Police too—in the city hall when the hon. Attorney General of that day (Mr. Wishart) tried very hard to answer the questions of the day. I asked him to project his thinking of the cost. If we are going to have the type of government we are talking about in this amendment, tell us what it is going to cost the people in the area.

The minister could look back to five years ago—I recall it as though it was yesterday—and I asked this hon. gentleman if he knew what it cost for the last five years, if he knew what it cost per policeman and that we needed that many more, what was it going to cost in the mill rate? I might buy his selling; I may say three mills or four mills on my taxes is not too much.

Well the Attorney General of that day, who is now our House leader—I do not know how many positions he holds; he is a very

important fellow—said, "Oh, we do not want to interfere with local autonomy. They will make up their own minds and they will decide how to run. it. That is the purpose of this bill." And I suppose his answer was a good one.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Perhaps Mr. Speaker, the hon. member might recall that the Attorney General of that day said: "This is not going to save them money. They are not going to pay less for policing." I made that very clear.

**Mr. Bukator:** That is about the only point on which he can hang his hat. That was not said too loudly or with too much emphasis. However—

**Mr. B. Newman** (Windsor-Walkerville): That was in a whisper.

**Mr. Bukator:** However, as of last year—

**Hon. Mr. Wishart:** No, it was said quite clearly, quite loudly and quite plainly in my usual style.

**Mr. Bukator:** I see. Am I by any chance, finally getting through to this man? Am I ruffling his feathers a little bit, and if I am I should.

**Hon. Mr. Wishart:** No, just be factual is all I ask.

**Mr. Bukator:** And I am telling the minister that if any facts were ever put in this House as clearly as I have done this morning, I say again to the minister that he washed his hands of the whole matter, as Pilate did. He said, "They, the local people, can take care of this. That is what this is all about."

**Hon. Mr. Wishart:** And it will cost them more money.

**Mr. Bukator:** And it will cost them more —all right.

The minister has gained his point, such as it is. It does not make much of an impression on me. It cost more money; $350,000 last year Mr. Speaker, of which this government provided $75,000 and this year they may provide $250,000. If these costs continue to increase, some of the municipalities will be hurt; and I understand we are going to phase out those costs by 20 per cent per year in five years' time.

Now then, if there is no increase in costs to the taxpayers of that area and if no more dollars are going to be paid than there are now, how does one explain that as they adjust these rates certain municipalities will be paying 20 per cent more in their taxes for five consecutive years—and that is a lot of dollars.

So I say to this minister, that the thing was not well thought out and the people will pay because of the errors.

They are going to pay much more than they should for the added services that they are getting in that particular area. This minister has been saddled with the problem that the former Minister of Municipal Affairs (Mr. McKeough) put on his shoulders, and now he has a job to clear up this, in my opinion chaos or financial mess that the region has been put into by his colleague, the former Minister of Municipal Affairs.

**Mr. R. F. Ruston** (Essex-Kent): He is bending over carrying a heavy load.

**Mr. Bukator:** I made my point as clearly as I could quite some time ago—

**Mr. Ruston:** We are picking on him!

**Mr. Bukator:** No I am not picking on this minister by any means.

**Mr. Ruston:** No, the member is not, we are.

**Mr. Bukator:** This minister has a job to do. He has picked up a very difficult portfolio and so he is trying to put the show on the road and do what is right by the people of that area and I give him credit. As of last night, the gentleman was kind enough to say to me—I asked a question of the Speaker and I will ask him again, because it is not going to embarrass anybody—the reason one of these bills is being passed now is so that they can get on with the job and give their grants to municipalities to assist them with their problems this year. Then the municipalities can go about setting their mill rate as of July 16, 1971, which is something out of the ordinary because we are paying interim rates on our taxes until we get by this particular problem.

So what I should do, I suppose, is quit speaking and let the members get on with getting this bill through and get it royal assent, so they can do their job in that region.

But I must say this for this minister—if I can find any more criticism about this thing, and I suppose I could—he finally took one of my main arguments from me by saying this

morning that he met with many of the municipalities to talk over their problems in that region. Being the understanding gentleman that he is, he might give some concession and lean over a little more—tilt a little more towards Tilly, as I have often said. Shall I tell members another story?

**Hon. Mr. Bales:** Sure, it is Friday morning.

**Mr. Bukator:** I have lots of time until 1 o'clock. I do not play golf until 3.

The man married a very fine woman and she died and he buried her. A short while after he married a second woman, and she passed away a few years later. He buried them with one plot left in between, and in his will he said he wanted to be buried between two of the finest women that ever lived, "but when you bury me, tilt me a little towards Tilly." You see, he had a preference.

Now then, I hope you tilt a little towards—

**Hon. A. Grossman** (Minister of Trade and Development): Which part of him did he tilt towards Tilly?

**Mr. Bukator:** In the condition he was in I do not suppose he cared much.

Interjection by an hon. member.

**Mr. Bukator:** I understand, Mr. Speaker, that I would have criticized this much more in this respect—that the minister should have talked to the people of the area before he brought this amendment in. But I gather he did before he drew up his amendment. That is commendable to say the least.

**Mr. Speaker:** Are there any other hon. members who wish to speak before the hon. minister speaks?

The member for Wentworth.

**Mr. Deans:** Again, very briefly, the amendments that are contained in the Act are obviously necessary amendments. I assume it is not going to committee, but if it is it does not matter. Just let me say that in section 3, dealing with the matter of the police forces, in the explanatory note it says "until such time as adequate police service can be provided by the regional police force." I think we require something more definite than that and we have to be assured that there is a movement afoot to bring about a regional police force in the not-too-distant future.

I am talking about the word "can be" —"until such time as they can be"—that is always subject, then, to change and interpretation. I am hoping that we will be moving much more quickly to bringing it about than we have in the past.

I want to make reference for a moment or two to what was said by the member for Niagara Falls. The member for Niagara Falls in this particular instance makes a good point. He speaks with considerable knowledge about the area and the needs of the area. He is right, of course. He is absolutely right that at the time he moved the hoist, we did not support it. To deny that would be to deny the truth. The fact of the matter was, of course, that we felt that the hoist motion was irrelevant to the needs at that particular moment—that in fact the hoist motion would not have accomplished the things that had to be accomplished.

**Mr. Bukator:** No one will ever know.

**Mr. Deans:** I suppose not, but we felt that was the case. We have said all along and still do, as was said in the initial bill of this series and can be borne out throughout all of the bills, that in regard to financing there is just no question that a complete restructuring of the financial base of municipalities is required. The minister said in his answer to me on that matter that there would be this restructuring "at some time in the not-too-distant future," which may be five years from now.

I would think that in every change that we make in municipal structure, that from time to time as a result of the experiences that we have, it will be necessary to make adjustments. I view the bills that have been produced and presented to this House as simply the results of the adjustments that are having to be made.

The point made by the member for Niagara Falls about the consultation between the minister and all of the neighbouring municipalities within the Niagara region is a good point. I sense that there was not enough consultation in the initial instance and I am pleased—I too have been in the Niagara region and met with the chairman and spoken to any number of people who are directly involved.

There is still a feeling around that perhaps the region is a little large for that kind of a region. I recognize, comparing it to some of the northern regions, that it is not very large in square miles. But considering the community of interest, it is difficult to imagine any interest between the town of Grimsby and the town of Fort Erie, for example. It is hard, really, to imagine

apportioning to the town of Grimsby some cost which will be to meet the needs of some residents in the area of Fort Erie or vice versa—it would be very difficult to sell.

There have been arguments made that perhaps this region could have been split in another way to produce two regions, smaller but yet viable. Now I am not persuaded on it at this point. I think there is a lot to be said for some of the arguments that have been made in that regard.

Particularly, as I say, as since the time of the initial regional government bill, there has been additional criteria added to the criteria of regional government, and that is community interest. That was not a matter which appeared to be considered in the early regional government bills. Now it seems to be the major stumbling block in the Hamilton-Wentworth-Burlington bill for example, and yet it did not appear to bear very heavily on decisions in regard to the Niagara regional government bill.

I would think that in any subsequent review of the Niagara region serious consideration be given to whether or not it is possible to develop a community of interest between the varying municipalities. If it is not, then obviously they are in the wrong place, and therefore perhaps a restructuring of the whole region is required at some point. Other than that the bill, as I say, meets the needs that have arisen out of experience.

**Mr. Speaker:** The hon. member for Welland South.

**Mr. R. Haggerty** (Welland South): Mr. Speaker, I concur with the amendments that are put forth in Bill 116. I go along with the section in which the local police departments, or the regional police department, will enforce the local municipal bylaws.

I believe that at one stage in the region, not too long ago, there were comments that the police commission did not want the police to enforce the municipal bylaws. I think this is good. I think this is part of the police job to enforce municipal bylaws. The other comment deals with the section 3,

> The amendment provides that until such a time as adequate police service can be provided by the Niagara Regional Police Force—

This confuses me a little bit—"adequate." I thought there were enough police in the Niagara area? If I recall there are Royal Canadian Mounted Police stationed in the Niagara region. There is the Niagara Parks Police Department policing the Niagara Parks system along the Niagara River from Fort Erie to Niagara. There are the local police departments, the regional police department and then we have the Ontario Provincial Police also policing within the region.

I know that the cost of police protection and administration is rather high and large sums of money are being spent on it in the region. Perhaps it would follow next to education costs in the Niagara region. I was wondering if it is not time that this government takes a serious look at police administration throughout the Province of Ontario and come in with one police force in the province—perhaps under the Ontario Provincial Police—and remove all the tax for the cost of this to the local municipalities in the Niagara region and throughout the Province of Ontario.

This has been proved to work successfully in other provinces throughout Canada and there is no reason why it cannot work here in the Province of Ontario.

The other matter raised in the bill here was about the clause for the hydro commissions to continue until perhaps further amendment is required. I have spoken on this a number of times in the House to bring it to the attention of the Minister of Municipal Affairs, and I quite agree with my colleague from Niagara Falls that at least this minister will listen. That is the important thing—that this minister will listen.

Under the present system, hydro commissions are providing an excellent job and providing the main source of energy in that area. Ontario Hydro is also involved in supplying the rural areas and I think of parts of the city of Port Colborne and parts of the town of Fort Erie, and the municipality of Wainfleet, which are totally rural. Ontario Hydro is doing an exceptionally fine job in this.

I know that the Ontario Municipal Electrical Association had prepared a brief on it. Some of the recommendations suggested one commission, and I cannot agree with this, Mr. Speaker. I think that under the present system the commissions are doing a good job. One reason is that if the region goes to one hydro commission, it will have to buy up the assets and the liabilities of Ontario Hydro. The figures that I have on the cost in the southern part of the region; it would cost the regional municipality of Niagara some $20 million. I do not have the figure

for what it would cost the northern section of the Niagara region, but you can figure again another $30 million anyway. Roughly, maybe, in a round figure to work it out, it would cost the region some $60 million.

To raise this amount of money to pay Ontario Hydro the region would have to issue debentures—and of course this again is going to put a cost against all hydro users in the region. Somebody has to pay this $50 or $60 million. This, eventually would put the cost of hydro up throughout the whole area. It has been proved that it costs more under one commission. For example, the water commission set up under the regional municipality of the Niagara region has already cost certain municipalities more money.

**Mr. Bukator:** More than double.

**Mr. Haggerty:** Double the rate, the member for Niagara Falls says.

There is no doubt about it; this is right. You can see this trend would follow in the hydro rates and I, for one, representing the people there, am opposed to any further increases in utility rates.

I think one of the most important things, Mr. Speaker, that this bill has forgotten in the Niagara Region is—and this applies to some other utilities—the telephone rates within the municipality. I can tell you, there is quite a discrepancy between one municipality and another, yet they are all in one city or in one town.

For example in the town of Fort Erie a person who has a private phone in the town will pay mileage. I do not know whether this exists any other place in Ontario, but it does in that region. In the city of Port Colborne, people who were still in the rural part now are included in the city and pay more for telephone rates than perhaps any place in the region.

I suggest to the minister that if the government is going to implement regional government for the benefit of people, all utilities should come under the same basis so that all people are treated alike.

I suggest that when the minister is going to implement regional government in other areas, these matters should be taken into consideration. I will leave these views with the minister.

One of the other problems I find too, Mr. Speaker, is that in the former county of Welland—and my colleague from Niagara Falls will bear this out—the county used to bring in a budget in February of the year and municipalities used to have their mill rates struck by April. That was about the last month, April. But today the municipalities and the taxpayers in that region do not receive a tax bill almost until September. They do not know what they are paying, nobody knows.

I understand the personnel they have in the regional municipality of Niagara is supposed to be the tops in Ontario. Why then cannot they have this tax rate struck, say in April? The county school board has to have its rate struck in April or March.

I think perhaps that the fault lies within the minister's department: I believe it is to do with the transitional grant structure.

Now the town of Pelham today has not been able to strike their budget, set their mill rate, or their tax rate today for the simple reason that the minister's department is a little bit too lax. I think this is where he should be getting his department to move with a little more speed, so that the municipalities can get their tax bills out to the people, and they know what they are paying.

**Mr. Speaker:** Are there any other members who wish to speak before the minister sums up? The hon. minister.

**Hon. Mr. Wishart:** Make it brief.

**An hon. member:** Let him get out fast!

**Hon. Mr. Bales:** I am getting an admonition from the House leader, Mr. Speaker.

**Mr. J. E. Stokes** (Thunder Bay): A tough taskmaster.

**Hon. Mr. Bales:** I appreciate the comments from the various members, particularly the member for Niagara Falls. I realize that initially he was not in favour of regional government in Niagara and perhaps still is not. He may be hard to persuade.

**Mr. Bukator:** Right.

**Hon. Mr. Bales:** But I am sure that he and I are going to stay in this House long enough that he will become persuaded—

**Mr. Bukator:** I hope I can become persuaded.

**Hon. Mr. Bales:** —because I think that many of the people over there recognize the long-range benefits in regional government there, just as I can recognize the same for Metropolitan Toronto.

**Mr. Bukator:** The minister made that point before, but it is not helping.

**Hon. Mr. Bales:** It has done very well here.

In reference to the Niagara Police Commission, there is a reference in the footnote to adequate police servicing.

I think we have to bear in mind the police commission took over as of January 1 this year. They are doing a good job, and in the interim period, when you are bringing in a regional police force and you have to establish that where there were OPP functioning in certain areas and where there were other local police forces, it does take a period of time to rationalize all those problems. That is the reason we have these changes.

Certainly it was important that the police commission be made responsible for carrying out the enforcement of local bylaws. We have, of course, provided that the local areas can enforce their own if they so decide, but this was a gap that had to be cleared up.

The matter of power commissions—it is not all one way. There have been cases where one power commission was brought in and we found that rates were reduced. I recognize that many of those bodies are doing a good job. I think that each area, I have said this before, is unique; you cannot apply the common situation to each one. On the other hand, I think you have to bear in mind there are some certain benefits and we will look at it very carefully before making a decision. I do not believe in appointed utilities commissions; I like to see them elected.

**Mr. Bukator:** They are elected in Niagara.

**Hon. Mr. Bales:** There they are, but in other places they are appointed.

I would say, Mr. Speaker, to you and the other members, that all these amendments are largely at the request of and after consultation with the regional government and the local government. I think they do meet many of the requirements they feel they need to improve the regional government in that particular area.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be reported for third reading?

**Mr. Good:** To committee.

**Mr. Speaker:** The minister directs it to the Committee of the Whole House?

**Hon. Mr. Bales:** Yes, if they wish it. Is there an objection to it going for third reading?

**Mr. Speaker:** Yes; to Committee of the Whole then.

Agreed.

**Hon. Mr. Wishart:** Mr. Speaker, I am informed by the whips that on the items toward the end of the order paper—33 to 40, the concurrence items—with the exception of items 35 and 37 the whips of the parties are agreed that it will be—

**Mr. Good:** Mr. Speaker, are we not proceeding with the Minister of Municipal Affairs' final bills?

**Hon. Mr. Wishart:** I am coming to those if the member will allow me to proceed for a moment.

If it will be agreeable for these to be called and they will pass without debate, I would then return to the other bills.

I am told also that concurrence in supply for The Department of Trade and Development, which does not appear on the order paper but which was reported this morning, is also in that category, so maybe it would be accepted without debate, with the exceptions of items 35 and 37.

I propose to call now order 33.

**Clerk of the House:** The 33rd order; concurrence in supply for The Department of Energy and Resources Management.

Resolution concurred in.

**Clerk of the House:** The 34th order; concurrence in supply for The Department of Public Works.

Resolution concurred in.

**Clerk of the House:** The 36th order; concurrence in supply for The Department of Social and Family Services.

Resolution concurred in.

**Clerk of the House:** The 38th order; concurrence in supply for The Department of Labour.

Resolution concurred in.

**Clerk of the House:** The 39th order; concurrence in supply for The Department of Transport.

Resolution concurred in.

**Clerk of the House:** The 40th order; concurrence in supply for The Department of Highways.

Resolution concurred in.

**Clerk of the House:** Order for concurrence in supply for The Department of Trade and Development.

Resolution concurred in.

**Mr. M. Gaunt** (Huron-Bruce): Mr. Speaker, a matter of clarification if I may. May I ask the House leader, with respect to items 35 and 37—concurrence in supply for The Department of Health and concurrence in supply with respect to The Department of Mines and Northern Affairs—my whip tells me that these will be called at our convenience. Will they be called together or will they be called separately? Does the House leader have any idea?

**Hon. Mr. Wishart:** They will be on the order paper which will appear on Monday and there will certainly be an opportunity for members to debate them. I cannot say what time they will be called, but we certainly will attempt to call them for the convenience of all members of the House.

**Mr. Stokes:** With sufficient advance notice?

**Hon. Mr. Wishart:** With all the advance notice we can give, but again let me say these items, as members know, have been on the order paper—

**Mr. Ruston:** We are ready.

**Hon. Mr. Wishart:** As I pointed out, at this stage of the House sittings we must be ready to deal with any items. But I will attempt, of course—

**Mr. Stokes:** I think there has been a fair measure of co-operation over here this morning.

**Hon. Mr. Wishart:** And there will be and has been a fair measure over here, and that will continue.

**Mr. E. W. Martel** (Sudbury East): That is questionable.

**Hon. Mr. Wishart:** I will do my best.

**Mr. Gaunt:** It would be helpful if we had 24 hours' notice.

**Hon. Mr. Wishart:** I will do my best to give as full notice as possible.

## PROVINCIAL PARKS MUNICIPAL TAX ASSISTANCE ACT, 1971

Hon. Mr. Bales moves second reading of Bill 123, The Provincial Parks Municipal Tax Assistance Act, 1971.

**Mr. Speaker:** The hon. member for Essex-Kent.

**Mr. Ruston:** Mr. Speaker, briefly on this bill, it is something that the municipalities have been asking to be put into effect for some time. It has been quite a burden on some of the municipalities which have large park areas in their areas, and this will no doubt help them to some extent.

Now I do not think it is going to—the rate being $5 for the first 100 acres and $2 thereafter, which will cover most of the areas I am thinking of in western Ontario, is really not as much as they would receive if it was assessed for farm purposes. It really is not going to mean that much to them. However, it is an assistance and having a number of parks in my area I want to say that I agree with the principle of it.

**Mr. J. P. Spence** (Kent): Mr. Chairman, I would like to say a few words on this bill. This will help considerably the riding I represent; it will help the municipality and the township of Harwich in which Rondeau Park is situated. It will benefit them by over $20,000. But in one section here it says: "The assessment of a municipality that receives a payment under section 3 that is used for apportioning."

It is hard for me to realize—it is hard for me to grasp all that. In that provincial park situated in the riding of Kent we have some citizens living in cottages in the Rondeau Provincial Park. Of course Rondeau is not assessed for education purposes and there is a family with two children and they have to pay their costs of education.

The cost to that couple is $40 a month per child for two children which means $80 a month; and $80 for 10 months is $800 a year. I wonder if this grant has anything to do with paying some of the costs of the education of children who reside in that provincial park?

**Hon. Mr. Bales:** No—

**Mr. Spence:** I think—none whatsoever? Except education?

**Mr. Speaker:** Does any other member wish to comment on this? The hon. member for Waterloo North.

**Mr. Good:** Yes, I would like to say a few words regarding the principle. It is that municipalities in which provincial parks exist or were situated prior to being designated will receive a payment from the department. I am wondering first of all why the procedure is different in that the municipality is not allowed to tax them—I suppose this is because they are not assessed—why the municipality cannot tax them to that maximum amount? It has just occurred to me now they are probably not assessed and that is why they cannot be taxed up to that amount.

The other thing that bothers me—and if this could be answered I would say there is no need for the bill to go to committee—Mr. Speaker, if the minister would explain the definition section at the beginning: (b) municipality means a city, town, village, township or improvement district.

I am wondering if the word borough should be added there? I believe in some municipalities in the city of Toronto there is a move afoot, because they would like a provincial park to replace a golf course which is about to be sold in one part of Toronto. I am wondering if there should be a designation put in there so that a borough of the city of Toronto—if and when or at any time a borough was to have a provincial park situated in its boundaries—would qualify for the grant.

The levies of the municipality receiving the grant, I understand, will be increased in proportion to the amount of assessment that would be applicable to the grant which is generated by this bill for all purposes, except for school purposes. So the municipality would be paying higher levies to the county, for instance, after having received this grant than it would have paid previously if it did not receive that grant, if those assumptions are correct. That is all I have to comment.

**Mr. Speaker:** The member for Wentworth.

**Mr. Deans:** Thank you. There is just one point I want to ask about—it was also the definition section in the definition of municipality, ought there not to be a reference to regional municipalities? I notice in section 4, dealing with assessment of the municipality, it specifically names them.

Interjection by an hon. member.

**Mr. Deans:** Yes, except it is not inconceivable that with the restructuring a part ought to be considered as a part of the total, rather than the individual piece. I just felt that in the definition it might be useful to have it done, but there may be a reason why not. I do not see it, that is all.

**Mr. Speaker:** The member for Huron-Bruce.

**Mr. Gaunt:** Thank you, Mr. Speaker. As one who has two provincial parks in his riding, I—just for purposes of the record—associate myself with the comments previously expressed in support of the bill. The bill, I think, goes a way to relieve the municipalities of a problem which they experienced. I have had some representation with respect to this matter and I know that it will be a big help to them. I certainly endorse it.

**Mr. T. P. Reid** (Rainy River): Mr. Speaker, may I just ask one or two questions? Does this bill relate to northern Ontario at all? I was trying to find some instance where this bill might have some proviso for northern Ontario communities. It seems to me it pretty well falls under legislation aimed specifically at southern Ontario and parts in that area.

**Mr. Speaker:** The member for Thunder Bay.

**Mr. Stokes:** Since we have a brand new national park situated along the north shore of Lake Superior, partly in the riding of Thunder Bay and partly in the riding of Algoma, I am wondering if this legislation is restricted expressly to provincial parks?

You could conceivably be turning over a part of a township to the federal government or the National Parks Board in the action taken by the hon. Minister of Lands and Forests, and the hon. Jean Chretien, the Minister of Northern Development and Indian Affairs. I am wondering, if that should happen is there any way of compensating a township that might find itself in that particular situation?

**Mr. Speaker:** The member for Windsor-Walkerville.

**Mr. B. Newman:** Mr. Speaker, I want to ask of the minister what effect this legislation will have on the newly acquired park in the Windsor area? That is the island they have situated at the end of Lake St. Clair in the Detroit River—Pêche Island. The park has been taken over or purchased by The Department of Lands and Forests within the last month only.

It is a very small park. The actual extent of it, I think, is some 130 acres only, but there

is sufficient area around to fill it in to approximately 300 acres. Will this park be eligible for the same financial assistance as all other provincial parks?

**Mr. Speaker:** The hon. minister, I believe, can reply now.

**Hon. Mr. Bales:** Mr. Speaker, the legislation follows the announcement of the Treasurer (Mr. McKeough) at the time of the budget and this is a further step by the province to pay moneys to the municipalities in reference to assets, provincial assets, that were previously exempt from taxation. It is a means whereby when parks are designated as provincial parks in certain areas—and I stress designation—then the areas will receive moneys at the rates set out in the bill.

**Mr. Good:** The total amount?

**Hon. Mr. Bales:** The amounts are set out there.

**Mr. Good:** Is that the total amount?

**Hon. Mr. Bales:** Yes. Each year The Department of Lands and Forests is to provide a list of those areas that have provincial parks to The Department of Municipal Affairs and then we will pay on the basis that is set out. The moneys will be paid to the area, and certainly regions will benefit through the municipalities within their areas.

A question was asked, for example, about Metropolitan areas, such as Toronto. A borough in Metropolitan Toronto is really a township or local municipality, so they are covered under that definition.

This does not apply particularly to southern Ontario. It applies to the whole province in reference to provincial parks. Certainly it applies in northern Ontario; where there are organized municipalities they will benefit in the same way as the municipalities here in southern Ontario.

I think it is a good step, taken to assist the municipalities by providing them with moneys in reference to designated provincial parks within their areas. They have to provide certain services there and it is important that they should receive additional moneys in reference to these matters.

**Mr. T. P. Reid:** How many acres are involved?

**Hon. Mr. Bales:** Total acreage involved?

**Mr. Good:** The total cost involved.

**Hon. Mr. Bales:** There is one other point I would make, just before coming to that. The legislation provides that the designation as to provincial parks shall be made by February 1 in each normal year. This year, to take care of part of the year, it will be done as soon as possible.

I have a sheet before me which designates the acreage in different areas. As of January 1, 1971, I see there is a total of 154,790 acres of parkland.

**Mr. T. P. Reid:** How much does that cost the programme?

**Hon. Mr. Bales:** I beg your pardon? The total cost? The total grants on that basis become $186,655, but that is as of January 1. There may be additions since that time.

**Mr. Good:** An a total of 10 million acres of parks.

**Hon. Mr. Bales:** So those are the main provisions of the bill and I think deal with most of the questions raised by the hon. members.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall the bill be ordered for third reading?

Agreed.

## MUNICIPALITY OF METROPOLITAN TORONTO ACT

Hon. Mr. Bales moves second reading of Bill 128, An Act to amend The Municipality of Metropolitan Toronto Act.

**Mr. Deans:** Mr. Speaker—

**Mr. Good:** Mr. Speaker, this bill was not printed as of yesterday and the first time it has been in our books is this morning. Are we expected to—

**Mr. Speaker:** No, so far as Mr. Speaker is concerned if it is on the order paper and it is printed then he would have no jurisdiction with respect to the matter. It is entirely up to the House leader and the various parties.

The clerk advises me that it was available yesterday. Now, I do not know about that.

**Mr. Good:** At 4 o'clock.

**Mr. Speaker:** But in any event, it is entirely up to the government House leader and the minister.

**Mr. Deans:** Mr. Speaker, on a point—

**Hon. Mr. Bales:** Mr. Speaker, may I just assist in clarifying this for the hon. members and for yourself?

It was suggested that we might proceed with The Assessment Act but it is more complicated and I thought that we might leave that until the beginning of the week. This bill, The Metropolitan Toronto Act, has very similar provisions to the other regional bills and for that reason I though that we might proceed with it this morning, if it is agreeable to the House leader.

**Mr. Deans:** Mr. Speaker, if I may, just in speaking to the matter raised by the minister.

The problem is not so much not being able to deal with the bill, the problem is just simply that it was not indicated to us that this bill was going to be called. Will he give us a couple of minutes to take a look at it?

**Mr. Speaker:** By all means, if the members wish to take a few minutes.

Mr. Speaker's hands are tied as the bill is marked as printed and has been called by the government's acting House leader. If the minister would allow these members to have a few moments to have a look at the bill.

**Mr. Good:** Mr. Speaker, for clarification, is the minister indicating that he would call Bill 128 but not Bill 127?

**Mr. Speaker:** Today, yes.

**Hon. Mr. Bales:** That is correct.

**Mr. Speaker:** Does the member for Wentworth, or his party, have any observations?

**Mr. Deans:** Mr. Speaker, it is hardly necessary to enter into any lengthy debate on this bill. Not all, but some of the amendments, are in keeping with the amendments that were previously before the House in regard to the clarification of the Metropolitan Toronto police force employees for the purposes of pension and the like which should have been done some time ago.

The remainder of the bill, from what I can tell, is of no grave concern. Therefore, if there is anything we will deal with it in committee, since it will obviously have to go there so that we have time to study it.

**Mr. Speaker:** Does the member for Waterloo North have any remarks? Does the minister wish to speak to the bill before second reading?

**Hon. Mr. Bales:** Mr. Speaker the bill does contain a number of the provisions that were in the other regional bills, as I said before, and they are relatively routine changes to assist the Metropolitan corporation. One difference is the provision whereby a mall may be established on Yonge Street in August. This is at the request of the Metropolitan corporation. It follows the same provisions as were made earlier this year on another occasion.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

**Mr. J. Renwick** (Riverdale): Committee of the Whole House, Mr. Speaker.

**Mr. Speaker:** Committee of the Whole House.

Agreed.

## ONTARIO DEVELOPMENT CORPORATION ACT, 1966

Hon. Mr. Grossman moves second reading of Bill 99, An Act to amend The Ontario Development Corporation Act, 1966.

**Mr. T. P. Reid:** Mr. Speaker, we on this side, of course, are in favour of this bill. There are a couple of questions that perhaps I could put to the minister both in regard to this bill and the one following, as they are both about the same thing. There are two points really and we came upon them in the estimates. I am sure the minister will forgive me for repetition because we cannot all be in both places at once.

One of the two questions is in regard to the tourist industry under these bills: I gather that it would come under these bills. In my riding, in particular, I have had some problem with the minister's department in that some of my people have been informed that the department or the programme does not consider tourism as an industry. In other words, it is not classified as an industry. Some of my people have been told that. Just for clarification in regard to this bill, perhaps the minister would enlighten me on that point.

The second question is whether or not these bills deal, particularly with industry

but this also relates to tourist operators, in my part of the country about 60 to 70 per cent of the tourist operators are American. I would gather, and ask, that this bill refers also only to Canadian-owned tourist establishments rather than American-owned and controlled tourist establishments?

Other than that, we support the bill, Mr. Speaker.

**Mr. Speaker:** Does any other member wish to speak? The member for Brantford.

**Mr. M. Makarchuk** (Brantford): Can the minister indicate at this time whether these loans apply only to industry located in designated EIO areas, or will they be applied province-wide?

**Mr. Speaker:** The minister will answer these questions when—

**Mr. Makarchuk:** Could he answer the question now—just nod his head yes or no?

**Mr. Speaker:** When the minister makes his remarks, he will answer these questions. If the member has any further questions or comments with respect to the bill, he might make them now.

**Mr. Makarchuk:** Mr. Speaker, part of the discussion hangs on whether these loans are going to be extended to all areas of the province or whether they will be extended just to areas designated under the EIO loans. The point in the whole bill, of course, is that it is a sort of motherhood bill that is not meeting the problem head-on. The government is sidestepping the situation in terms of trying to provide some greater degree of sovereignty or control over Canadian industry.

I think we should point out here and now, Mr. Speaker, the fact that an American corporation which will invest $2 million or more, will get exactly the same amount as a Canadian corporation or a Canadian company that may invest less money; the Americans having the advantage of easier access to capital.

The problem in many cases, if you look at the record under EIO loans, is you will find the larger corporations not only have easier access to capital, they also have a great deal of undistributed capital on their hands. This would not really in any way help the establishment of greater Canadian sovereignty or greater Canadian control over our own economy. I should point out that under the EIO loans, about 48 per cent of the money that was handed out went to foreign-owned corporations.

The other point in the bill that is of concern is the fact that there is no assurance that the Canadian citizen is a resident of the country. I think it is very important to stipulate in the bill that if he is going to get a loan as a Canadian citizen, therefore he must be a resident of the country and not just own or have Canadian citizenship.

If the money in this case—and I am looking at section (c) of The Ontario Development Act, which says that the money should only go into areas of equalization of industrial opportunity. Again, what the minister is doing is excluding most of the businesses in Ontario which can possibly benefit from this kind of loan because—as I pointed out in the estimates—they are located in major urban centres or smaller urban centres of Ontario.

These are the businesses which need the assistance and these are the businesses which can avail themselves of this kind of assistance. If the minister is only going to hand it out in the designated area, then of course he excludes about 80 per cent of the businesses of Ontario which can provide jobs for us—which of course is something that is needed at the moment.

I would conclude this statement, Mr. Speaker, with the fact that this action on the part of the government is not in any way going to stop the takeover of Canadian industry by foreign companies. Last year there was a 14 per cent increase of takeover, and this year it will probably be the same.

Also it will not really provide any meaningful help to the majority of the industries in Ontario because I feel they will be excluded from the provisions under this particular Act.

**Mr. Speaker:** The member for York Centre.

**Mr. Deacon:** Mr. Speaker, I do not understand the reason the bill refers to a majority of the ownership. The question of control, I think, is paramount but if we are able to persuade people to become owners without at the same time losing control—or maintaining a major degree of control by specific preference for our Canadian citizens—that seems to me to be paramount.

I think the question of people from all parts of the world having a share of the profits in return for the moneys they put in is what we would want to maintain. We would want to be sure that people do have

that right, but we are also primarily concerned with where the control or the power of decision lies.

I do not see why we have the words, "of the ownership." I think that should be a situation where in principle the control is the major factor of consideration.

**Mr. Speaker:** Does any good member wish to speak to this bill? The minister has the floor to close the debate—I am sorry.

**Mr. H. Peacock** (Windsor West): Mr. Speaker, I am sorry; I thought there were other members who would rise to speak.

**Mr. Speaker:** The member for Windsor West has the floor.

**Mr. Peacock:** The bill is only one clause in length, but it is a clause which is the core of The Ontario Development Corporation Act in respect to the limit which it imposes upon the amount of a loan which may be made under the Equalization of Industrial Opportunity programme by the Ontario Development Corporation. To restate what the member for Brantford has said, this amendment simply empowers the corporation to raise a lot of the eligible portion of the cost of an undertaking to a somewhat higher percentage than the net portion of the eligible cost of the undertaking, upon which a Canadian firm, so-called Canadian firm, may receive a loan.

The non-Canadian or foreign firm that applies to the corporation, as already stated, will continue to get the same treatment as received in the past in terms of the limitation on the loan, and the Canadian firm, however it is defined—that we can look at somewhat further in the work of the Committee of the Whole House—will get a somewhat higher proportion of the eligible cost of the undertaking covered by a loan. But it takes us nowhere farther along the road to the encouragement of Canadian participation in future development, and it does not bring into eligibility any new group of firms for loans made under this section.

I join with the member for Brantford in insisting that the minister, before this bill reaches Committee of the Whole House, must consider that the eligibility of Canadian firms be restricted to those that are under ownership or control by Canadians resident in this country, and that loans will not be afforded under the somewhat enhanced terms of this amendment to so-called Canadian firms controlled by or owned by Canadians with an off-shore residence, or a residence in the United States. That is a consideration which I think the minister must give to this bill before it reaches Committee of the Whole House, so that at that point a suitable amendment can be introduced to that effect.

Were we to introduce this bill as the government of the Province of Ontario, I can tell the minister, Mr. Speaker, that it would have read in the following manner—I thought I had the preceding statute before me but I do not.

To paraphrase, the clause would have provided that the first phrase of the amendment before us, which reads:

> Exceed one-third of the first $250,000 of the cost of the undertaking and one-quarter of the balance of the cost thereof, or $500,000, whichever is the lesser—

Would have been repealed. We would have taken out entirely the reference to that particular formula for making a loan under the Equalization of Industrial Opportunity, so that by virtue of the balance of the section, the language set out there referring to ownership and the 50 per cent or $500,000 limit, whichever is the lesser, would be all which would stand.

It would be very clear that the only firm eligible to receive an Equalization of Industrial Opportunity loan would be one that had genuine Canadian ownership or control by Canadians resident in this country. There would be imposed a difference of treatment.

The minister knows our position on this as a result of our discussions in the committee on his estimates. And the kind of amendment which this caucus would have proposed to give effect to this kind of shift in emphasis would have excluded the first part of the subsection, and therefore it would have excluded effectively firms that did not have Canadian ownership and control.

**Mr. Speaker:** Is there any other member who wishes to speak to the bill?

**Mr. J. Renwick:** My only comment, Mr. Speaker, is that I think that for the limited purpose for which the minister is introducing the amendment, the requirement of a majority of the ownership and the control of an undertaking should be rather changed. The more sophisticated language which is used for certain limited purposes under the Income Tax Act of Canada and The Corporations Tax Act of Ontario should apply to situations where there is, in the language of

those statutes, a degree of Canadian ownership. It would appear to me that—as my colleague the member for Brantford has said—this is not in fact going to stop the takeover of Canadian businesses. The mere fact that the minister is prepared to grant a maximum additional amount—of I think $146,133 if my calculation is right, or about that neighbourhood—is not going to prevent or cure the problems related to the loss of control of the business economy of Ontario.

So therefore it would seem to me that rather than have this rather arbitrary statement of a majority of ownership in the control of an undertaking being held by a Canadian citizen or Canadian citizens, the minister should give consideration to adopting the much more sophisticated and more easily understood, even though longer to say, definition of a degree of Canadian ownership as set out in the statutes to which I have referred.

Perhaps the minister would also clarify for me the question—it may just be ignorance on my part—but the forgiveness part of the loan, as I understand it, has disappeared and what we are only talking about here are those loans made to areas which have been designated as areas of equalization of industrial opportunity under section 5 of The Trade and Development Act, 1968.

Does it not seem reasonable that the same provision should be made in order to provide some distinction where loans are made for other purposes under The Development Act, and should there not be some limitation, almost a reverse limitation, to the extent to which the government of Ontario is going to guarantee loans made to individuals or companies carrying on industrial undertakings, unless there is a degree of Canadian ownership, which is a phrase that I prefer to have.

Perhaps the minister in his comments or in committee, if the bills need go to committee, could answer that question for me.

**Mr. Speaker:** Any further discussion? The minister has the floor to close the debate.

**Hon. Mr. Grossman:** Mr. Speaker, in relation to the question asked by the member for Rainy River, the tourist industry is in fact classified as such by the Northern Ontario Development Corporation, so I can assure him on that point.

The member for Brantford asks if this is only in EIO areas. That is a fact; forgivable loans still remain in EIO areas. All we have done here in this bill is merely change the amount of incentive loans which are granted. What we have done here, as the hon. members know, is to put into statute form what was declared as policy some time ago in the House—a couple of months ago I guess—in which Canadian industry will get a greater incentive than non-Canadian industry.

**Mr. Makarchuk:** Unless the American industry invests $2 million or more, in which case they get an equal amount.

**Hon. Mr. Grossman:** Well that is another point the hon. member made and I am prepared to deal with that. He, of course, points out that if a non-Canadian firm invests sufficient money it will have reached the maximum of $500,000 and will therefore be entitled to the same incentive grant as a Canadian company which has received the maximum.

**Mr. Stokes:** Is that the purpose of the legislation?

**Hon. Mr. Grossman:** Well of course I appreciate that. It means that a group of Canadians forming a company and wishing to get some assistance would only have to invest a million dollars to get the maximum of $500,000 and—

**Mr. Martel:** Sure, the American gets $270,000.

**Hon. Mr. Grossman**—and a non-Canadian firm would have to invest somewhat in excess, I guess, of about $2 million for the same thing.

**Mr. Makarchuk:** It is $2 million exactly.

**Hon. Mr. Grossman:** Well of course we appreciate that. I appreciate that when you get to that stage it is levelled off. But there are two elements to this; first, not trying to discourage foreign investment. At this stage we are quite clear about that; we are not waffling about that. We are not trying to discourage foreign investment. If the hon. members want to put their convictions on the line in that respect and say we should do that and stop—

**Mr. Makarchuk:** But the minister is not encouraging Canadian investment. That is the point.

**Hon. Mr. Grossman:** If the hon. member will give me an opportunity, Mr. Speaker, what we are doing is encouraging Canadian investment.

Mr. Makarchuk: The government is not.

Hon. Mr. Grossman: Of course, it was a great encouragement for Canadian investment when we increased the amount of incentive that they can get by—I forget what the percentage is; it is very high. I think they are about 80 per cent in some instances over what they could get otherwise.

Mr. Makarchuk: The amount of money is peanuts.

Mr. J. Renwick: It is a total of $104,000.

Hon. Mr. Grossman: As a matter of fact, it has already shown signs that it has taken hold. There are more Canadian companies coming to us for assistance. In this respect, it is showing signs of success and we hope that it will show even greater signs of success as it goes along.

There has to be a limit. I am sure the hon. members would agree with that, Mr. Speaker. Unless we are prepared to say that if someone is prepared to come in here and invest $100 million, this government will provide him with $50 million.

There has to be a limit, and having put a limit on it that leaves us in the situation where a non-Canadian company, if it invests enough, will reach the limit that a Canadian company will. The reason that that has been a problem is that it cannot be overcome unless we make it an open-end programme without any limitations, and one just cannot do that.

The question of residents is precisely the way we will interpret this. I am not too sure, but I think there was some difficulty. I am sure the hon. member for Riverdale would agree that there is a great deal of difficulty in attempting legally to describe a resident. It would be very difficult, particularly if a person happened to be a resident at the time he got the loan, and perhaps at some future date moved or something of that nature.

Mr. Peacock: The minister would not be thinking of E. P. Taylor?

Hon. Mr. Grossman: The hon. member for Brantford also mentioned that we were not doing anything for businesses in the urban area. We are doing something for business in the urban areas. The hon. member will recall the part of the new programme which deals with small business loans. We are, in fact, already processing applications of this nature.

Mr. Makarchuk: Yes, and the minister handed out what? One? Two?

Mr. Speaker: Order, the hon. member for Brantford has had his opportunity to speak.

Hon. Mr. Grossman: There are applications for small business loans now being processed. In fact I am not too sure that we have not already approved some.

Of course the hon. member is prejudiced. He knows very well why we must differentiate between this kind of a loan in the urban areas and outside the urban areas, because obviously if we did not we would be working against ourselves in respect of the incentives we are creating for business to go into slow growth areas.

Most firms, if they could get the same incentives in urban areas, in Metropolitan Toronto for example, or Hamilton or Windsor, and places like that, if they could get the same incentives there as they can going into Cornwall—I do not recall whether Brantford is a designated area—if they could do that, they would not go to the north country; they would not go to the east; they would all come into those areas which are now fairly well built up and are getting at least their share, if not more than their share of industry.

Mr. Makarchuk: In other words, the Toronto-centred region does not mean a thing.

Hon. Mr. Grossman: This is designed to give a greater incentive for people to go into the slow growth areas. If the hon. member disagrees with that, well it is his right to do that, of course.

Mr. Makarchuk: Does the minister agree with the slow growth areas concept?

Mr. Speaker: Order!

Hon. Mr. Grossman: It is the only possible way we could carry on an incentive programme which would, in fact, encourage business to go into those slow growth areas.

As for the hon. member for York Centre, I am not sure I understood his concern. He said he was concerned with control and not just ownership, but the bill does read "Ownership and control of an undertaking." So I do not understand what this concern is. The bill, in fact, does speak of ownership and control. It states:

> But where a majority of the ownership and the control of an undertaking is held by a Canadian citizen, or Canadian citizens.

Mr. Deacon: I see no reason we should worry about ownership. I am concerned about the control and I agree with you on

control, but I do not see the reason for putting in the words "and ownership."

**Hon. Mr. Grossman:** Does the hon. member not feel that it is just as well to have the added protection if we can do it?

**Mr. Deacon:** No, because if we can get—

**Hon. Mr. Grossman:** Quite frankly, we feel that concern. There is a difference of opinion on this at this particular stage, and the only reason I qualify my statements in that respect is because we are awaiting the result of the study that has been set up under the leadership of my colleague, the provincial Treasurer, on the matter of cultural and economic nationalism.

At this particular moment, it is my view that what we should concern ourselves with more than anything else is control. In other words, the control of our industries; the control of our commercial life as well as our cultural life. That is easy to say but the hon. member will know what the difficulties are in that respect when we pursue some of this philosophy and attempt to put it into action. I can only tell the hon. member what I have mentioned in the past, and I can only repeat it here.

That is that what we have to do is make sure that we do not put this province in a very difficult position in relation to our sister provinces. The kind of legislation that is really required has to be national legislation to be effective. We are in fact—this province—presently suffering from a federal policy which does not deal on an even basis nationally, because through the DREE plan there are other areas—

**Mr. Haggerty:** What are you doing about it?

**Hon. Mr. Grossman:** —in the country which are getting tremendous assistance which it makes it more attractive for industry to go to some of those other provinces.

We realize the need for equalization of opportunity but within the context of that, there is some question—and, in fact, in my mind there is not much of a question left—as to whether or not it has not gone too far. I think it has.

We are going to have to concern ourselves with this but the point I am driving at—and I am sure the hon. members are familiar with it—is that if we put in too many controls and too many stipulations in respect of industry in our province—which are not in effect in other provinces—we would drive some of those people into other provinces where they can get better deals with fewer restrictions.

There are certain restrictions I would like to see put in; certain controls I would like to see put into effect. But I certainly would not advise my colleagues to go for that kind of control in this province only, unless they were put into effect nationally for the reasons I have just—

**Mr. Deacon:** We are talking about incentives here though.

**Hon. Mr. Grossman:** Well, incentives—we even have to be careful with that.

I am not unmindful of the fact that in some respects we are all working against ourselves because you get into this kind of a battle, if I may call it that, of incentives. We are all going to be dealing with the taxpayers' money; giving taxpayers' money away in greater degrees in order to attract industry, one province against another.

That is a very difficult problem too, and all I say to the hon. members is until such time as we get the report I have just spoken of—until we get the results of that study and the government then is prepared to make a decision as to whether in fact we in this province should put into effect more controls than we have now—the best way to attack this in my view is what we are doing in this bill. Making sure that Canadians are getting a greater opportunity through incentives provided by the government to go into business, to expand their businesses in relation to the venture capital for example, to go into greater technological ventures and to spread their wings a little more. We are very pleased to help them along these lines.

**Mr. Deacon:** We are supporting the principle.

**Hon. Mr. Grossman:** Why would members not support it, it is a good principle?

We are not saying this is going to stop takeovers. This bill is not designed to do that. It is questionable whether we can design any kind of legislation which would preclude this without getting into the kind of a trap I talked about just a moment ago, that we discriminate against the people in this province and watch the jobs disappear while they go into other provinces.

Our gravest concern right now, and I am sure the hon. members will agree, is to do whatever we possibly can to keep as many people working, to provide as many jobs as

we can. At the same time, we are attempting to deal with our overall concern on a long-term problem, and attempting to provide a long-term solution to the problems we have had for many years in this country. That is, not having the control over our own economic and cultural atmosphere—that is not the word I want, I am thinking of another one—more control of our economy and our culture than we have heretofore had.

Obviously we must attempt to do something along these lines, but that is more of a long-term basis. In the meantime we are doing what we can to make sure that more Canadians get into the field of industry and expand.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

**Mr. Makarchuk:** Committee of the Whole House.

**Mr. Speaker:** Committee of the Whole House?

**Hon. Mr. Grossman:** Is there anything here to hold up?

**Mr. Peacock:** We ask to bring in an amendment.

**Hon. Mr. Grossman:** Pardon? Mr. Speaker, I have no objection to going to committee. My only concern in getting it through today is that I will not be here when this is being debated. I know most of the hon. members know that on a number of occasions, I have delayed trips which I have had to make on government business to plants and, as a matter of fact, abroad. It has created some problems for me and I would beg the indulgence of the House unless they feel it really cannot be discussed here in principle.

It seems to me that in this particular case it is one clause that, in fact—

**Mr. Speaker:** The minister is quite out of order because the House rules require that if there is not unanimous consent it cannot go for third reading. There was not unanimous consent.

**Hon. Mr. Grossman:** I am asking for that unanimous consent.

**Mr. Speaker:** All right. The minister has asked for unanimous consent. Is it agreed or is it not?

**Mr. Makarchuk:** No.

**Mr. T. P. Reid:** Mr. Speaker, before you put that motion—

**Mr Speaker:** There is not a motion because the motion for second reading has been carried and the minister is actually out of order.

If any of the members wish to help out the minister in the problem that he has, I would be glad to hear it.

**Mr. T. P. Reid:** A solution might be—on a point of order, Mr. Speaker—that we go immediately to Committee of the Whole House after you put the motion and deal with it now before—

**Mr. Peacock:** After the other bill too.

**Mr. T. P. Reid:** After the other bill. They are both similar.

**Mr. Speaker:** The member for Riverdale, has he anything to say?

**Mr. J. Renwick:** I only have one condition to add to it. In view of the degree of co-operation that we are extending, perhaps the minister would speak to the House leader for the government and ask him to extend us the same co-operation.

## NORTHERN ONTARIO DEVELOPMENT CORPORATION ACT

Hon. Mr. Grossman moves second reading of Bill 100, An Act to amend The Northern Ontario Development Corporation Act, 1970.

**Mr. Speaker:** Is there anyone in the opposition who would like to speak to this one?

The member for Sudbury East.

**Mr. Martel:** Mr. Speaker, this is like the preceding bill, one that it is difficult to go against because it is supposed to do something to advance, or enhance, Canadian investment. When one reviews the record of the past three and one-half years and sees the quantities of money invested by the Americans and the size of those loans and the size of the investment, one comes quickly to realize that the Americans are investing the larger shares—I just want to look at a few of them—which would indicate that they are still going to get most of the largesse.

On the eight loans of the 44 that went to northern Ontario, foreign investment represented 37 per cent of the money which went

to 18 per cent of the companies. It would simply destroy, I think, everything that the minister had just said previously. In fact we are not going to do that much to encourage more Canadian investment. The larger loans, if he looks at Allied Chemical, Dryden Paper Company or Kimberley-Clark, would indicate that the type of investment these companies are making will take up a greater share, despite the fact they represent by far a lesser number of the actual new developments. For this reason, I think we will not achieve the end that the minister had hoped for.

The other failing that has occurred as a result of this programme, it seems to me, is that up until 1970 in northern Ontario we had created 1,004 jobs in three years, and this represented 15 per cent of the loans. Well if all we are going to do to advance industrial development across northern Ontario—and that is the purpose of the bill, to encourage and assist in the development and diversification of industry—is create 1,004 jobs in a three and a half year period, it would indicate there is certainly something significantly wrong with the programme.

Then, when one looks to the budget of this year, Mr. Speaker, it becomes apparent that even the moneys that have been allocated have not been fully utilized in these programmes. When we exclude mining, logging, fishing and by and large much of the service industries, we are going to be dealing with rather large developments. And I can see no reason or any explanation for this type of amendment, in that Canadians will not have the capital to go into that type of endeavour because the minister has eliminated so many possibilities already under this programme.

When we look at the estimates for this year we see that toward this programme there is $20.2 million; for performance ODC it is $17.2 million and, for NODC, $3 million or 14.6 per cent. We did not spend it last year and I do not imagine we will spend it this year, because there just are not the types of industry that can avail themselves of the loans, except if we get into larger industries and there, consequently, because of the formula, the Americans will capitalize.

I would just like to break down what the amendment does. It simply changes the percentage of the investment which may be covered by an EIO loan. Now, your Act previously allowed for comparable amounts, but the new formula is not going to change anything. For example, a foreign company on $1 million investment, will get one-third of $250,000, or $82,500, and one-quarter of $750,000, or $187,500, for a total of $270,000. The Canadian firm would get 50 per cent of $1 million, or $500,000. On $1.5 million the Americans, through the two steps, would get $395,000, and the Canadian firm would get $500,000. And on $2 million they would be equal, each getting $500,000.

It is quite obvious, Mr. Speaker, as my colleague for Brantford said in the previous bill, with the Americans having accessibility to capital more readily than small Canadian firms would have, it is not going to make much difference in the type of investment that goes on. Consequently, the surrender of Ontario and of Canada as a whole will continue. And it would seem to me that this could be the vehicle—or not could be, but should be the vehicle—whereby we would start the trend in the opposite direction. In other words, we would be working toward the day when Canadian investment would predominate and the sellout would cease. And this, as far as we are concerned in this party—and the minister had indicated himself, strangely enough—is not to curb foreign investment, but rather to help small Canadian industries. I just do not think the loans are significant enough, based on the material I presented and based on the types of industries that can avail themselves of the loans, or that it is going to do anything great or earth-shaking to assist the development in Ontario.

One has to look at Manitoba where they make loans to a great variety of industries that we would not countenance here; and possibly part of the answer, Mr. Minister, lies in enlarging this programme. I realize the minister has done to that some degree with small businesses, but I think a more detailed explanation making it clear as to what companies can avail themselves or what types of industries can avail themselves of the benefits, should be forthcoming.

Our policy, as we have indicated, is that we would probably not give loans to foreign companies. I think of Allied Chemical, Mr. Minister—and we have gone over this one so many times—I still cannot conceivably understand why Allied, with about a $30 million or $40 million investment, has to be given $500,000 to locate in the only place they could recapture sulphur.

I just do not believe that $500,000 on that type of investment made the difference. They can only recapture sulphur in the Sudbury area, and on about a $30 million investment people have tried to tell us that

without that $500,000 they would not have gone. I do not buy it.

**Mr. L. C. Henderson** (Lambton): It does not really matter whether the hon. member bought it or not; the people did.

**Mr. Martel:** Not really.

**Mr. W. Ferrier** (Cochrane South): That is welfare for the rich.

**Mr. Martel:** My colleague from Cochrane South puts it very succinctly. It is welfare for the rich. And therefore I reiterate that our policy would probably be, and would be, no loans to such companies.

We have to make priorities, and the priorities for loans should be—and I want to make this very clear—to Canadian companies. That is not discouraging development at all; in fact it is enhancing Canadian development. And we would place our priorities there, either in the private sector, the public sector or in a co-operative between public and private.

**Mr. Speaker:** Is there any other member who wishes to speak to this?

Perhaps the hon. member then would adjourn the debate and unless the House leader is prepared to move and the House is prepared to agree that we sit past the 1 o'clock adjournment this will have to go over.

If the House leader is prepared to do that and the House is agreeable then we can proceed to continue with this bill, otherwise there is little use because three members have indicated they wish to speak.

**Hon. E. A. Winkler** (Minister of Revenue): Mr. Speaker, I would suggest we adjourn.

**Mr. Speaker:** May we have the member for Thunder Bay adjourn the debate for the moment then?

Mr. Stokes moves adjournment of the debate.

Motion agreed to.

**Hon. E. A. Winkler** (Minister of Revenue): Unless there is a disposition on the part of the House to continue to the conclusion of this bill, I think we should adjourn the House at this stage, and on Monday we will carry on with the routine as it was placed before the House by the House leader.

**Mr. Speaker:** Order!

What I suggested—and I do not think the acting House leader heard me—was that there was some indication that the members of the House would continue until these two bills were disposed of, but in order to do that we had to adjourn the debate and have a motion from the government, which would be approved by the House, that we continue to sit past 1 o'clock until this bill is disposed of.

Now I have indications from the Leader of the Opposition and the chief whip of the New Democratic Party that they would be agreeable to that if the House leader made such a motion. Am I correct in my understanding of it from the Opposition side?

**Mr. H. Peacock** (Windsor West): Until completion of the Committee of the Whole House.

**Mr. Speaker:** Yes, completion of Committee of the Whole House on these two bills, that is my understanding.

**Mr. J. E. Stokes** (Thunder Bay): Give us a motion.

**Hon. Mr. Winkler:** Mr. Speaker, I am inclined to adjourn the House and give them the business of the House until Monday.

**Mr. Speaker:** You decline?

**Hon. Mr. Winkler:** Yes.

**Mr. R. F. Nixon** (Leader of the Opposition): Fine.

**Mr. Stokes:** He declines to accept.

**Mr. Speaker:** Right, then if the acting House leader wishes to indicate the order of business for Monday before he moves the adjournment, that would be in order.

**Hon. Mr. Winkler:** Mr. Speaker, on Monday we will continue as was outlined by the House leader earlier today. We will continue with this particular debate and will proceed with items 10 and 12 on the order paper as well as item 27.

I would also like to suggest that sometime on Monday we will move into item 5, Committee of the Whole House, to dispose of two matters of reasonable urgency there. If we complete that, I would suggest that we will call the bill standing in the name of the Minister of Municipal Affairs (Mr. Bales), No. 30, on The Assessment Act.

**Mr. T. P. Reid** (Rainy River): May I ask of the acting House leader, he mentioned Bills 10 and 12 but he did not mention Bill 11, An Act to Protect the Natural Environment. Would that be included?

**Hon. Mr. Winkler:** No, I am giving it to members as I understand they will be called on Monday.

**Mr. T. P. Reid:** That bill will not be called on Monday?

**Hon. Mr. Winkler:** That is what I am saying. But I would caution everyone, if the business moves rapidly, to anticipate that any item thereafter might well be called.

**Mr. J. Renwick** (Riverdale): Mr. Speaker, on the same point raised by the member for Rainy River; on Thursday night when the order of the business—no on Wednesday when the order of business was given for Thursday—bill 94 was dropped.

Last night when the order of business was given, Bill 94 was included as possible business for today. Now I understand that it has been dropped again and that it will not be debated on Monday. It is a bill of great importance to this party and I am sure to the party on my right, and we would like to know definitely if it is not going to be called on Monday. I think we are entitled to know that.

**Hon. Mr. Winkler:** I will commit the government to the fact that it will not be called on Monday. If it is called subsequently, it will be Tuesday.

Hon. Mr. Winkler moves the adjournment of the House.

Motion agreed to.

The House adjourned at 1 o'clock p.m.

# CONTENTS

Friday, July 16, 1971


**Further report on programme with Indian communities "Programme '71", questions to** Mr. Yaremko, Mr. Nixon ..... 4125

**Responsibility for making available Mercer lands for tent city, questions to Mr. Auld and** Mr. Potter, Mr. Nixon, Mr. Pitman ..... 4126

**Countenancing gravel and quarry operations without rehabilitation of sites, questions to** Mr. Bernier, Mr. Lewis ..... 4128

**Ordering Consolidated Sand and Gravel to close down operations, questions to** Mr. Bernier, Mr. Lewis ..... 4129

**Suggestion to doctors that committee be drawn from College of Physicians and Surgeons,** questions to Mr. A. B. R. Lawrence, Mr. Lewis, Mr. Shulman ..... 4129

**Basis for deciding re 100 per cent payment to doctors of OMA fee schedule, questions** to Mr. A. B. R. Lawrence, Mr. Lewis, Mr. Nixon ..... 4129

**Exchange taking place between superintendents of psychiatric hospitals, questions to** Mr. A. B. R. Lawrence, Mr. Lewis, Mr. W. Newman ..... 4130

**Armed guard at royal commission on book publishing, question to Mr. A. F. Lawrence,** Mr. Lewis ..... 4131

**Correspondence to ODA from Canadian-owned book publishers re financial assistance,** question to Mr. Grossman, Mr. T. Reid ..... 4131

**Government position to National Energy Board re TransCanada Pipelines application,** questions to Mr. A. F. Lawrence, Mr. MacDonald, Mr. Makarchuk, Mr. Lewis ..... 4132

**Number of farmers who have not received farm tax rebate, questions to Mr. Bales,** Mr. Spence ..... 4133

**Large number of American professors on faculty of Windsor law school, question to** Mr. A. F. Lawrence, Mr. Peacock ..... 4133

**Property acquisitions in Pickering area by Metro conservation authority, questions to** Mr. Kerr, Mr. Deacon ..... 4134

**OHSIP coverage of ectodermal dysplasia, questions to Mr. A. B. R. Lawrence,** Mr. Deans ..... 4134

**OHSIP honouring payment for medical correction of eyes by use of contact lenses,** questions to Mr. A. B. R. Lawrence, Mr. Good ..... 4134

**Presenting report, standing human resources committee,** Mr. Villeneuve ..... 4135

**Report, standing estimates committee re Trade and Development,** Mr. W. Hodgson ..... 4135

**Commemorating national day of Spain,** statement by Mr. Yaremko ..... 4136

**Regional Municipality of Ottawa-Carleton Act, 1968,** bill to amend, Mr. Bales, second reading ..... 4138

**Regional Municipality of York Act, 1970,** bill to amend, Mr. Bales, second reading ..... 4138

**District Municipality of Muskoka Act, 1970,** bill to amend, Mr. Bales, second reading .. 4141

**Regional Municipality of Niagara Act, 1968-1969,** bill to amend, Mr. Bales, second reading 4141

**Concurrence in supply for Departments of Energy and Resources Management, Public Works, Social and Family Services, Labour, Transport, Highways, Trade and Development** ..... 4147

**Provincial Parks Municipal Tax Assistance Act, 1971,** bill to amend, Mr. Bales, second reading ..... 4148

**Municipality of Metropolitan Toronto Act,** bill to amend, Mr. Bales, second reading ..... 4150

**Ontario Development Corporation Act, 1966,** bill to amend, Mr. Grossman, second reading ..... 4151

**Northern Ontario Development Corporation Act, 1970,** bill to amend, Mr. Grossman, on second reading ..... 4157

**Motion to adjourn,** Mr. Winkler, agreed to ..... 4160

No. 102

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Monday, July 19, 1971

**Afternoon Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971



*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

## CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, JULY 19, 1971

The House met at 2 o'clock, p.m.

Prayers.

**Mr. Speaker:** I will call to the attention of the people in the public gallery that applause and other manifestations are not in order. We would ask that you listen quietly and carefully to what goes on, but you are not here to participate; you are here to be instructed and to be interested and see what goes on. I am quite sure that you will cooperate with us in that event because otherwise you cannot hear what is going on down here.

Statements by the ministry.

**Hon. J. Yaremko** (Provincial Secretary): Mr. Speaker, I rise to share a personal concern with all hon. members as it goes to the fundamentals of the kind of society we want to have, and specifically, and again, what treatment is to be accorded to minority groups.

Mr. Speaker, I bring to the attention of the hon. members, some of whom may know that CTV network has chosen to ignore the unanimous outcry of Indian organizations and reshown its controversial programme, "The Taming of the Canadian West," last night.

When I first learned of this intent some time ago, I went on record in support of the Indian groups. I wrote:

> In this case, the bitter words, "blatantly racist" as well as "inaccurate" and "misleading," directed at this documentary by the organizations speaking on behalf of the native people in Ontario, as well as all parts of Canada, are, I am firmly convinced, the only criteria in determining whether this programme should, or should not, be shown . . .

The point I wish to raise for the hon. members to consider is the fact that Indian organizations, in unison, decried the programme as discriminatory toward the Indian. Yet no responsible public body such as the CRTC deemed it proper to involve itself. These organizations, long devoted to furthering the cause of Indian people, have felt that this programme is defaming and distorting their historical role in the establishment of Canada. Yet none heeded their claims.

Surely the issue is not that of the value of historical documentation, or even of censorship, but the inflicting of wilful hurt on a people and for the second time. Surely public bodies of the size and influence of CTV and CRTC should be sensitive to the degree that this principle would have had the earliest consideration, and hurtful items would not even have been contemplated let alone produced.

If a responsible corporation like the CTV can and will ignore the Indian complaints and rationalize the content of its programme with something like it being "perhaps offensive to modern ears," and claim immunity from its conscience behind history, as I understand was done before last night's programme, then I am sure other minorities are open to this kind of treatment.

No person, Mr. Speaker, has the right to affect the dignity and pride of a group, especially this particular one which is struggling nobly to erase the images held in the non-Indian society.

**Mr. J. E. Stokes** (Thunder Bay): What about the minister's own government publication referring to them as savages?

**Hon. Mr. Yaremko:** No group or individual should suffer such indignity in a society, where the worth of a human being is the prime consideration.

**Mr. H. Peacock** (Windsor West): That is strange coming from the minister.

**Mr. S. Lewis** (Scarborough West): It is the right position but it does not sit well in the mouth from you, my friend. It does not sit well.

**Hon. A. B. R. Lawrence** (Minister of Health): Mr. Speaker, I have pleasure to announce that the government of Ontario is donating $45,000 to UNICEF through the federal government for the purchase of shelter material for East Pakistan refugees in India. The material, a durable reinforced

plastic sheeting, is now being air-shipped to India and will be used to protect the refugees from heavy monsoon rains.

The total cost of the sheeting is expected to be approximately $103,000. As a result of an urgent appeal from UNICEF, Ontario has agreed to pay $45,000 of the cost and the federal government has indicated it will pay the remainder. The sheeting has been shipped to India on two Canadian Air Force flights, the second of which left last Friday.

As you will recall, Mr. Speaker, the government of Ontario committed $100,000 toward Indian relief about one month ago. The four, four-wheel-drive ambulances, donated by Ontario to India at that time, have been in service now for about one month and I understand are being used extensively.

I have, in the meantime, received a letter from His Excellency Ashok B. Bhadkamkar, the high commissioner for India, expressing the sincere appreciation of his government to the government of Ontario for the funds and ambulances which this province has contributed. His excellency said in his letter, "The Ontario government's contribution is truly symbolic of the international community's willingness to share with India the enormous burden placed on her shoulders."

**Hon. T. L. Wells** (Minister of Social and Family Services): Mr. Speaker, I would like to take this opportunity to inform the House of a new research undertaking by my department in the field of early childhood development.

In co-operation with the federal government, we will be supervising a two-pronged research project to determine the most effective way of promoting the maximum development of pre-school children. One approach will involve an enriched group daycare experience for the child, and the second will involve the tutoring of mothers in their own homes, as to the most effective ways of stimulating infant development.

Dr. William Fowler of the Ontario Institute for Studies in Education will conduct a study in co-operation with the newly expanded infant daycare service in the municipality of Metropolitan Toronto. He will assist the Metro department of social services in developing and evaluating a prototype infant and pre-school child daycare centre. Dr. Thomas Ryan of Carleton University in Ottawa will work in co-operation with the regional municipality of Ottawa-Carleton in developing and evaluating a programme of home tutoring for mothers to help them stimulate the development of their children.

Infants from both programmes will be studied as they continue through regular daycare and day school programmes for a period of at least five years. As both of these projects develop, they will provide important input for existing group and family daycare programmes in Ontario.

Both Dr. Fowler and Dr. Ryan have been involved in this area of research and Dr. Fowler has demonstrated some immediate gains for children involved in enriched infant daycare programmes. The new research projects will go beyond the short term to study the effects of enriched daycare programmes over a period of several years. The research will focus on the most effective ways of stimulating early childhood education and will test ways of providing such services.

Mr. Speaker, these two projects will cost approximately $52,000 in the present fiscal year and about $70,000 in each subsequent year of operation. These costs will be shared by my department and The Department of National Health and Welfare. Ontario's portion of the grant for the present year is $14,739 with the federal government contributing $36,849.

Mr. Speaker, this research undertaking, we think, offers the potential of indicating some very significant directions in the future development of our daycare nursery programmes.

**Mr. Speaker:** Oral questions.

## HOSTEL ARRANGEMENTS FOR TRANSIENT YOUTH

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker, in the absence of the Minister of Public Works (Mr. Auld), I would like to ask the Minister without Portfolio from Quinte, if he can explain to the House why, following his statement on Friday that the Mercer lands would be available for tent facilities for the young people travelling, there was not an orderly transference from the University of Toronto campus to the Mercer facilities without the unfortunate circumstances that took place Sunday morning?

Second, will the minister assure the House that in fact there is no impediment to the use of the Mercer lands as has been alleged, and that in fact the Minister of Public Works was correct when he said the land would be made available by the province and that it would be usable immediately?

**Hon. R. T. Potter** (Minister without Portfolio): Mr. Speaker, really I cannot explain to the hon. Leader of the Opposition why the transfer was not arranged peacefully. A considerable amount of work went into making the arrangements. I was hopeful that Grass Roots and the young people would show concern, interest and co-operation in arranging the transfer in a peaceful manner. I think it is regrettable, as you do, that they refused, apparently, to go along with the plan that was submitted to them by the University of Toronto board of governors who in good faith requested that the arrangements be made.

As far as the second question is concerned, I can only say, as far as I am concerned, that arrangements were being made to transfer the land to the governing body of the University of Toronto to be used for this purpose. I am quite confident when the Minister of Public Works notified the House to the effect that this was what he intended to do. I know a letter went from his department to the University of Toronto, outlining the arrangements under which it was to be done. I am quite confident in my own mind, that if all parties concerned had been as determined as we were to make the land available and to set up a proper type of tent city, it would have been in operation today.

**Mr. Nixon:** A supplementary: Would the minister not now agree, in view of the circumstances over the weekend, that it would be his responsibility—or at least the responsibility of this government—to see that the offer of the land proffered by the government here and the funds offered by the government of Canada would not be integrated in such a way that the transference could take place without the interference of any third party? And that the responsibility of building the facilities which the minister said on Friday could be accomplished in two days, must not now be taken over by the provincial government?

**Hon. Mr. Potter:** Really, Mr. Speaker, I do not think the provincial government should be stepping into it at all.

**Mr. Nixon:** But the government is in it, whether it likes it or not.

**Hon. Mr. Potter:** The only reason we got into the picture—I got into the picture—was to try to negotiate between the mayor and Metropolitan Toronto council and the University of Toronto in order to make the facility available. This is a federal government-sponsored and operated programme. Whether we like it or not, the money has been offered by the federal government to this group to set up a tent city.

We were trying to co-operate by recommending that the land which they requested in the first place was made available to them. This, we have done. As far as I am concerned, I see no reason why the interdepartmental committee on youth should now decide to take over from the federal government.

**Mr. Nixon:** A further supplementary: Would the minister make it clear that the offer of the Mercer land not only continues, but that the land is fully available? Would he not now agree that he must take the initiative in organizing the transference of the programme so that it could be done without further unfortunate incidents?

**Hon. Mr. Potter:** Mr. Speaker, the land is available. It was made available three days ago; three or four days ago. The offer has not been taken advantage of as far as I am concerned. The land was made available to the University of Toronto who, as I told the Legislature, were prepared to accept responsibility to see that this was properly set up and administered. It has not been taken advantage of.

**Mr. Nixon:** A further supplementary: Would you say that the University of Toronto has, let us say, exercised its responsibility properly, when the minister made his announcement on Friday and it got the ex parte injunction and called in the police two days later?

**Hon. Mr. Potter:** Really, Mr. Speaker, I am not in a position to say whether or not they did. I have not the information on what went on. I have not discussed it with anybody any more than we did when we were in here last week.

**Mr. Nixon:** Mr. Speaker, a supplementary question: Would the minister not agree that responsible government would require some minister over there—and I understand that this gentleman has been so designated—to take the lead and the responsibility in this sensitive area?

**Hon. Mr. Potter:** Mr. Speaker, this government was prepared—

**Mr. Speaker:** There is to be no applause in the galleries. If it continues, the galleries will be cleared. The minister has the floor.

**Hon. Mr. Potter:** This government was prepared to take the lead and set up administering youth hostels in the province for the summer. But then the federal government announced they were doing it on a national basis and that is when we were through with it. This has nothing whatever to do with the youth hostel programme for the summer that is in operation in the province. This is strictly another programme which is being sponsored by the federal government, and it is their responsibility to see that it is instituted and properly administered. We have offered assistance in trying to make land available to them and that is as far as I am prepared to go.

**Mr. Speaker:** The member for Scarborough West. The hon. Leader of the Opposition may have one more but he has had far too many supplementaries.

**Mr. Nixon:** Thank you, Mr. Speaker. Will the minister now agree that this administration must take the lead in seeing that the transference is accomplished to properly serviced facilities without delay?

**Hon. Mr. Potter:** No, I will not—

**Mr. Speaker:** Has the member for Scarborough West a supplementary?

**Mr. Nixon:** The minister said no.

**Hon. Mr. Wells:** The member should speak to his friends in Ottawa.

**Mr. Lewis:** Mr. Speaker, according to a carefully worded and obviously authoritative series of paragraphs in the Globe and Mail this morning, repeated in other media, a number of members of the Ontario cabinet were involved in the eventful eviction of Tent City—of those who were in Tent City. Am I to take it from the minister's comment that he was not one of those cabinet members?

**Hon. Mr. Potter:** That is the first I have heard of that.

**Mr. Lewis:** Right. By way of supplementary, is the minister aware of whether any of his other colleagues at any time over the weekend had direct communication with acting-president Sword over the eviction of young people from Tent City?

**Hon. Mr. Potter:** No, I am not, Mr. Speaker.

**Mr. Lewis:** No. Might I ask a further supplementary? Has the minister involved in the negotiations seen the documents exchanged between the Students' Administrative Council, the Graduate Students Union and Wacheea on one hand, and the University of Toronto on the other?

**Hon. Mr. Potter:** No, I have not. I think I should try to make it clear, Mr. Speaker, that the only involvement I have had in this whole programme was last week when I attempted—

**Mr. Nixon:** Then the minister's colleagues should be in there.

**Hon. Mr. Potter:** —to negotiate between the University of Toronto and—

**Mr. Nixon:** Where is the Minister of Public Works?

**Mr. P. J. Yakabuski** (Renfrew South): The hon. Leader of the Opposition is not always here.

**Hon. Mr. Potter:** —the mayor of the municipality of Toronto—

**Mr. Singer:** The government can certainly be proud of what the minister thought he did on Friday. Now he knows nothing.

**Hon. Mr. Potter:** —and our government to try to make the facility available, which we succeeded in doing.

**Mr. Lewis:** By way of supplementary: In view—I will borrow the words—of the pride the minister displayed on Friday morning about the government's achievement, would he not think it odd that associates in the cabinet with him intervened to effect the eviction over the weekend, and all that subsequently followed?

**Hon. Mr. Potter:** I am not so sure that they did. I do not know anything about it.

**Mr. Speaker:** The member for High Park has a supplementary.

**Hon. E. Dunlop** (Minister without Portfolio): A court order is a court order.

**Mr. M. Shulman** (High Park): Will the minister or the government let bygones be bygones, and casting—the responsibility aside, today make the Mercer land available to Grass Roots without any intermediary and solve this problem and get it all off our shoulders?

**Hon. Mr. Potter:** I cannot make a decision on this. This is a government decision.

**Mr. Shulman:** Why can the minister not?

**Hon. Mr. Potter:** First of all, I am not the Prime Minister.

**Mr. Lewis:** That is the first mistake.

**Hon. Mr. Potter:** Secondly, this is a government decision. The government made a decision that they would lease the land to University of Toronto. As far as I am concerned, that is the way it stands.

**Mr. Shulman:** As a further supplementary, if I may: Inasmuch as the government decision, correct as it was obviously at the time, no longer is applicable, can the minister arrange an emergency meeting of the cabinet to try to get this settled today?

**Hon. Mr. Wells:** The land is still available.

**Mr. Shulman:** If the land is available, can the students more on to it today? Will the government object if they do? That is my final supplementary.

**Hon. Mr. Potter:** I do not know why they did not move on to it, quite frankly, when this land was made available—

**Mr. Shulman:** There, the students heard it! On your way!

**Hon. Mr. Potter:** —there were no facilities—

**Mr. Lewis:** They asked for the facilities and—

**Mr. Speaker:** Order!

**Mr. Lewis:** —asked for facilities and the University of Toronto—

**Mr. Speaker:** Order!

**Mr. Yakabuski:** Quit playing politics and get down to business.

**Hon. Mr. Potter:** No, but the hon. member knows and I know that the—

**Mr. Yakabuski:** We will resolve the matter.

**Hon. A. Grossman** (Minister of Trade and Development): They are just playing politics.

**Mr. C. G. Pilkey** (Oshawa): Get back to Renfrew.

Interjections by hon. members.

**Mr. Speaker:** Has the Leader of the Opposition further questions?

## FOREIGN OWNERSHIP OF BROKERAGE FIRMS

**Mr. Nixon:** Mr. Speaker, I have a question of the hon. House leader: Can he explain what orders were given to the Ontario Securities Commission to study the retroactive restriction of the investment from the United States and from other sources in investment houses here? Did they decide to do this on their own, or was in fact his department involved in that decision?

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, I believe the whole question of study was directed I think by the department, by the minister who was head of the department prior to my becoming minister of The Department of Financial and Commercial Affairs.

But there was a good deal of initiative also, as I understand the matter, by the Investment Dealers Association of Canada and the four stock exchanges; the Vancouver Exchange, the Toronto Stock Exchange, the Montreal Stock Exchange and the Canadian Stock Exchange. I believe with the support and with the direction of the department, the Moore committee was established and that report was produced.

The stock exchanges and the Investment Dealers Association were the bodies which were particularly interested. So was the Ontario Securities Commission.

And having received the report I can say this—and I can perhaps get a fuller answer for the hon. member—I have had meetings with the executive of the Toronto Stock Exchange, of course with my Securities Commission, and with some of the investment dealers, with certain individual firms, and it was from a study by the department of the recommendations of the Moore report that the legislation which is on the order paper comes forward.

**Mr. Nixon:** A supplementary: Just to make it clear—

**Hon. Mr. Wishart:** If the hon, member will allow me—not the legislation, but the statement made by the Prime Minister (Mr. Davis) indicating the government's policy in respect of the matter.

**Mr. Nixon:** Just to make it clear: Was the investigation of the possible retroactivity of the policy requested by the minister or his department or were there instructions issued that the OSC undertake that study?

**Hon. Mr. Wishart:** The instructions were broad enough to consider all relevant matters with respect to the need of investment capital in Canada, the sources from which it would come and what control government should exercise with respect to it.

## POLICY ON EXPRESSWAYS IN METRO TORONTO

**Mr. Nixon:** Mr. Speaker, I have a question of the hon. Minister of Transportation and Communications, if you do not mind. Can he clarify the policy of the government with regard to other Toronto expressway plans and developments, particularly the Scarborough Expressway, in that at least one of the deputy ministers has indicated to Metropolitan Toronto that they should proceed with a request for Municipal Board approval on the expenditure of funds already available for the continuation of the Scarborough Expressway programme?

**Hon. C. S. MacNaughton** (Minister of Transportation and Communications): No, Mr. Speaker, I am not too sure I can clarify the policy completely at this particular point in time. I do not know that there is anything wrong with the municipality approaching the board to determine the position on it at that level. No, I do not think I can clarify any policy at this point in time, though I agree with the hon. member that it must be clarified before too long.

**Mr. V. M. Singer** (Downsview): Mr. Speaker, by way of supplementary: Could the minister clarify why, as late as May of this year, his deputy was pressing Metro to continue with the expropriations to widen and extend the Don Valley Parkway, and why apparently up to this moment in time his staff is continuing to press the Metro officials to continue with expropriations for the widening and extending of the Don Valley Parkway, and why Highway 403 and Belfield are all continuing with greatest possible haste, all of which are negations of the Premier's announced policy insofar as expressways are concerned.

**Mr. Speaker:** Order! That comment is not part of the question.

**Hon. Mr. MacNaughton:** Mr. Speaker, I would have to say that in the context of Spadina they are not negations of the expressed policy. Let us deal with the Don Valley Parkway first: The northerly extension of the Don Valley Parkway is more or less to take people up the west side of Lake Simcoe and relieve pressure on Highway 400; so it is a different situation entirely to the one the hon. member has just described.

**Mr. Singer:** It is all right for the people on the east side, but not for the people on the west side.

**Hon. Mr. MacNaughton:** No, that is not a fair observation either, Mr. Speaker, and the hon. member knows that.

**Mr. Singer:** It is most pertinent. Most pertinent.

**Hon. Mr. MacNaughton:** That loud interjection really is not related to the same situation as was the Spadina Expressway.

**Mr. Lewis:** Mr. Speaker, by way of supplementary, because I think there is an analogy, why would this government stop Spadina on one hand and then permit the voting of money to extend Scarborough from Leslie to Coxwell, a direct expressway extension, on the other?

**Hon. Mr. MacNaughton:** Well, again I do not think they fall into the same category or into the same context.

On the matter of the extension of the Gardiner Expressway, there has been no indication of any decision as to whether it goes or whether it does not; it was previously indicated that a decision should soon be made. But I am not in a position to discuss what policy may develop in that context in either direction whether it is not permitted to go ahead or whether it is. I think I would sooner wait, Mr. Speaker, until the decision has been made before we discuss it in hypothetical terms at this time.

**Mr. Lewis:** By way of supplementary, am I wrong in understanding from the deputy's letter that if the OMB approves the extension to Coxwell, the government money is then automatically available? Is that a wrong conclusion? That seemed to be the gist of the letter.

**Hon. Mr. MacNaughton:** Well, I am not going to discuss the contents of the letter. I do not know that it is pertinent at this point in time. I think it is more important to wait until a decision has been reached by the board, and a subsequent decision has been reached by the government in that context. And I do not propose to discuss its policy merits at this point in time.

**Mr. Lewis:** A supplementary, with respect, Mr. Speaker: Is the minister now saying that a written undertaking at the end of last week from his deputy to Metro, indicating that the province would free $1.5 million for the extension of the Scarborough Expressway from Leslie to Coxwell, if acceptable to the Ontario Municipal Board, may then be subject to reversal by government? Is that the game the minister is playing?

**Mr. J. R. Breithaupt** (Kitchener): Everything is subject to reversal!

**Hon. Mr. MacNaughton:** No, Mr. Speaker, I am not saying that at all. I am suggesting the total extension of the Gardiner Expressway goes—

**Mr. Nixon:** That is what it sounded like.

**Hon. Mr. MacNaughton:** —beyond Coxwell Avenue; it goes rather substantially beyond that. The earlier reference made no reference to stopping it at Coxwell Avenue whatsoever. That was not indicated until the hon. member said it himself.

**Mr. Lewis:** By way of supplementary, is it not right to say that once the extension to Coxwell is completed, the government has in effect committed itself to another major expressway expansion right through the heart of Ward 9 and Scarborough? Why is the government doing it? Why this reversal?

**Hon. Mr. MacNaughton:** It is not a reversal, Mr. Speaker.

**Mr. Lewis:** Oh, the government is not going to do it in pieces?

**Hon. Mr. MacNaughton:** No; it is not a reversal at all. This is a section of it to Coxwell Avenue. There may be very great merit in taking it to its ultimate connection with 401.

**Mr. Lewis:** It is not as damaging to go through a suburb as it is to go through downtown Toronto?

**Hon. Mr. MacNaughton:** Let us say one thing at a time. That is all that is being dealt with at the moment in any form by the deputy minister's letter of suggestion or whatever. It does not go beyond Coxwell Avenue at the moment and I am not prepared to discuss it beyond that point.

**Mr. Singer:** Mr. Speaker, by way of supplementary—

**Mr. Speaker:** The member for Downsview has the floor for a supplementary.

**Mr. Singer:** Could the minister tell us if it is government policy to extend the Don Valley Parkway all the way to Lake Simcoe; if it is the government's intention to continue with the building of Belfield Road extension all the way into Metropolitan Toronto, and if it is the government's intention to continue with the building of 403 all the way into Toronto with all the resultant effects that those three will produce?

**Hon. Mr. MacNaughton:** I have said in a variety of forms, Mr. Speaker, it is not my intention to discuss government policy at this point in time. Government policy will be related to this House, if it is in session, or stated firmly and in clear terms—

**Mr. Lewis:** The minister was embarrassed by Palmer's letter, I did not realize that; he was embarrassed by the letter.

**Hon. Mr. MacNaughton:** I am not embarrassed. What reference is being made, if I may ask the hon. member, to Palmer's letter? That is the letter which is in question?

**Mr. Singer:** To the Minister of Municipal Affairs (Mr. Bales).

**Mr. Lewis:** Sure, it is the one.

**Hon. Mr. MacNaughton:** The member did not name the deputy minister before. Now we know it is the deputy minister he is talking about.

Interjections by hon. members.

**Mr. Lewis:** I thought the deputies might know government policy at this point.

**Hon. Mr. MacNaughton:** The deputy ministers will know what the government's policy is in due course and they will live with it.

**Mr. Lewis:** The government had better call this election.

**Hon. Mr. MacNaughton:** That suits me all right.

**Mr. Lewis:** It suits me too.

**Mr. Nixon:** Suits us all around. Let's go.

**Hon. Mr. MacNaughton:** Mr. Speaker, I am not going to discuss government policy. I discuss facts as I know them, but no government policy, sir.

**Mr. Speaker:** The minister is quite correct. Matters of government policy are not discussed. The member for York South.

**Mr. D. C. MacDonald** (York South): I have a supplementary question of the minister. If government policy is going to be clarified, and the minister concedes that it should and will likely be clarified soon, why would the deputy minister of a key department send a letter at this particular time which raises so many questions with regard to government policy?

**Hon. Mr. MacNaughton:** That is correct. The chairman of Metro has been urging for some time the utilization of some $1.7 million, I believe, for the extension of the Gardiner to Coxwell. That is the very generous, munificent loan that was made by the federal Minister of Finance some time ago. That is Metro's share.

**Mr. Nixon:** So it is a federal problem.

**Hon. Mr. MacNaughton:** That is where the urging—

**Mr. Singer:** Terrible guys up in Ottawa.

**Mr. Nixon:** Of course, like everything else.

**Hon. Mr. MacNaughton:** All right, that is where the urging comes from. That is where the urging comes from—

**Mr. MacDonald:** The minister could have delayed the letter for two or three weeks.

**Hon. Mr. MacNaughton:** I do not know. The hon. member prefaced his question with "if" and, from that point on, the question is nothing but hypothetical, and I do not propose to discuss it any further.

**Mr. MacDonald:** I did not preface it with "if." I said "since." Let me put it another way: Since the minister has indicated that government policy is actively under consideration and announcement will be made soon, then my question was, why would a deputy minister of a key department send a letter of that nature at this particular time?

**Hon. Mr. MacNaughton:** I would suggest, Mr. Speaker, that that is a good question. Ask the deputy minister.

**Mr. MacDonald:** As a matter of fact, it is a very good question and that is a very good answer. For once the minister is being frank.

**Mr. Speaker:** Has the Leader of the Opposition further questions? The member for Scarborough West.

## HOSTEL ARRANGEMENTS FOR TRANSIENT YOUTH

**Mr. Lewis:** A question, Mr. Speaker, of the House leader: Has the House leader any knowledge of any of his cabinet colleagues being involved with the University of Toronto over the weekend regarding the eviction of the young people from Tent City?

**Hon. Mr. Wishart:** No; Mr. Speaker, I have not the slightest knowledge at all. I have none. I left these precincts on Friday noon and I returned from Sault Ste. Marie about noon today.

**Mr. Nixon:** They are not going to be able to get along without the minister.

**Hon. Mr. Wishart:** I am not entirely—

**Mr. Lewis:** Some of us have mixed feelings about what the minister did in the interim.

**Hon. Mr. Wishart:** I am not entirely in touch with all that has transpired here in the interim.

**Mr. Nixon:** Just like a tourist leaving the ship.

**Mr. Lewis:** I have a question of the Minister of Education. Is he aware that any of his cabinet colleagues were in discussion with president Sword and members of the University of Toronto, over the removal of Tent City this weekend?

**Hon. R. Welch** (Minister of Education): No. Mr. Speaker.

**Mr. Nixon:** He left the Legislature last Tuesday and will not be back until tomorrow.

## INCREASE IN TELEPHONE RATES

**Mr. Lewis:** No. I have a question, please, of the provincial Treasurer. Has the—

**Mr. Nixon:** Ask the member for Hamilton West (Mrs. Pritchard).

**Mr. Lewis:** —I can wait until the presence himself enters. Has the provincial Treasurer submitted any intervention, or did the Provincial Treasurer submit an intervention, on behalf of the public of Ontario, to the CRTC

on the Bell Canada rate review? I am sorry, it is the CTC—the Transport Commission.

**Hon. W. D. McKeough** (Treasurer): Not to my knowledge.

**Mr. MacDonald:** A supplementary question, then: Since we had some assurance last week that the government was considering this matter, is it unfair to ask the government that it should move before everybody else takes action on an urgent matter and achieves the result of a public hearing?

**Mr. Nixon:** The rates are going to be changed without them.

**Hon. Mr. McKeough:** The government will make its moves in good time.

**Mr. MacDonald:** The government is bringing up the rear once again.

**Hon. W. G. Davis** (Prime Minister): Never.

**Mr. MacDonald:** It is.

**Hon. Mr. Davis.** Never. The member knows better.

**Mr. MacDonald:** I know better! I know it is true.

## HOSTEL ARRANGEMENTS FOR TRANSIENT YOUTH

**Mr. Lewis:** A question of the Premier: Did the Premier himself or his Minister of University Affairs (Mr. White) or any other member of his cabinet, to his knowledge—was he or were any of his colleagues involved in the discussions around the decision to move Tent City from Observatory Hill at the University of Toronto, I guess it was Sunday morning at 6:30, an obvious and appropriate time for the police to descend?

**Hon. Mr. Davis:** Mr. Speaker, I cannot speak for my cabinet colleagues as to any discussions over the weekend. I can only say that while I learned of this I personally had no discussions with the University of Toronto administration.

**Mr. Speaker:** A supplementary?

**Mr. Singer:** No, I have a new question.

**Mr. Speaker:** The member for Scarborough West has the floor.

**Mr. Lewis:** That is okay; go ahead.

**Mr. Nixon:** Mr. Speaker, I have a supplementary on that question of the hon. leader of the NDP. Will the Premier make it clear that he is prepared to accept the responsibility—that is, his administration through the appropriate minister—for the orderly and reasonable transference of the facilities to the Mercer property so that we can avoid any further unpleasantness—serious unpleasantness—of the type that occurred on Sunday?

**Hon. Mr. Davis:** Mr. Speaker, not going into the whole history, I think it should be pointed out—as I am sure it was earlier today—that while this government wants to be helpful and co-operative in all matters, this really was not the creation or the initiation of the government of this province.

Mercer Reformatory or the property at Mercer has been made available through the University of Toronto. I am only going by hearsay at this moment, but I understand that the SAC representatives and the University of Toronto people may be meeting in an hour or very shortly from now, related to this matter. Mercer becomes available, I believe, on Wednesday. The Minister of Public Works will be here very shortly and may have some more up-to-date information. But certainly we will co-operate.

**Mr. Shulman:** He is standing behind the Premier.

**Mr. Nixon:** As a supplementary; does the Premier mean the land was not available when the Minister without Portfolio, the member for Quinte, on Friday said that it could be made ready within two days?

**Hon. Mr. Davis:** Mr. Speaker, I understand there may be some form of legal or lease commitment that extends until this Wednesday but the Minister of Public Works, I am sure, will fully inform the House.

**Mr. Lewis:** By way of supplementary, Mr. Speaker: Why then, apart from the injunction which was sought on Friday, would the university authorities, allegedly in consultation with one or more of the cabinet—so it is reliably reported in the press—come down with—

**Hon. Mr. Dunlop:** How reliable is it?

**Hon. Mr. Davis:** So it is reported.

**Mr. Lewis:** So it is reported in the press by a reporter I regard as reliable.

**Mr. Yakabuski:** Which is it? Reliable or unreliable?

**Mr. Lewis:** From a reporter I regard as reliable.

Interjections by hon. members.

**Mr. Lewis:** Why is it that the University of Toronto would come down with both feet on Wacheea when the alternative grounds were not even available until Wednesday, and when Wacheea had entered into a perfectly reasonable agreement with the University of Toronto, that they would move within seven days if assistance in the move could be made available by way of sanitary facilities, health standards and so on?

**Hon. Mr. Davis:** Mr. Speaker, I am going by, shall we say, secondhand information only. I understand that the SAC feels there is some breakdown in communications between the SAC and the administration of the University of Toronto, which may or may not have taken place. I am not in a position to indicate to the leader of the NDP the thinking of the University of Toronto as it relates to this particular situation.

**Mr. Lewis:** By way of supplementary—

**Mr. Speaker:** The member for Scarborough West has the floor because he had not completed his questions. These are supplementary to his last question. He has the floor.

**Mr. Lewis:** Yes. I had, in fact, received a petition. Does the Premier think that the activity over the weekend, in view of what he has just revealed to the House—and I gather can be substantiated, so he said, by his Minister of Public Works—does he think that the behaviour over the weekend on the part of the acting president was either appropriate or defensible in the light of the time factor involved and the willingness of Wacheea to move amicably, given a few more days?

**Hon. Mr. Davis:** Mr. Speaker, I cannot comment on the actions of the administration. I do not have, from my own information, what knowledge was available to the administration; whether they knew of the possible existence of this lease and the fact that Mercer might not be available until Wednesday. Mr. Speaker, I cannot comment on that.

**Mr. Speaker:** Has the member for Scarborough West completed?

**Mr. Lewis:** Yes.

**Mr. Speaker:** The member for Downsview, then.

## ADVERTISING STATEMENTS BY WHITEROCK ESTATES

**Mr. Singer:** Mr. Speaker, I have a question of the Minister of Financial and Commercial Affairs. In view of the very positive statement in the ad of Whiterock Estates Limited, published in the Toronto papers on July 1 to this effect, "We back it with a money-back guarantee. Building permits, no time limit when to build. Septic tanks guaranteed," and a further statement in the advertisement today, "Usable, pre-development land is a limited and rare commodity" —carrying with it the implication that this is usable, pre-developed land—and this paragraph in the current offer to purchase being used by Whiterock Estates which reads as follows:

> The purchaser and vendor hereby acknowledge that the agreement of purchase and sale is subject to the following conditions, wherein the purchasers have the option within 30 days following the acceptance of this offer:
>
> (a) to ascertain whether or not the within lot is suitable for the installation of a septic tank—

Remembering the ad says "septic tank guaranteed"—

> (b) to ascertain whether or not water is available at a depth not exceeding 350 feet;
>
> (c) to ascertain whether or not hydro is available;
>
> (d) to ascertain whether or not the lot is suitable for the governing municipality to issue a building permit—

Then it is qualified this way—

> In the event that the aforementioned requirements are not available and the purchaser has made the relevant investigations to ascertain same, and has satisfied the vendor with sufficient evidence from qualified and reliable sources as to the unavailability aforesaid, then the purchaser may elect to either purchase an alternative lot or to obtain a refund of the deposit and this transaction is then null and void.

Does the minister believe that the advertising and the contents in the offer to purchase stand with each other? Or in fact that the advertisement is grossly misleading and

unfair; and expects that the purchaser be put to the very substantial expense of digging a hole for 350 feet to find water; of drawing plans for a septic tank, to find out whether or not he can get a permit; of making an application for a septic tank and making an application for a building permit in order to find out whether or not he can get the building? Now if the—well, let us go that far.

**Hon. Mr. Wishart:** Mr. Speaker, I do not know that there is a great discrepancy involved between the advertising and the offer to purchase. One does not necessarily need to dig the hole 350 feet deep, for instance, to find out if water is available. There may be wells and water supply available in that area, I do not know, but I think it is a very reasonable thing to give the purchaser 30 days to check on building permit availability and the accessibility to services, such as power and so forth.

I do not think the advertising flies in the face of the offer to purchase. There may be some small inconsistency, which one could argue, that where there is a guarantee of the building permit, one then should not have to check it at all. I do not think that is a serious flaw.

**Mr. MacDonald:** Why not? It is the key.

**Hon. Mr. Wishart:** They say they guarantee it. You have 30 days to substantiate it to see if it is available. Those are not necessarily in opposition to each other.

**Mr. MacDonald:** The onus is on them to prove it is unavailable.

**Mr. Singer:** Mr. Speaker, by way of supplementary, does the Minister of Financial and Commercial Affairs, in fact, say: "Where the ad uses the word 'guarantee' about these various features and where the offer makes it absolutely clear that the only guarantee is that the purchaser has the option then of spending money to find out if these guarantees mean anything, the offer is, in fact, fair, honest and complete?"

**Hon. Mr. Wishart:** Mr. Speaker, that question is not properly posed or put. When the hon. member said: "The only guarantee is the guarantee to have 30 days to check"—

**Mr. Singer:** At their own expense.

**Hon. Mr. Wishart:** —that is not the only guarantee. The guarantee, I presume, stands. And if the building permit were not available and they refused to return the money, I think the purchaser would have the right to collect in court, on the guarantee. So I think that guarantee is not the only guarantee at all.

**Mr. Singer:** Would the minister believe that, where the ad says "guarantee" and where the offer, in fact, reflects no such guarantee but substantially deviates from it, that the advertising is fair and honest?

**Hon. Mr. Wishart:** I do not know that I would like to take a question posed in that way and give what amounts to a legal opinion in reply. I have said, Mr. Speaker, in response to the main question, that I do not believe there is a discrepancy of a serious nature between the advertising and the offer of purchase.

**Mr. Speaker:** The member for Brantford.

## US SURGICAL DRESSINGS SOLD TO ONTARIO HOSPITALS

**Mr. M. Makarchuk** (Brantford): Mr. Speaker, I have a question of the Minister of Health. Is the Minister of Health aware that discarded United States army surgical dressings dating back to 1942 are being shipped to Canada to Texpack in Brantford where they are repackaged and sold to hospitals operated by the government of Ontario and other hospitals in the province?

**Hon. A. B. R. Lawrence** (Minister of Health): No, Mr. Speaker.

**Mr. Makarchuk:** By way of a supplementary: Would the minister investigate and look into this matter?

**Hon. A. B. R. Lawrence:** Yes, Mr. Speaker.

**Mr. Speaker:** The member for Scarborough East.

## UNIVERSITY OF TORONTO ACT

**Mr. T. Reid** (Scarborough East): I have a question of the Premier. Is it the view of the government that there is a relationship between the attitude of the administrators at the University of Toronto, in that it was most reasonable until the new University of Toronto Act passed through committee, and that it became most unreasonable the day after that Act went through committee?

In other words, does the minister believe that the administration at the University of Toronto may be acting in a way which would affect what went on in the committee of this Legislature and what eventually will be recommended by the Minister of University Affairs?

**Hon. Mr. Davis:** Mr. Speaker, I know it is Monday afternoon and perhaps our capacities have been stretched somewhat—

**Mr. Lewis:** Dulled.

**Hon. Mr. Davis:** —but I really wonder if the member would mind rephrasing the question in a sort of "Me, Tarzan, you Jane"—

**Mr. Lewis:** Perfectly clear.

**Hon. Mr. Davis:** —language that I could understand, then I would attempt to answer.

**Mr. Lewis:** The Prime Minister has used that line before—quite right.

**Mr. T. Reid:** Mr. Speaker, I will try to rephrase the question. Does the Prime Minister feel that the action of the University of Toronto administrators prior to Friday was determined to a great extent by their fear that the Minister of University Affairs and the committee examining the University of Toronto bill might opt for parity because any unreasonableness of the University of Toronto officials toward the students on that campus might backfire? That is my question.

**Hon. Mr. Dunlop:** Which students?

**Hon. Mr. Davis:** Mr. Speaker, I do now confess that the question has a slight degree of greater clarity than it had before. I would only make this observation that any attempt by the member to relate discussions of the very important bill related to the restructuring of the University of Toronto with what transpired over the weekend is relating it to another matter that was completely irrelevant or not related to this. Of course, Mr. Speaker, the answer is very obvious. The answer is no.

**Mr. T. Reid:** We will see about that.

**Mr. Speaker:** Supplementaries? The hon. member for Peterborough.

**Hon. Mr. Davis:** It is not related whatsoever.

**Mr. T. Reid:** It is very much related. They are closely related.

**Hon. Mr. Davis:** They are not.

Interjections by hon. members.

**Mr. Speaker:** Order.

## HOSTEL ARRANGEMENTS FOR TRANSIENT YOUTH

**Mr. W. G. Pitman** (Peterborough): Mr. Speaker, I would like to direct a question to the Minister of Public Works. Could the minister assure the House whether the Mercer Reformatory land is available to Wacheea, and if so on what terms?

**Mr. Lewis:** See how clear it is from the NDP?

**Hon. J. A. C. Auld** (Minister of Public Works): Mr. Speaker, I would simply repeat what I said on Saturday—

**Mr. Nixon:** We did not hear the minister very well that day.

**Hon. Mr. Auld:** —that the government agreed to make the Mercer site available to the University of Toronto on terms that I read in their entirety on Friday. That position has not changed.

**Mr. Nixon:** What was the effective date—last Friday or next Wednesday?

**Hon. Mr. Auld:** The only thing that I can add to that is that I received today the University of Toronto Bulletin for today, which has two parts in it that may be relevant. This apparently is a chronological history of events from the point of view of the university starting with Friday, July 9.

**Mr. Pitman:** This is to do with the university administration.

**Hon. Mr. Auld:** And I might mention that this first part which I think is relevant has to do with the statement by Dr. Sword and the vice-chairman of the board of governors on Sunday, July 11. And it ends up by saying:

> If the provincial government will not make the Mercer site available, U of T will discuss with representatives of SAC, GSU, APUDS, and Grass Roots the possibility of locating Wacheea on other lands owned by the university where the project would not interfere with the university's academic programme, provided, of course, that Grass Roots can meet the various municipal requirements.

University of Toronto will permit the Wacheea project to remain on campus for a limited period, during which time it hopes the Mercer site, or some alternative site, will become available. Failing this, the front campus will have to be vacated.

Then on Wednesday, in relation to the letter of intent which I read in this House on Friday, the university apparently sent the following "memorandum of points in agreement between university, SAC, and GSU":

(1) The university make Mercer site available to SAC and GSU for SAC and GSU to make available to Grass Roots as a hostel and camping site for transient youth.

(2) SAC and GSU to require Grass Roots to comply with all municipal health, safety and other relevant regulations.

(3) SAC and GSU require Grass Roots to satisfy SAC and GSU at all times as to provisions made for garbage collection, security and generally complying with health and safety regulations.

(4) . . . vacate on or before September 9 . . .

(5) . . . indemnify U of T for any costs . . .

(6) . . . post a bond of $5,000 as security . . .

(7) Grass Roots to name persons to form a committee . . .

(8) . . . not more than 200 tents or 500 people at any one time.

(9) . . . assume responsibility for charges relating to provision of temporary portable toilet facilities . . .

(10) . . . financial responsibility for security of any trucks or vehicles by reason of Mr. Sullivan's expiring lease.

**Mr. Nixon:** We have not heard too much about the expiring lease.

**Hon. Mr. Auld:** Quoting:

(12) The university grounds be cleared of the so-called Tent City before 12 o'clock noon, Friday, July 16.

On Friday Dr. Sword issued a statement which winds up by saying:

The Province of Ontario had agreed to make the Mercer site available to the university on the understanding that the students' administrative council and the graduate students' union would assume responsibility for the operation of the tenting and camping facilities on the site, in the same way that the students' administrative council, in association with the association of student councils, had assumed responsibility for the operation of the 200-bed Devonshire House Hostel.

This the students' administrative council and the graduate students' union have refused to do. Consequently, the university has terminated its endeavours to assist in the relocation of the campers.

Now since that time, Mr. Speaker, I spoke to Dr. Sword on the phone this morning and I also spoke to Robert Spencer who is the president of the students' administrative council—

**Mr. T. Reid:** Robert; the first name is Robert.

**Hon. Mr. Auld:** —and who was apparently away last week and returned this week. I am always hesitant to report things second- or third-hand, but I understand that it was the feeling of Mr. Spencer that there had been some breakdown in communications between SAC and the university officials, that they were arranging a meeting this afternoon at 3:30 and that we would see what would transpire at that time.

I would also point out, Mr. Speaker, because of things that I have read in the paper today, I understand that on Sunday evening there were 840 beds available for young persons in Toronto, travelling young people, and of these, 582 were filled. The percentage of occupancy was 69.3, and there were apparently 258 beds available within the various organizations that have been organized to provide facilities for the travelling young people. I also understand—and again this is secondhand—that since the programme began there has been a vacancy rate of some 20 per cent.

The reason I mention this is that it may well be that there was a breakdown in communications, and the fact that the university apparently wanted to clear its campus, no doubt for very good reason, and that the Mercer site might not be available until this Wednesday at 4 o'clock because of the lease which my department has had with the Toronto Youth and Athletic Club; I think that people could have been accommodated in the meantime. I also would like to suggest, Mr. Speaker—

**Mr. Nixon:** We have not heard much about that lease before.

**Hon. Mr. Auld:** —that it may well have been that there could have been negotiations

between the operative people at the university and the tenant to have got him to accept an earlier termination date of the lease.

**Mr. Pitman:** A supplementary, Mr. Speaker—

**Mr. Speaker:** It is unfortunate, but the oral question period has now expired.

**Mr. Nixon:** It is unfortunate because the breakdown in communication is over there. Completely off!

**Mr. Speaker:** Petitions.

Presenting reports.

Motions.

Introduction of bills.

**Mr. Lewis:** One hand does not know what the other is doing. There is a memo of agreement between this government and the university.

**Mr. Pitman:** My goodness, it sounds like Manitoba.

**Mr. Lewis:** That is another week.

**Mr. Nixon:** The back-benchers are getting restless.

**Mr. Lewis:** Might it die on the order paper? Surely not!

**Mr. Speaker:** If the House is ready, we will give this bill first reading.

## POLICY AND PRIORITIES BOARD OF CABINET ACT

Hon. Mr. Davis moves first reading of bill intituled, An Act to establish the Policy and Priorities Board of Cabinet.

Motion agreed to; first reading of the bill.

Interjections by hon. members.

**Hon. Mr. Grossman:** The member is laughing like a sphinx.

**Mr. T. P. Reid:** I said "fink" not "sphinx."

**Hon. Mr. Grossman:** "Fink"—that sounds more like a professor.

## TREASURY BOARD OF CABINET ACT

Hon. Mr. Davis moves first reading of bill intituled, An Act to establish the Treasury Board of Cabinet.

Motion agreed to; first reading of the bill.

**Mr. Nixon:** It gives a distinction though. It is something to keep the Treasurer busy.

**Mr. Lewis:** So none of this is left to regulation. It is all in the Act.

**Hon. Mr. Davis:** Mr. Speaker, you will recall that the intention to introduce legislation dealing with these senior cabinet agencies was announced in the Speech from the Throne and in the House on April 15. These bills, The Treasury Board of Cabinet Act and The Policy and Priorities Board of Cabinet Act, implement changes which were recommended by the Committee on Government Productivity.

The Treasury Board of Cabinet Act continues in modified form the existing Treasury Board, which has been a major and effective cabinet committee for many years. The responsibilities of the new board will be altered to reflect a new emphasis on its role in the management of government programmes. The board will consist of up to eight members of the executive council.

As outlined in the bill, the Treasury Board of cabinet will have the following powers and duties:

(a) to co-ordinate the implementation of programmes sanctioned or provided for by the Legislature;

(b) to direct the preparation and review of forecasts, estimates and analyses of revenues, expenditures, commitments and other data pertaining to authorized or proposed programmes and to assess the results thereof;

(c) to control expenditures of public money within the amounts appropriated or otherwise provided for by the Legislature;

(d) to approve organization and staff establishments in the public service;

(e) to establish, prescribe or regulate such administrative policies and procedures as the Treasury Board of cabinet considers necessary for the efficient and effective operation of the public service generally;

(f) to initiate and supervise the development of management practices and systems for the efficient operation of the public service; and

(g) to report to the executive council on any other matter concerning general administrative policy in the public service that is referred to it by the executive council or in which the Treasury Board of cabinet considers it desirable to report to the Executive Council.

The policy and priorities board of cabinet will formalize the cabinet committee on policy and priorities which was established several months ago. The board will be charged with the responsibility for the development, review, co-ordination and advice to the executive council on overall goals, both long and short-term, of government activities related to the social and economic needs of the province. It will advise on the general outline of budgetary and fiscal policy and levels of taxation and of priorities among expenditure programmes in accordance with the long and short term objectives. Among its duties, the policy and priorities board of cabinet will periodically reappraise existing programmes and will advise on intergovernmental relations. The board will consist of up to seven members of the executive council.

Mr. Speaker, these two boards have a large and important contribution to make to the functioning of cabinet and the government. By embodying the principles in this legislation we are providing a more formalized administrative framework to assist cabinet in its policy making and management responsibilities. In particular, the changes are designed to enable cabinet to deal with the constantly increasing workload within the limited time available. At the same time, it is our hope that this will also provide the members of this House, as well as the public which they serve, with improved insight and understanding of the decision-making process of our cabinet form of government.

These changes, Mr. Speaker, are consistent with the new management approach which this government is bringing to the people of this province.

**Mr. Singer:** This will electrify the Premier's colleagues.

**Hon. Mr. Davis:** It is not so intended.

**Mr. Singer:** No, no.

**Hon. Mr. Davis:** Which is something the hon. member does not quite understand.

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** The 18th order, resuming the adjourned debate on the motion for second reading of Bill 100, An Act to amend The Northern Ontario Development Corporation Act, 1970.

## NORTHERN ONTARIO DEVELOPMENT CORPORATION ACT

*(continued)*

**Mr. Speaker:** The member for Thunder Bay.

**Mr. J. E. Stokes** (Thunder Bay): Thank you, Mr. Speaker. We were discussing the possible advantages of the amendment to The Northern Ontario Development Corporation Act, 1970, when we adjourned on Friday. I have a number of reservations about the ability of this amendment to do anything meaningful to assist—

**Hon. A. Grossman** (Minister of Trade and Development): Mr. Speaker, I rise on a point of order.

If the hon. member for Thunder Bay will permit, I understood that Bill 99 was going to be the Committee of the Whole House, because we were of unanimous approval, and I therefore took it for granted, both bills being in effect the same, that they would both go to the committee at the same time, so that we could discuss them in committee. It seems to me there is a repetition and an unnecessary one.

**Mr. S. Lewis** (Scarborough West): We are on second reading.

**Hon. Mr. Grossman:** I would wonder whether there is any point in arguing in the House and committe at the same time. However, I do not want to preclude the hon. member.

**Mr. Speaker:** This is another bill and the member is quite entitled to debate the principle of this bill even if it repeats some matters that were said on the other bill.

On the other hand, the minister has a good point that if there are matters that can be better discussed in committee then that should be done. This is entirely up to the discretion of the hon. member for Thunder Bay.

**Mr. Stokes:** I think that this Bill 100 is an entirely different bill from Bill 99, inasmuch as it deals specifically and uniquely with northern Ontario. So I think it is important that we do bring out any deficiencies that we think might be in the amendment and try to suggest to the minister ways and means of changing it.

I notice that in many of the loans that have been made available under this Act, particularly the Equalization of Industrial Opportunity loans, they have fallen far short

of doing the kind of things that we had expected when this bill was originally introduced in June, 1970.

We were successful in getting a board of directors, all of whom come from northern Ontario with the exception of one ex-officio member who happens to be the vice-chairman of ODC. The thing that bothers me, Mr. Speaker, is the fact that even though we do have eight out of the nine members on the northern Ontario board who are residents of northern Ontario, there is nothing that has happened in the interim that would indicate to the people of northern Ontario that the policy, with regard to the conventional loans or the EIO forgivable loans, has had any significant change in the number of jobs created as a result of money made available under these plans.

Now, the minister, since the introduction of the bill to set up the Northern Ontario Development Corporation, has brought up what he calls term loans and small business loans. There is another type of loan, whose name escapes me at the present time, but—

**Hon. Mr. Grossman:** Venture capital.

**Mr. Stokes:** Venture capital, yes. Now, as I understand it, there are only about two loans that have been authorized by this board. I understand one of them is to Harasym Transportation from Pickle Lake, which is in the riding of Thunder Bay; and the other one is to Ignace Airways for $18,000. As far as I can determine, those are about the only two loans that have been authorized by the new board since it came into being several months ago.

So I am wondering, Mr. Speaker, what is so different about this Act that changes it materially from the previous Act, other than to increase the amount of money up to $2 million that is available to Canadian entrepreneurs over American entrepreneurs. Once you have hit the $2 million mark, there is really no difference at all. The same amount of money is available to foreign-owned companies as is available to Canadian companies.

I would have liked, Mr. Speaker, to have seen broader terms of reference in this bill so that the directors of NODC would have been able to use the funds made available in unusual ways to meet unusual circumstances in the north—I would have liked to have seen them vary from the ways in which money be used by ODC, in forgivable and conventional loans, in other parts of the province. Since this programme was introduced in the north by the former Premier in 1967 specifically to meet the problems confronting slow growth areas. When one looks at the amount of money that has been distributed and the number of jobs that have been created, I think about 15 per cent of the funds have been allocated to help interested entrepreneurs in northern Ontario when about 85 per cent have been distributed elsewhere. I think about 87 per cent of the jobs created have been created in other than northern Ontario, which leaves 12 to 13 per cent, or about 1,000 jobs.

Mr. Speaker, when you consider the Design for Development recommendations that were brought out in phase 2 for northwestern Ontario, you will see that it envisaged or it hoped that 18,000 jobs will be created over the next 20 years. At this rate, we are not even going to come close to what the Design for Development envisages as the minimum number of jobs that will be created by the plan. So I do not see anything in the amendment, Mr. Speaker, that will provide the kind of stimulant that is needed in order to do the kind of things that the Design for Development for northwestern Ontario says must be done as an absolute minimum to foster economic development in the north based on the resources that we do have, such as the mineral resources, the forest products industry and the tourist industry, to say nothing of service industries in the north.

I am wondering too, Mr. Speaker, why the terms of reference for the operation of NODC could not be widened to provide additional moneys for research into the kind of products that may come into being and might provide jobs, based on those resource industries that I spoke of earlier.

I am wondering why the terms of reference could not be made much broader in application and left to the full discretion and the full autonomy of the board of directors of NODC—provide additional funds for research, not just straight loan capital, whether it be conventional or forgivable, but research capital to find out how we might better utilize the resources that we do have in the area. And let us face it, nothing is going to happen in the north unless it is based on existing resources that are used to such a miserable degree at the present time.

I am wondering too, Mr. Speaker, if it would not be possible to broaden the terms of reference so that an adequate and realistic appraisal could be made of the resources in the north of mining, for fabrication of specialized steel products, such as stainless steel, and

all of the many uses that our resources in the north could be put to.

I am wondering if more money could not be made available through NODC to make a realistic appraisal and survey of resources within easy distance of existing communities, so that we do not allow those to wither on the vine—so that we can provide some viability to existing towns before we consider allowing additional towns or new towns to spring up some distance away, based also on a non-renewable resource, when, in the not-too-distant future, say 20 or 30 years, you are going to have to abandon those towns and create new ones elsewhere.

And all we are asking, Mr. Speaker, is that the terms of reference be broadened to provide for research money or seed money to make an appraisal of the existing resource potential within easy distance of existing towns, rather than allowing new ones to spring up.

In summation, Mr. Speaker, I would like to make mention of the fact that most people in the north feel that the Equalization of Industrial Opportunity programme has not helped, in a meaningful or a significant way, development of the north. It has not reversed the mass exodus of our youth from the north to seek jobs elsewhere because of lack of job opportunities.

I hope that the minister will take my suggestions in consideration and provide money for the reasons that I have mentioned, and I think if he does that, we would have a much greater degree of development than we enjoy at the present time under this existing programme.

**Mr. M. Makarchuk** (Brantford): Mr. Speaker, again this bill is like the Ontario Development Corporation bill. It is not really any kind of a meaningful piece of legislation, and I doubt very much if it is going to provide any kind of impetus to the area that would provide the jobs that we need.

This government has had an opportunity in the past, and still has an opportunity, to ensure that secondary industry does develop in the north, and that jobs become available. In his last speech on the Ontario Development Corporation, the minister said that his primary concern was the creation of jobs.

If that government was so concerned about the creation of jobs, then first they would not have given the exemption to the mining companies to take the ore out of northern Ontario and smelt it and refine it in other parts of the world. That is the one thing.

The second thing which was suggested to the minister on numerous occasions was that if private enterprise is not prepared to do it, then the government, either in co-operation with private enterprise and public funds and the public, or if necessary the government or the public itself, should consider going into the position of creating a smelter in northern Ontario which would refine some of the roughly more than 50 per cent of non-ferrous metals that is shipped out of the area right now; with that, of course, jobs are being shipped out.

It was also suggested to the minister in the estimates committee and other places that this government should not only look at just the refining part but it should also look very seriously into the next stage, the development of fabricating plants, or insisting that the companies like International Nickel or Falconbridge fabricate their metals in northern Ontario.

This would ensure many substantial jobs with well-paid wages, and if the government were really concerned about jobs, they would be doing these things right now. Right now all they are doing is passing window-dressing legislation so they can go to the electorate and try to deceive them with this kind of nonsense.

There are other things. We should look at what is going on in other provinces and expand the industries that would possibly become eligible for assistance. In Manitoba as an example, they are providing assistance to service industries, small repair shops, garages, small manufacturing plants—the kind we do not even look at in our applications. In these industries we can provide jobs at a smaller investment per job than we would in the highly capital-intensive industries like mining or some of the other ones, and for a smaller investment we would have a larger number of jobs. Again this government is not doing anything.

Another place where the minister and this government can look very closely is the operation of some of the branch plants in this country. A good example is Texpack Limited, which brings American supplies into Canada, repackages them in Canada—and incidentally, this was a Canadian operation that was taken over while this government was in power—it repackages these supplies and then sells them in packages saying they have been manufactured in Canada, when the only manufacturing or the only work that has been done in Canada in this kind of a situation

is the fact that they have taken it out of one package and put it into another package.

Similar situations exist in the electronics industries, and what the government needs this legislation to ensure is first that there is truth as to what is said on the package, that if the item says, "Manufactured in Canada," it has been in fact manufactured in Canada; second, it should ensure that what I consider these kinds of nefarious practices are not allowed to continue to the detriment of the Canadian worker.

In this particular case the government itself is a very substantial purchaser of the supplies of this company, this branch plant of an American organization. Surely the government, again if it is interested in jobs, would ensure when it is buying supplies for itself that perhaps some emphasis should be made to ensure first that the supplies are produced in Ontario by Ontario workers. As it is now, this government is not doing anything and it is not really concerned about these things. It does not even seem to care about it.

The other point that was mentioned by the member for Thunder Bay is the fact of research—and again we stressed this in the past in the estimates committee—that the Ontario Research Foundation does not have the kind of facilities, nor does it have the kind of direction—certainly it does not have that kind of board of governors that would direct that foundation or that agency of government—to look and find out what we in Ontario can do best, where we have the resources and how we can utilize these resources to the fullest to ensure that the jobs are provided in Ontario. Again the government is not prepared to move in this direction; it is not doing anything in this direction.

There have been feasibility studies done in the past on what we could do in northern Ontario. The government has not moved on that either. We could be carrying out more feasibility studies on various aspects of industrial development in northern Ontario; the government sits back and does nothing. Then the minister has the gall to get up, as he did after the debate on the Ontario Development Corporation, and say he is really basically concerned about jobs. If he were concerned about jobs, he would be doing the kind of economic planning that is being done in every other civilized country in the world with the exception of Canada and the United States and he would ensure that there were jobs available for Canada. As far as this bill goes, again it is window dressing for the election and nothing else.

**Mr. Speaker:** Are there any other hon. members who wish to speak to this bill before the hon. minister responds? Mr. Minister.

**Hon. Mr. Grossman:** Mr. Speaker, of course, the fact that the two hon. members really repeated everything that was said in the debate on the estimates is one of the reasons that I suggested that both these bills, being complementary to each other, should have been debated at the same time and we should have waited for the debate in the Committee of the Whole House—

**Mr. I. Deans** (Wentworth): That is nonsense. That is an opportunity—

**Hon. Mr. Grossman:** —because we are repeating not only what was said in the debate on estimates but, presumably, because each bill has only one clause in it, we will be repeating the same thing in Committee of the Whole House. However, that is the—

**Mr Stokes:** That is why we are trying to get the minister to put some meat into both of them.

**Hon. Mr. Grossman:** —the privilege of the hon. members. I was only pointing out this was the reason I made the suggestion.

**Mr. Stokes:** We offered to debate them on Friday and the minister would not let us.

**Hon. Mr. Grossman:** The hon. member for Thunder Bay made reference to the few loans which have been made under the Northern Ontario Development Corporation. That is so, of course, because the Northern Ontario Development Corporation has been just appointed a very short while ago. As a matter of fact, I would point out, I was just reading the Hansard report of last Tuesday's debate in the standing committee on supply. I pointed out, at that time, that 25 applications were being processed from the north. I can tell the hon. member that they are being processed at a much quicker rate even now. Our problem at the moment is to get additional staff fast enough to handle many of these applications. I can assure him, as I did then, that the Northern Ontario Development Corporation is, in fact, doing its job and making sure that plenty of those opportunities in the north are not overlooked. It is doing its job in processing these applications as quickly as it possibly can. I can only again repeat the corporation has only been in existence—I cannot recall exactly—

but it was a very short time ago that we appointed the board.

Insofar as the help that EIO has given to the north, it has given considerable help to the north, and has produced many jobs. The hon. member knows that. Whether it has had any effect on what the hon. member terms "the mass exodus to the south," I cannot guarantee that it has had any effect on that or whether anything we do will have a great deal of effect on it. We hope that it will, but, whether it is the lack of industrial opportunity in the north which is the largest factor in that, we do not know. We are hoping that the production of a great many more opportunities in the north will not only keep those people who want to look for opportunities in the north there, but also attract many more people to the north.

There is no principle involved in this bill, the hon. member is quite right in saying, which is not involved in Bill 99. The whole purpose of both these amendments is, as I mentioned the other day, to increase the amount of financial incentives to Canadian companies so that, hopefully, they will encourage Canadian companies to take advantage of the opportunities which are available in Ontario. It deals only with that aspect of our programme.

As for the hon. member for Brantford's point—we went into this in the committee on estimates, in the standing committee on supply. We discussed this at some length. He has repeated the question. If the hon. member prefers, I will repeat the answers. As far as the smelting of the ores outside of Ontario is concerned, I told him at that time, I am sure, that when I looked at The Mining Act, on the face of it, it appears to be a simple matter to require that any of the ores that are mined in the Province of Ontario should be required to be processed in Ontario. I am not too sure that that in itself would be a good thing. I think something which should concern us is that at least we should require that they be processed in Canada, because certainly again we do not want to get into a battle as between the provinces as the processing of ores, or for that matter any other kind of operation. We are still one country and this province is going to do everything it can to keep it one country.

However, I did tell them at that time—and if I did not tell them at that time, I am prepared to say it right now—this is an aspect of it on which I am going to be briefed. I wanted to find out what implications there are in respect of retaliation, and—

**Mr. Makarchuk:** Where were you for the last 28 years you have been in power?

**Hon. Mr. Grossman:** I just said I was going to be briefed on it. I want to satisfy myself on the policy in respect to what I have learned—

**Mr. Makarchuk:** You cannot eat a policy.

**Hon. Mr. Grossman:** —in my own department—that it is clear to me that there is a good reason for it, and if not, why we do not do something about it. I want to find that out.

I have been told, in short that there are some implications vis-à-vis interprovincial trade and, in fact, international trade and there could be some retaliatory measures taken in respect of trade with products from Canada and therefore from Ontario, if such action were taken. This is the answer that has been given to me.

I want to satisfy myself that I am satisfied that this is so—that the implications in that should override what concerns us more than anything else and that is to keep as much processing of our products in Ontario as possible.

Aside from that I do not know that I can answer in any other way; that is the honest answer. I can only refer to the hon. members the fact that these two amendments are designed to increase the incentives to Canadians, so that they will take a greater interest in our economy. It does not discriminate against foreign investment except insofar as one could say it discriminates because we are in fact increasing to a very large extent the aid, the financial assistance this province is prepared to give to Canadians.

**Mr. Speaker:** The motion is for second reading of Bill 100, is it the pleasure of the House shall the motion carry?

**Mr. Deans:** Oh, come on.

**An hon. member:** No.

**Mr. Speaker:** Those in favour of this bill being given second reading will please say "aye."

I repeat, those in favour of this bill being received will please say "aye."

Those opposed will please say "nay."

In my opinion the "ayes" have it.

Interjections by hon. members.

**Mr. Speaker:** The motion is carried.

**Mr. H. Peacock** (Windsor West): Mr. Speaker, on a point of order. The "ayes" will stand and call for a vote.

**Mr. Speaker:** Order, please.

**Mr. Peacock:** On the point of order, Mr. Speaker, there were not five government members in their seats when the vote was called.

**Mr. Deans:** Including him.

**Mr. Speaker:** That has nothing to do with it.

Interjections by hon. members.

**Mr. Speaker:** Order, please.

I declared the "ayes" have it and there was no challenge, so the motion is carried.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** I understand from the remarks that the bill is to be referred to Committee of the Whole House, is this agreed?

Agreed.

**Mr. Peacock:** The "nays" have it—

**Mr. Deans:** I hope that the record shows that there was not a single "yes" heard.

**Mr. Stokes:** Let the record show that the Speaker can neither hear nor count.

**Mr. Peacock:** You have lost control of the House.

**An hon. member:** If you ever had control.

**Mr. Peacock:** Mr. Speaker, I move the House do now adjourn.

**Mr. G. Ben** (Humber): There is a motion before the House.

**Mr. Speaker:** I have two motions before me.

**Mr. Peacock:** I am sorry. Put your motion, Mr. Speaker.

**Mr. Speaker:** The hon. minister had the floor.

**Mr. Ben:** He moved.

## ASSESSMENT ACT

Hon. Mr. Bales moves second reading of Bill 127, An Act to amend The Assessment Act, 1968-1969.

**Mr. Deans:** Just a moment.

**Mr. Speaker:** I am sorry, the member for York Centre, I did not see you.

The member for York Centre has the floor.

**Mr. D. M. Deacon** (York Centre): Mr. Speaker, I just want to rise here and to speak for my colleague from Waterloo North (Mr. Good) who has been working on this bill.

**Mr. Speaker:** The member for Waterloo North.

**Mr. Deans:** How does the Speaker arrive at that conclusion?

**Mr. Stokes:** He was not even in the House when my colleague stood up.

**Mr. E. R. Good** (Waterloo North): Mr. Speaker—

**Mr. Ben:** He is not Mr. Speaker, he is Mr. Chairman.

**Mr. Stokes:** He is.

**Mr. Ben:** Is he Mr. Speaker?

**Mr. Stokes:** Yes, he is. When does the member ever see Mr. Chairman sit up there?

**Mr. Good:** —before us today we have a number of amendments to The Assessment Act, many of which are a great disappointment to the members of this caucus. There are many principles in this legislation and they all point out very emphatically that the work being carried on by the provincial government in carrying out their reassessment in the province has so bogged down that they are now trying to streamline the legislation to the effect that everything that is being done, or has been done, will remain at a standstill until such time as the reassessment takes place across the province. In other words, there will be no justice in assessment in this province for the next three years and it is very unlikely there will be any after that period.

I would like to go through the Act and speak regarding the various principles involved in it. There are about four very important ones which leave this bill very flawed. On the first principle, relating to the matter of orchards on farm land and the fact that

they should not change the manner in which the land is assessed, there is nothing wrong with that particular principle. It would leave people in the position where their land be no more valuable or less valued by virtue of there being fruit trees on it.

Two additional points in the bill are of a good nature, and I will deal with these first. One is the fact that adjustment will be made annually on the assessment of pipelines, as determined under section 4 instead of on a three-year basis. This will then allow for the application of a changed equalization factor and consequently a changed tax base for that pipeline annually instead of every three years.

The original Act states that in 1971 the minister is to review the rates at which these pipelines will be assessed. I am wondering if that has been done for 1971, and I am also wondering why the rates which apply to the assessment of the pipeline would not be adjusted annually. The minister will note under the section in the original Act that the rates were established in 1968 when The Assessment Act was passed and they were to be reviewed in 1971.

I would suggest that not only the assessment should be changed by virtue of a change in equalization factor but the rates which affect the size of the pipeline should also be brought up to date annually.

The five-year fixed assessment for railway companies is now repealed, and I would say it is about time. We have the pipeline and the railway assessment improved but we still have nothing to eliminate the reduction of taxes received because of the inequities of the way the telephone companies are assessed. I would ask the minister why that has not been included in this bill.

Going on to various other sections within the bill, we find that the next principle has to do with the time at which assessment may be placed on new property under section 43 of the Act. Previously, this was done at a time of occupancy or when the building or portion thereof was reasonably fit for occupancy. We find that since the province has taken over assessment the information transferred to the municipalities is lagging far behind. The staff is naturally engaged in its assessment at market value, with the result that the everyday duties which had been kept current and up to date when the assessment was under the municipality are not being done to the extent that they were before.

Assessment under section 43 has always been a very important part of the assessment and the consequent revenue of the municipalities and the municipalities relied on it very heavily to pick up assessments. My own county alone has approximately $20 million of assessments picked up annually under section 43. Now we find they are going to wait until buildings become occupied before they become assessed. For a single family dwelling, this will mean that builders will not have to pay property tax on that property until it is sold and the owner moves in.

Presently in the "twin cities" there are usually between 250 and 350 new homes which are built and completed on speculation and it takes an inventory of about this size to supply the market in my area. But, under this section, no longer will the municipality derive any property taxes from the time of completion until the time of occupancy. I know that in the past builders have used various tricks and gimmicks to get around this section whereby they would leave a few things undone in a house—maybe a toilet out in the bathroom, the sink off the wall in the vanity or something of this nature, and would say the house is not reasonably fit for occupancy and would evade taxations for some time. This will now mean that, while there will be certain advantages for the builder by not having to pay taxes and it will perhaps allow him to build more homes on speculation, knowing that he will not have to pay taxes on the building itself, it will work to the disadvantage of the municipality and, consequently, to the other people within the municipality who will have to pick up that lost tax revenue which was normally acquired through section 43 when buildings were assessed at the time of occupancy or when they were reasonably fit for occupancy. I am wondering how the assessment department will be able to ascertain the date of occupancy of every apartment in a 200- or 300-apartment suite, because the way I interpret this section is they will be assessed as they become occupied over a progressive period of time and most of the highrise buildings in most areas take anywhere from one to two years to become fully occupied.

There will be no revenue on those apartments which are unoccupied because it refers here, specifically, to portions of the building. I suppose the department will have to look back through leases, and will have to get affidavits as to occupancy and, consequently, people will then be able to get their residential property tax rebate from the date they moved in and not from the date when the owner started to pay taxes. I certainly

have misgivings about this section, because it does have advantages either way, but, I rather suspect, the revenue lost to the municipality and the consequently heavier tax load on the rest of the citizens of the community outweigh the advantages it might have to the builder.

The principle involved in the section, regarding the return of the roll at any time during the year, is a principle now given to areas within an assessment region which previously had been given only to wards within the metropolitan Toronto area. This would normally be of an advantage so that the work could be spread out over the year and, if an assessment roll is going to be returned at any time other than on September 30 it is required that the assessment commissioner advertise in the paper as to when the roll will be returned and let people know then at what time this will affect them as to their right to appeal under the assessment review court. This could be an on-going matter, I presume, except I would like to refer later to the fact that the assessment rolls will in fact be frozen starting this year until the year 1974 for taxes in 1975. Here in this presumption lies a very acute flaw in the whole bill, which we will deal with a little later on.

Of course, when the roll is extended past the date of September 30 by special permission, the extension of the appeal time is automatic.

The requirement that the notice of appeal to the assessment review court be sent to the regional registrar rather than the assessment commissioner closest at hand, in my view does nothing more than formalize the whole proceeding of the assessment review court. The fact that the regional registrar I think in my area has control over something like 100-odd municipalities, I believe, is now building this assessment review court in to such a judicial type of hearing that the average small property owner will be afraid to go before it.

I have spoken on this before and I see no evidence whatsoever that my original fears when the Act was changed were not correct. The assessment review court is building itself into a very judicial type of body. The hearings before it must be completed, under section 94, by December 31.

Mr. Speaker, I would like to suggest to the minister that here is a very serious flaw in the bill. With the assessment rolls frozen, there will be no return of assessment until the end of September, which means that appeals will not be made until about October 1. Consequently there is going to be only two months during which the assessment review court will hear these appeals.

There is no way they can get through all the work in two months under present-day assessing procedures where appeals are the order of the day. Consequently, they will just say "assessment upheld" and I fear that the small property owner, rather than getting justice through the assessment review court, is going to be pushed off to a higher court to have his case heard, whether it be a county judge or the Ontario Municipal Board.

I feel the assessment review courts are going to be so overloaded with work in those last two months of the year that the average small property owner is just going to be told, "Your assessment is upheld," and "Move on to another court if you do not like our decision".

Even now they cannot get through all the work that is before them. When they are dealing with appeals up north of Toronto here, they number up into the hundreds. I am quite concerned about that provision, which is certainly going to shorten the time when the assessment review courts can hear appeals.

I mention that particular section because it fitted in with the part I was talking about previously.

Getting now to the new sections of the bill and the principles involved here, under section 91 we find that the rolls as they were prepared in 1970 for taxation in 1971, will remain the rolls and the basis for assessment until the year 1974 for taxation, when the new rolls will come in for taxation in 1975. This, of course, will result in loss of revenue to the municipalities as well.

In other words, we are returning, except for the exceptions listed in subsections of the bill, to the old kitchen-table type of assessment where you just copy the roll from one year to the next and this is going to go on for the next three years. I suppose the only basis for doing this is simply because this department has taken over something which it just cannot handle at the present time.

The small menial tasks of keeping the roll up to date under section 43 are being thrown out the window. The government wants to get rid of the little jobs and concentrate on the reassessment. I just cannot buy that theory at the present time.

Although the roll is frozen, permission is given to add to the roll any areas which are

brought in by actions of the Municipal Board under annexation or the increase in business tax from 40 to 45 and eventually to 50 per cent in two years. The roll may be changed for this purpose, which is spelled out in the 1968 Act. Then we get down to section 93, and section 93 says that no amendment may be made to the assessment or the roll because of any increase to the property which results from the erection, alteration or enlargement, until the increase in value is at least in the sum of $2,500 or market value, or if the property is not assessed at market value, an equivalent figure.

While I am ready to admit the intention behind this section may have been good, the minister has so adulterated that basic intention as to render it more detrimental than it is good.

The fear of many people over the years has been, when the matter of market value assessment was first mentioned, that, "If I fix up my house and keep it in a good state of repair, I am going to be penalized, because it will be worth more in market value than if I let it run down." This is the fear that people have. We have spoken of it many times in this Legislature, and Mr. Speaker, I would be the first to welcome legislation that would allay those fears among the people of the province.

If I put on a new roof, if I fix up my porch, if I paint it, put in a new furnace, put some broadloom in my recreation room, put a little panelling around my recreation room, I do not want that to affect my assessment. But there has never been anything in The Assessment Act which allayed the fears of people. It simply said that market value is what a willing buyer pays to a willing seller and, consequently, if my house is worth more because I have made those improvements, I have always been afraid that the assessment department was going to assess me some more.

So I would welcome, and we would welcome, a provision in the Act which would allay those fears. Instead of that, we have what I consider a very great shortcoming. We have a section here that says one can do anything he wishes to his property in the next three years, we are going to close our eyes up to anything that does not cost more than $2,500. Well, I object very strenuously on behalf of many people in my community who feel that they do not want to be paying the tax load of those people who are going to put in swimming pools in the next three years. For a fellow who put in his swimming pool last year, that is too bad; if he puts it in in 1974 he will be assessed for it. But for three years he can put in a $2,500 swimming pool and the rest of the people in the community will have to pick up that tax load which it would normally assess.

Mr. W. Hodgson (York North): That is only a bathtub the member is putting in, not a swimming pool.

Mr. R. F. Ruston (Essex-Kent): The member had better read the Act.

Mr. Good: He probably has not even read the Act yet. Contractors under this section will be able to build a house without a garage; as soon as the owner moves in and the assessment department places assessment on it, they can then build the garage and that owner will have a tax-free garage for three years while the rest of the people in the community pick up his tax bill.

Now the original intention here was very good, that people should not be assessed for reasonable improvements to their property.

Mr. Ruston: Right.

Mr. Good: But the idea to permit things of this nature so that the rest of the municipality has to pick up the tax load, I think, is beyond any stretch of the imagination what people really want.

Mr. Ruston: Give it to them, you are doing a good job.

Mr. Good: The way this section also reads —it says, "until the value has been increased" —does this then mean that the assessment department is going to have to keep books on each individual house and if they have an improvement first of $800 and then of $1,000 and then another of $700, they are going to be able to slap a tax on it? The thing is so inoperable as to be ridiculous.

If you want to do justice to that section, take a look at the Act that the city of Toronto passed very recently which exempts improvements to property. This is the type of thing that people are concerned about. They are not concerned about having to pay taxes on a swimming pool or having to pay taxes on a garage; the rest of us are paying taxes on our recreation rooms because they have been finished. The loss to the municipality under section 43 is going to be very great and the municipality leaders to whom I have spoken, and the people to whom I have spoken, resent very much that the limits on this are so high.

I think the only way to correct it would be to exempt certain luxury items, such as adding another garage, or adding a swimming pool, adding a conservatory, or adding things of this nature. That would be one way to correct this section. Another way might be to simply use the wording that is in the Toronto bill which classifies these as improvements to existing buildings. You know the intent of the people and I know the intent of the people, but nobody ever intended that you should allow people to build swimming pools and extra garages with a three-year tax benefit. Whoever drafted this bill—well, it will not be there when we take over government.

Now, let me point—

**Mr. D. A. Paterson** (Essex South): That is right.

**Mr. Deans:** —We will all be dead and buried 100 years hence.

**Mr. Good:** Let me point to another final and very serious flaw in this bill. Under section 27 of the existing Assessment Act, 1968-1969, the basis of all assessment is set out as market value. Market value—that is the basis. A fellow gets his assessment and if in a municipality the assessment is 23 per cent of market value on the building and 50 per cent on land, you can figure out pretty closely whether his assessment is right or not.

When he goes to appeal his assessment before the assessment review court, he is valued on the basis of—well, if he is assessed at market value; you have got him assessed at $30,000. The house down the street has just sold for $25,000, so he figures he is assessed too high—he had something concrete and definite on which to base his appeal. When he hired legal help and went before the OMB or a county judge to appeal his assessment, he had the basis of market value under section 27 of the 1968 Act.

Now, by one paragraph in this, the government has thrown out the whole concept of market value as a basis of comparison for assessment. And read section 96 where the principle is simply this:

> The assessment review court, county judge, Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed.

That is the only thing he can hang his hat on.

In other words, Mr. Speaker, if a whole town or if a whole neighbourhood or if a whole street is overassessed there is not one thing he can do about it because this section says he can only base his appeal on the assessment on his neighbour's property. If they are incorrectly assessed, all he can do is take his hat and leave the room, when they say that that is the only basis on which he can appeal.

This, Mr. Speaker, is almost unbelievable —that the whole idea of giving a person a concrete basis on which to appeal his assessment, is thrown out in one paragraph.

Before the 1968 Act came in, the basis of appeal would always be on the basis of actual value. Now actual value is a more elusive value. It is harder to define. It took into account the size of the building, the use of the building, the location within the municipality and a lot of other factors related to actual value. Then we thought we could get to market value, because that varies from one municipality to the other; that varies from one locality to another within a municipality. We have a more constant norm on which to base an appeal.

But now, Mr. Speaker, this amendment throws our market value as a basis for appeal and says that the only thing one can use is the assessment at which one's neighbours' houses are assessed. If they are too high, he is too high too. All the assessment review court will say is, "I am sorry. It is not within our jurisdiction to look beyond the vicinity."

It does not even say here what "properties in the vicinity" means. Does that mean on the street, in the neighbourhood, in the municipality, or what does that mean? The basis of appeal is going to be so clouded by this section that it is going to be almost inoperable and it is going to render the whole appeal process useless, because one cannot appeal the assessment on what one's own house is worth. One can appeal his assessment only in relation to his neighbours' if they are too high or too low. Mr. Speaker, does the minister realize we are going back so far in assessment practices here that it is almost unbelievable?

**Mr. Deacon:** I wonder what McRuer would say about this one.

**Mr. Good:** Mr. Speaker, the principle in section 98 says that all appeal decisions, or any assessment that had been done this year, in 1971, will be thrown out. In other words, it states:

> No assessment taken in any municipality under sections 1 and 2 of section 46 in the year 1971 shall be used for the purpose of taxation and no appeals, complaint, action—

Mr. Speaker, there have been appeals to decisions made in this current year. I am wondering, will they be thrown out? Will that money be spent for nothing? According to what it says here, it will be. This money will have been spent in vain. A person wanting to appeal his assessment now will have to go back and appeal it under this ambiguous section of 96.

I am sure if the minister, Mr. Speaker, seriously examined the contents of this bill, as I have, over the weekend for hours and hours, and I have spoken to people across this province, he would have many grave concerns about bringing in this legislation. On the basis of that, and especially the fact that this section renders the appeal process useless, we have no alternative but to vote against this bill on second reading.

**Mr. Speaker:** The member for Wentworth.

**Mr. Deans:** Thank you, Mr. Speaker.

I want to say, first off, that many of the points that were raised by the member for Waterloo North are excellent points, points that I would hope that the minister is going to be able to answer, because like the member for Waterloo North, I too spent much of the weekend reading the bill and had intended to raise a number of things that have already been raised and, therefore, I do not intend now to raise them.

I want to say at the outset that I get the feeling that perhaps, in taking over reassessment, the government has bitten off more than it can chew; that much of the nitty gritty of operating assessment that was previously handled at the local level has proved to be a much greater undertaking than the government in the initial instance realized, antd that by moving as it has done, it has not given sufficient thought to the effect and outcome of the change in the assessment methods that are now being used.

I want to say also that this kind of change is not tax reform—not by a long shot. Though appealing—I am talking basically about the freeze as it affects any additions to property—though appealing, it is going to be very difficult to enforce and will, in fact, be rather worthless by the year 1975 unless there is a guarantee from this government that a proper tax reform will take place between now and then.

I have been in this House for 3½ years and during that 3½ year period, I have listened to the previous Minister of Municipal Affairs, now the provincial Treasurer (Mr. McKeough), say on numerous occasions that the province was going to undertake a meaningful tax reform that would bring about a relieving of the municipal tax burden on the property owner. He said this in January of 1970, January 29 to be precise. I think he was speaking in St. Catharines to the Rotary Club, if I am not mistaken, and that is a year ago or more.

I want to quote from him because I think it is indicative of what has been promised over the last number of years and I want to see what has actually taken place; and I quote:

> "We are all aware that the present system is lacking in terms of equity, efficiency, and most crucially important, in the capacity to raise the necessary provincial funds. The provincial tax system," he said—

And the "he said" was the provincial Treasurer of today.

> —"must be so designed that it will be capable of equitably providing larger financial transfers to local municipalities and school boards."

Now in the intervening period we have seen any number of piecemeal changes taking place. Changes such as the grants to the farmers that we had not many months ago, the additional grants to the aged, the grants to regional government that were introduced just a few nights past, of the grants for transportation purposes that were alluded to by the previous Treasurer, the Minister of Transportation and Communications (Mr. MacNaughton) and which were debated at length in this House during the last week.

Each one of these changes can do nothing but damage to any meaningful attempt by this government to bring about equitable tax reform; but they are not compatible with tax reform. Tax reform means a basic change in the emphasis which has been historically placed on realty tax, and a move towards providing moneys from the provincial level to the municipalities in an unconditional way, in order that they can go about the business of providing services with the necessary moneys.

The kind of changes that we are getting—and this is an additional change, a change that has a lot of appeal attached to it—are nevertheless changes which will bring about

a lot of heartache by the year 1975 when the final assessment is apportioned and when the levy is made.

This kind of change cannot be encompassed, cannot be incorporated into any meaningful tax reform; you cannot talk about guaranteeing people the right to spend moneys on improvements and on the maintenance of properties, basing the saving on a freezing of assessment. This cannot be done.

That is not how those things are accomplished, and I want to say to the minister that I suspect that while in terms of meeting the immediate future and the pending election, this may well prove to be an acceptable thing to a great many people, I think that those selfsame people will be pounding on his door in the year 1975 and they will be complaining bitterly about the sudden jump in their taxes, simply because there is no indication from this government that there is going to be a basic alteration of the manner in which, and the means with which, municipalities are going to have to raise money.

During the course of the last number of months, there have been representations made to this minister by almost every single municipal—not necessarily this minister but the minister of this department—by every single municipal governing body and mayors of municipalities; the mayors and reeves, all of them, and the rural municipalities. They have all been here and each one has said basically the same thing: that additional conditional grants are not going to solve our problems—and this, in effect, is reducing the earning capacity of those municipalities even further—that the change that you have made, unless it goes hand in hand with additional large transfer payments from the province to compensate for losses in revenue, or losses in expected revenue, will cause only hardship.

I want to say clearly that I would be the first person to agree—I already said so in the House and I suspect it may or may not, I am not going to say but I think that perhaps it did have some influence in the department—I would be the first person to agree that an individual wanting to spend part of his expendable income on maintenance and improvement on his property should be able to do so without an increased taxation on the property. I agree with that as a principle, and I think that it is a very necessary part of assuring that the properties are kept up in reasonably decent shape and that individuals who perhaps do not want to fritter their money away on luxury items will feel some sense of justice in spending the money on assuring themselves of a decent place to live.

Now I agree with that. This does not do it; this only prolongs the agony. It means that the person having once decided to spend, let us assume $2,000 to fix up his recreation room, to put an additional room on his home or to do any number of things, including putting on a new roof or building a retaining wall or whatever it is that he does; that a person having decided to do that will do so knowing full well that the full weight of taxation will be thrust upon him in three years' time.

Now I suspect it will only be through some form of tax credit attached to an alteration in the income tax formula that will allow people to spend a percentage, and the percentage can then be based on real property value to expend the percentage of that without any increase in total taxation, and that is the key to it. That is not what happened here. These people will at some point be forced to carry the burden of all the taxation that they would have been forced to carry in the year of 1972. The only thing is that they are getting a tax holiday over three years. That tax holiday will result, as was stated before—and I firmly believe it—in a decrease in the total revenues the municipalities can reasonably expect to get.

I have looked at this Act very carefully, and unlike the member for Waterloo North I want to tell you, Mr. Speaker, that we will support the Act, subject to hearing what the minister has to say about some of the criticisms—okay? I want to know first of all what it is that is intended by this government in order to alter the tax structure in order to bring about more equity and less burden at the municipal level.

I want to know what is going to happen in regard to the payment-for-services proposition, that the municipal taxpayer should be in effect paying for the services that are directly related to property and that other things, the likes of education and social services, should be paid for out of the much broader tax revenues of the Province of Ontario.

It is a matter of whole tax reform that is directly related to this problem, because this is simply a little bit of glitter in the whole thing. We have got to know in order to be able to determine how well this kind of operation will apply in practice, or what

the effect of the need of the application of this kind of change will be. We have got to know what the government intends to do in the way of tax reform. That is an integral part of the whole thing.

If it is just simply going to be that between now and the year 1975, these people are not going to have to pay taxes and then in 1975 they are going to be thrust upon them with the whole weight of the tax structure including all of the changes, if this is what the end result is to be, then it is not any good. What should have occurred in this bill is that there should have been spelled out the various things that people would be entitled to do to their properties that would not in any way affect assessment.

That is the change that had to be made; that people should be told quite clearly that it is reasonable, it is within the law to make certain changes to your properties, and that if you make those changes, this will not be considered as a change for assessment purposes; not for three years, not for four or five years, but that it will not be considered at all.

I understand the difficulty that you have, the difficulty in that some people having already paid money out over the last number of years will feel very resentful if someone else gets away with doing something that perhaps they originally paid for and which someone in the future will not have to pay for. But that is in effect the way the law works. You operate under the law as it exists at the time that you make any changes and those affect any law. If it is decided after a law has been in effect for 20 years that all of a sudden something in it is no longer relevant to this society it is not possible to make it retroactive.

But that should not inhibit government from making the necessary changes for future considerations. This is what has to be done; that as of a certain day in May, a certain day in July if you would prefer, you have to say that there will be certain alterations, additions and improvements that can be made to properties without additional tax levied, and that there will be a change in the taxation policy of the Province of Ontario that will allow people to spend up to a certain percentage of—and you can choose assessed value or income; I suspect probably assessed value rather than income, but I am not going to argue about that at the moment. But that kind of change will be made in the basic tax structure in order that an individual can spend up to that amount on things which he wants to do to make life more comfortable for him in his home.

If he chooses to spend a portion or all of that money on building a recreation room, while his next door neighbour buys a boat with the same amount of money, then he should not find himself taxed for the rest of his life, paying for that alteration while his friend pays taxes but once. This is the kind of basic change that has to take place and what you have done here just is not that kind of change.

Now, in regard to all of the suggestions made by the member for Waterloo North in regard to the assessment courts, I think he is right in regard to the length of time. I wonder seriously whether in major municipalities it would be possible for the assessment review court to deal with all of the appeals that will come before it between the month of October and the month of December.

Now, the minister, and perhaps there has been a study done in that regard and perhaps the minister can satisfy us in the House that that a 2½-month period will be adequate. I wonder seriously.

I also want to ask if the minister, in his answer to the comments that are being made, could perhaps explain under section 4 of this particular Act—which is another principle in which the profits from—the mine tax profits—whether or not it has been compensated for in another Act to ensure that those municipalities will not receive any less in total revenue as a result of this change.

I do not know exactly where that would come in but I would like to hear from the minister exactly how those municipalities can be ensured that their total revenue for municipal purposes, including education, will not be so drastically reduced as a result of this kind of a change.

Now, I want, in closing my criticism of what is taking place, to say to the minister that for the last number of years there have been any number of statements made by this government ranging from those of the member for London North (Mr. Robarts) when he was the Premier, all the way down to the chief government whip from Durham (Mr. Carruthers), about the problems of municipal taxation. I say all the way down, perhaps all the way up. I do not know how you measure those things.

But, anyway, from the former Premier to the member for Durham, there have been statements issued over the last three or four

years about the tremendous inequity and inequality in the municipal tax structure and the need for basis change; the need to make meaningful change right at the gut level. Nothing has happened—nothing that I would say is tax reform.

We have had handouts and more handouts and over the last month we have had even more handouts; all leading up to the day when we go to the polls. But it seems to me, watching the government operate, that there is no co-ordination within the government of any direct taxing policy that will bring about the reform that has been spoken about.

I read in the paper of March 11, which is not many weeks ago, in the Toronto Daily Star, where the Treasurer again stands up and makes a great statement about how we are going to alter the tax structure in order to have a provincial income tax. I thought that died some little while ago. I heard him say the same thing. I heard the Minister of Transport and Communications when he was the provincial Treasurer say the same thing. It seems to be a useful ploy to play.

It seems to be a little game that all of a sudden when things are not going too well, we start talking about all the changes we may make some day. And I ask you when can we expect to see those changes? When can we expect to see legislation introduced that will reduce the burden of municipal tax; that will reduce the education cost to the municipality; that will reduce the social agency costs to municipalities; that will bring about the kind of meaningful reform that will guarantee that the bulk of the moneys that are spent are raised through progressive tax means?

Now this change only further entrenches the regressive nature of municipal tax. It will mean unless there are complementary grants to be made available, it will mean that municipalities will not be able to look forward to the same kind of growth in their assessment base that they had been planning to have in the next three years. And I want to know from the minister what it is that he intends to introduce by way of complementary legislation to guarantee that municipalities will not find themselves further burdened by having to tax the already hard-pressed taxpayer at the municipal level in order to compensate themselves for the fact there will be no growth in their assessment rate.

**Hon. D. A. Bales** (Minister of Municipal Affairs): There will be.

**Mr. Deans:** Not in existing buildings; not unless there is rather a massive rebuilding or redeveloping. And I say to the minister that those are the kinds of things that we have to hear in this House before we can support his legislation.

**Mr. J. R. Breithaupt** (Kitchener): Mr. Speaker, briefly I have some comments to make with respect to the item which has been raised under section 13 of this Act. That is, the proposed new section 96 for The Assessment Act, 1968-1969. In this section there are various powers on appeal that have been set out. I am particularly interested in hearing from the minister as to what he means by the vicinity phrase that is used in the sixth line of that section.

We can see from this section that apparently the assessment review court, the county court judge, or whoever else might be involved in reviewing various items, can take reference to the values or similar properties in the vicinity of that which is being discussed before the court. Now I would point out to the minister that there has been a recent decision of the court of appeal in the Province of Ontario which sets out certain decisions made by the towns of Vaughan and Richmond Hill; and these decisions were held to be incorrect. The decision apparently was made that the whole assessment roll was appealed and the end result was that since the names and addresses of the owners of some 6,000 properties were not appended to the appeal, the whole approach taken by the municipalities was not valid.

Well, up to 1965, Mr. Speaker, as you are aware, the assessment was, of course, the responsibility of the municipalities. And all of the working papers and information and other items which were available to the municipal councillors and staff were also available to the individual taxpayers for the purpose of making the necessary comparisons which could be made to ensure that errors were not being developed within the tax rolls.

But as a result of Bill 205, we now have a new Assessment Act and certainly the individual taxpayer now no longer has the access to the kinds of information which he then had. I am informed that in 1970 when the former Minister of Municipal Affairs visited Richmond Hill he suggested that the only way to keep close eyes on assessments would be to go through this procedure of appealing the whole roll. This was done; and of course the municipalities that did it were not successful.

Now it seems to me, Mr. Speaker, that the thinking behind the appeal of this whole roll approach is one by which the municipalities are attempting to obtain information upon which to compare the various assessments that have been made. They no longer have the tools available to them. The individual taxpayers no longer have the information and it would appear that the information is simply not going to be provided.

I agree, of course, that none of us enjoys paying taxes but one of the benefits of being able to compare tax assessment figures is to ensure that we are paying a fair share. And it is also to ensure that persons whom we think may not be paying a fair share may have this pointed out to their local fellow citizens, or to the forms of local government which this government is always so strongly in favour of.

But it would appear, of course, that this favour is only a paper one, it is not an effective or actual one. And if the standards of municipal government are worthy of looking into and are not as high as the former minister, the present provincial Treasurer, would like, one way of stimulating standards of local government would be to ensure that this kind of government response is returned to the basic levels within our community. We can not obviously ensure that high standards of local government are going to be obtained or even achieved if we continue to remove and erode the individual from the form of government. We are continuing to erode this individual responsibility if we do not have the facts and the framework in which to involve local citizens at the basic level of municipal government.

Mr. Speaker, the Liberal Party believes that the taxpayers should have the right to compare the various assessments which a taxpayer might receive with those of other taxpayers. We think that this comparison must take place at a convenient location. It would appear that the various courts set out in section 96 are going to have some right to look at the assessment of real property in the vicinity in which a subject property might be developed.

We think that municipal employees and citizens should have that right as well. I would appreciate hearing from the minister as to how he sees this section operating and what facts and figures are going to be available to the courts. Are these courts going to have the kind of leadership that they should have? Are they going to have the figures upon which to compare information? If they have these figures, why are the figures not available to the individual taxpayer?

**Mr. D. Jackson** (Timiskaming): Mr. Speaker, I would just like to spend a minute or so on section 4, subsection 1. Under this subsection, the minister is removing the right from the local school board or the regional school board for it to tax—or to assess and tax—the mine profit tax on any mine situated in unorganized territory.

It is my opinion, Mr. Speaker, that the reason they brought this right in at the beginning of the original Act was because we crossed the municipality borders by bringing in the regional school boards. By doing so we then put the school board in the position where they were bringing in children from unorganized territories and therefore we gave them the right to tax the mine's profits.

The minister now is going to take that right away and he is using the words that at present permit school boards in unorganized territory to tax mine profits. But school boards in organized territories do not have such authority, and he is relating this to the right of the municipality to tax the mine's profit, which is effectively removed because they receive a grant from the government under subsection 9 of section 28 of the original Assessment Act.

I would just like to say, Mr. Speaker, if we take this right away from the regional school boards, we are going to take away a large percentage of their assessment. In my opinion, most school boards in these areas have not used that assessment in the past anyway, but at the same time as we are going to take this away so that they cannot use it, some guarantee should be made to the school boards that they will not lose by the change in the Act. Accompanying this amendment must be a further amendment that will say that if, because of the change under subsection 1, the regional school board suffers financially, the government will, through grants, guarantee that that loss will be made up.

As my colleague says, my approval and our approval of the bill, will be on the minister's answers that he gives at this time. I would like to have him tell us now that he will bring in another amendment to the bill to guarantee to the regional school boards the same level of assessment and the same level of income that they presently have.

**Mr. Speaker:** The member for Welland South.

**Mr. R. Haggerty** (Welland South): Thank you, Mr. Speaker. We welcome the changes in portions of this bill in dealing with The Assessment Act. I want to discuss perhaps section 3 which is rather ambiguous or confusing to me.

I have spoken at different times on this matter. Dealing with fruit farmers or fruit orchards within the Niagara region I see the change here that the minister is going to class the fruit orchards, if I can interpret this rightly, as woodlands. Now if I can recall correctly, in the former county of Welland, woodlands were assessed at around $10 an acre, at one-third of the remaining actual agricultural land, which amounted to about $40 an acre on an average throughout the county. The orchards at that time were assessed for some $300 to $400 an acre, depending on whether they were growing grapes, cherries or fruit trees.

As I said before, I welcome this change but rather than classing it as woodlands and lower it to $10 an acre, perhaps there should be a more uniform rate in dealing with the assessment of all farm land, striking a rate of, say, $40 an acre based on the old assessment.

The other matter, dealing with this same issue, is that I see nothing here that deals with those persons who farm marsh land. I know in the town of Wainfleet now where certain farmers are removing the brush from the marsh and are growing vegetables. This land is being assessed today at anywhere from $300 to $400 an acre. I can see a discrepancy in here if these marsh lands perhaps are not included in this section too. There is quite a bit of marsh land in that area and even in the city of Port Colborne. These particular farmers find it rather hard to compete with other farmers in the area when their land is assessed at $300 to $400 an acre. I just wonder if this minister had not given some consideration to this.

The other matter, Mr. Speaker, deals with the section dealing with the mining of natural gas within a municipality and particularly in my municipality, where the small gas producer is being phased out due to the large Consumers' Gas Company coming into the area. I just wonder about application of this section, where probably there is a need for it.

The point I want to bring to the attention of the minister is that in many areas in southern Ontario there are gas companies, the large distributors, that are using certain areas as gas storage. This is where they are bringing in western gas and pumping it back down into the ground, into the rocks, for storage purposes and in the winter time they can draw from that reserve and then pump it back out into the transmission line. I could be wrong on this, but I presume that the Consumers Gas, presently in the Sherkston and Crowland areas—now the city of Welland—are using this as a storage shed and eventually will be exporting this gas to the United States. And there is no taxation whatsoever on this type of a business; yet it is a business, and I think the province is losing revenue by not taxing gas storage areas.

The other matter I want to deal with, Mr. Speaker, is what my colleague from Kitchener mentioned about the appeal procedure—and I would have to go along with him; I could not accept this as printed in this bill. It will not provide the property owners the right of comparison with other property within the municipality, or in fact the regional municipality. I know under the county assessment procedure in the former county of Welland that persons had the right to appeal from one municipality to another. In fact, members of county council used to go out and make a tour of the county at that time and compare property owners from one municipality to another to see that the assessors were perhaps doing their job, or perhaps they had a more uniform rate throughout the region for more equitable assessment in the county. This is going to be allowed on a certain street, perhaps with a next door neighbour, and I do not think this goes far enough; I think it is not broad enough, because when we are dealing with regional taxation, the rates should apply across the region, not just the one street for sales and so forth. I think this is a fact that should be taken into consideration. For these reasons I support my colleague from Kitchener in opposing the bill.

**Mr. Speaker:** The member for Essex South.

**Mr. Paterson:** Mr. Speaker, I would like to speak very briefly on this particular bill, in particular to section 3, as enunciated by my colleague.

I think that this move to exempt orchards is certainly a step in the right direction. An orchard can be a great revenue-producing matter on a farm, in comparison, say, to other types of agriculture. But it is not necessarily so. At the present time we have a depressed market in apples. If the minister possibly

could expand even further on these exemptions, in Essex county we have a great deal of land that is covered by orchards and thus are increasing and I know this is going to be welcomed by the people in that district.

But as has been pointed out, the very specialized lands, the buxton clay and the muck type soils bear a very high assessment. I was thinking of my onion farmers in the township of Mersea who, I believe, pay the highest rate in that area on assessed value per acre on that land, yet they are producing a crop out of which they cannot even get their input costs back. It is one of the anomalies of the present conditions. I think they have to take a whole new look at these factors. I think that this section is a step in the right direction toward that.

One other point I would like to make on the bill is on page 3—real property becomes liable to taxation from the date of occupancy. I am sorry that the minister did not include in that, that if the government is going to continue in the tax rebate business that these rebates would be paid back within the 30 days of giving notice to vacate.

I realize this is not related specifically to assessment, but it is a principle I think that the government could follow up on in a subsequent bill, and possibly my friend from Waterloo will do so in due course.

**Mr. Speaker:** The member for Niagara Falls.

**Mr. G. Bukator** (Niagara Falls): I think I can sum up my remarks with a brief letter from the Niagara Peninsula Fruit and Vegetable Growers Association at Vineland Station in Ontario. I received this letter on July 5.

> We are most concerned about the application of the fair market value principle in The Assessment Act of Ontario. The Niagara Peninsula Fruit and Vegetable Growers Association, and as parent body, the Ontario Fruit and Vegetable Growers Association, through their respective committees have been studying closely the implication of the use of the Act as written. We have been in contact with officials of The Department of Municipal Affairs and the minister responsible for the department.
>
> Fruit and vegetable growers are opposed to having their land assessed at market value, because the high artificial speculative value of the land and land sales, create a value many times higher than the agricultural value. It is unfair to assess the management ability of the operator because this is reflected in his income tax. Thus, the addition of trees and vines to the land should not be assessed.
>
> The reported suggestion of the assessment—assessing the sand loams used for specialized crops about three times greater than general farmland—is not fair because of the natural limitation of the sand for growing all crops.
>
> Our major concern is the possibility of a shift of the tax burden to the farming communities. We believe that we already bear a large enough share. We are in agreement with the point system which considers drainage, topography, stoniness and, to a lesser extent, climate within the soil type. It does a fair job of rating the agricultural capability of the land. Land use capability maps have been prepared by ARDA.
>
> We understand that The Department of Municipal Affairs will recommend to cabinet the adoption of a land use capability method of assessment with all soil types receiving relatively the same dollar valuation for assessment purposes and that the fruit trees and vines will not be assessed. Assessment differences would vary according to the value of land as affected by stoniness, drainage, climate, et cetera. The Niagara Peninsula Fruit and Vegetable Growers Association urge your support of this land use capability method of assessment.

This was signed by Harry Parker, the chairman of the property committee of the Niagara Peninsula Fruit and Vegetable Growers Association.

I would ask of the minister, when he makes his remarks, if would be kind enough to inform this House whether he has taken up or will take up, the problem with the cabinet about the method of assessment that the fruit growers of the peninsula are recommending. It appears that the department is going to use this new method. I may read that over again:

> We understand that The Department of Municipal Affairs will recommend to cabinet the adoption of a land use capability method of assessment with all soil types receiving relatively the same dollar valuation and assessment.

I would like to also inquire of the minister if he believes that the appeal method that is going to be used in this amendment to The Act to amend The Assessment Act, would not have been handled better a little

closer to home. I cannot be persuaded that, in taking all of the assessments into Queen's Park, or into a department of this government, while removing them from the local autonomy of the authorities closer to home, he is going to get what he is looking for.

I understood at the beginning, when this new method of assessment was coming into effect, that the day would come when he would put the house in order and then return the assessment rolls a little closer to home at least, so people can inquire about their assessment and get much quicker answers to their questions than they are getting now.

Is the government eventually going to return the assessment to the areas affected whereby people can not only appeal their assessment, but get hearings for them? I gather from the comments made already in this House that there will be so many appeals that the department cannot handle them all and then it is going to put a time limit on them, rather than deal with each case until they are all handled in a manner fair to each assessed taxpayer of the province.

**Mr. Speaker:** The member for Lakeshore.

**Mr. P. D. Lawlor** (Lakeshore): Thank you, Mr. Speaker.

When, two years ago, the minister's predecessor in office brought in The Assessment Act which was ostensibly a thorough revamping of the legislation as it then stood, it was admitted, even by him, at the end of the day, that what was recommended by the Smith report, particularly touching these matters in volume 2, and as you went into volume 3, on particular matters such as mining, taxation, that it was not a revamping. It was a stick-in-the-mud, status quo piece of business where some of the nice furebelows on the side would be altered but that the central structure would remain intact.

His argument at that time was that until a reassessment had been completed throughout the province it was difficult, if not impossible, to alter the structure of taxation as recommended by even such a fuddy-duddy like Smith.

At that time, if the minister were to look into it, this speaker made a two-hour résumé contrasting and comparing the recommendations of Smith over against what he has in his present Assessment Act; that is, the 1968-1969 Act, which is being amended this afternoon.

As I say, each of these was contrasted and compared throughout the whole dimensions of the reform in the assessment and there were pointed out to you further measures as to what should be done in order to make a reform true to that name, viable, effective and searching.

Now, we are up against this legislation again today and it had not struck me at the time when the former minister occupied the office that it would be so long, prolonged, extended and procrastinated with in touching the business of reassessment.

Now you are freezing the assessment year until 1975. I would have thought that you were well launched on your way. You have had two or three years to do that, to get going on it. You started on the assessment—sure, you made numerous blunders, Mississauga being an outstanding account that remains in mind, where you reduced the levies on the oil companies—Texaco and others—and raised it on the residential property.

That kind of dislocation, considering the nature of the beast, is perhaps understandable, but completely unforgivable. By "the beast," I mean the present government.

What what you have done here, if there is a theme or trend running through this present legislation in principle, is that it is a series of alleviations, some of which I find palatable, some of which I find ambiguous.

Any alleviation—I put it to you Mr. Minister, through you Mr. Speaker—such as is contained in paragraph 2. Let us read your note to immortalize it in the pages of this House:

> Paragraph 19 is revised to change the basis of tax exemption from "buildings used mainly for obtaining minerals from the grounds," to "the proportionate part of these buildings used for obtaining minerals from the ground." The change will provide a more equitable basis for the exemption.

I wish I had the strength of sarcasm with respect to the alleviations visited by this government over the past five or six years—longer than that—upon the mining industry in one way or another, so that the amount of tax it pays to this province and to the municipalities thereof is picayune and is perhaps the crowning absurdity, so far as your regime is concerned, touching taxation methods in Ontario; not only a crowning absurdity, but a scandal.

People look at your taxation policies touching money in resource industries hard, which apparently they do not do. But here comes another—minor, admittedly. It is not going to be world shattering as some of the alleviations given, but here it is again.

Any time they can, out of the public purse, vouchsafe some benefit or confer some largesse upon the heads of the mining corporations, they are the golden boys, even if gold is not doing so well these days.

They get a privileged position. They enjoy benefits and an extension of bias by the government that far exceeds anything afforded any other class of population, and certainly the working people of the province.

Now this is a crowning truth, an obvious fact, and it is one of those things I find ignominious and as you see, I usually speak somewhat heatedly about the way you treat mines and the natural resources because you do not equitably tax that industry or those industries as compared to what the burden of the homeowner is in this province with respect to the municipalities.

Here we are, here is another minor alleviation taking place. You are going to do it proportionately. What kind of manipulation are you building into the legislation under this particular heading?

The legislation by and large, Mr. Speaker, is a patchwork of changes and basic alleviations; some of them to natural-resources industries, others to the pipeline.

The only other ones I wish to make mention of—and I think we will ask that this bill go into committee so that we can dwell more pertinactiously upon particular sections since it is this sort of quilt—is the business of the $2,500 exemption. I would like the minister to clarify—even after a second reading, I am not certain—precisely, of the impact. That is something we have spoken about and desired for a long time on the face of it, but as I read the section I am not clear as to whether every $2,500 is alleviated then, or if for instance someone spends $3,500 on a building, having exceeded the $2,500 the whole burden is assumed. Or is it understood in your legislation that the first $2,500 is, in any event, exempt or not placed on the tax rolls. That would be a question I would like clarified just at this stage.

With the institution of assessors operative out of Queen's University and with the assumption from the municipalities of their full complement of assessment people, and with the training that you have been giving them, I would also like to be quite clear as to why you feel it is going to take up until 1975 to complete the assessment for this province, considering the weight of it that has already been accomplished. Why is this thing being so prolonged? What is your reason for designating such a distant future, apart from the elections which are forthcoming?

**Mr Speaker:** Does any other member wish to participate before the hon. minister? The Minister of Municipal Affairs.

**Hon. Mr. Bales:** Thank you, Mr. Speaker. Mr. Speaker, I have listened carefully to the comments of the various members, and in going through the bill I will endeavour to take it in the order in which the sections are, so I will not deal with each member's remarks individually.

This is a bill incorporating a number of changes to the present Assessment Act and clarifying a number of matters and dealing with them as we need to and then touching on the larger matter of stabilizing the assessment for the next three-year period until the assessment for 1974 for taxation in the year 1975.

I was interested in the comments of the hon. member who last spoke in connection with section 2. Of course this has the effect, really, of only exempting the portions of the building that are used for the obtaining of minerals from the ground. At the moment, since it reads differently, if it is over 50 per cent, then it is the whole building or all of the buildings that is exempt from taxation. If it is just under 50 per cent, then it is different. But this way it will be, I think, as the footnote says, or the other note says, a much more equitable basis of doing it because it can be done on a proportionate basis throughout. In essence I think it will be a heavier tax on the mines rather than otherwise.

In reference to section 3, the addition of the words, "or orchard," has been put there so that we are not really assessing management of farm property; rather we are assessing the value of the land itself, and not simply what is grown on it. I think that this is a good change and it will be for the fair assessment of farm lands of that nature.

The hon. member for Niagara Falls has left the House for the moment, but the matter that he has raised I will deal with separately, or speak to him. I have that before

me and I will bring it forward to the cabinet later on.

Section 4. Of course, I gave a statement in reference to mining tax payments earlier in this year, some several months ago, and school boards do not at the present levy taxes on mines profits. These are really a type of foundation grants for them. I made the statement at that time that no municipality would in this year lose money by reason of the net payment to the municipality which would take into account moneys they received for school boards, because most of them become not eligible for school board grants as well as moneys paid to the municipality.

I incorporated moneys in those to be paid so that in this year there would be no net loss.

**Mr. Deans:** How does the minister intend to reimburse the municipalities from the mining operations in that mines will no longer have to pay taxation?

**Hon. Mr. Bales:** They are paying taxation.

**Mr. Deans:** Assuming they will not have to pay it under this section, how does the minister then intend to recover those moneys that they no longer will have to pay?

**Hon. Mr. Bales:** They do it in a different way, and we pay the money out on the basis of the—

**Mr. Jackson:** What is the different way?

**Hon. Mr Bales:** —assessment in the area and equate it to the average assessment in the province. We have set the assessed figure per capita in the mining areas at $10,000, which today is substantially above the average assessment throughout the province. And since that difference is there, it means moneys going to the mining municipality.

I made that commitment for this year and it will be looked at next year to see the effect of this formula. Because we do not want the municipalities to suffer from it. We think it is an equitable formula by which they will derive more money than they have under the previous arrangement.

The next section I would touch on is in fact No. 8 dealing with occupancy. The hon. member for Waterloo North made some statements to the effect that the municipalities would lose money on them.

There may be some decrease, but I think by and large they are going to find that they will benefit from this type of arrangement. It is particularly applicable in reference to muliple family units. At the present time they have only been able to tax that whole unit, or the whole apartment, or whatever it may be, at such time as it is substantially complete.

At the present time they will be able to go back and tax the apartment as of the date of occupancy. Frequently in large apartment buildings, some of the floors are occupied before the upper floors are complete, and in this way—

**Mr. Good:** They should get an occupancy permit from the building inspector.

**Hon. Mr. Bales:** —they will be gaining, Mr. Speaker, taxation on those apartments that are occupied from the date of occupancy.

At the same time, we have provided here that those who occupy the apartments will be able to, or will become eligible for, tax rebate as of the date of occupancy and not as of the date when the whole building becomes subject to taxation.

This is a much fairer arrangement for the tenants who occupy these buildings, and in this way they will receive that benefit which today they are not eligible to receive.

Under section 10 there is a matter of notice of complaint. I was interested in the comments in dealing with this matter—that the hon. members were opposing an appeal to the assessment review board. I think it is eminently fair and proper that you should not be compelled to make the appeal to the person or the office that does the original assessment. In this way the assessment is made to the assessment review court, an entirely different body and they are the ones who will process the matter.

The question here as to the time of the appeal, and at the present time—well no, that comes later. According to section 13, at the present time the staff are dealing with reassessment throughout the province to bring it up to a uniform basis. This is a complex procedure, and is turning out to be much more complex and difficult than was originally—

**Mr. Deacon:** We are glad to hear that.

**Hon. Mr. Bales:** —anticipated. It is a very big job when you are, at the same time, endeavouring to maintain assessments throughout the province on a different basis for each year's return of the assessment roll. It is taking a substantial amount of time and it

could, I think, be dealt with or it could be applied to reassessment.

Under this system in section 13 and the ensuing sections, the assessment base for 1970 will remain the assessment for each succeeding year up to and including 1974—

**Mr. Good:** Who is going to reimburse the municipality?

**Hon. Mr. Bales:** —to 1973 rather, not 1974. We have provided that those assessments may be appealed in each year up to October 31. The member, in speaking about the shortness of the period, did not realize that you have up to October 31, so that you can appeal the assessment from January on and you can bring that appeal at any time during those first 10 months of the year. So, in effect, the assessment review courts will continue to function over that period of time. They will not—

**Mr. V. M. Singer** (Downsview): But only if the roll is in.

**Hon. Mr. Bales:** The roll will be in because you are using the 1970 assessment—

**Mr. Deacon:** What about new houses?

**Hon. Mr. Bales:** —as the same assessment in each year. Hence you know what the assessment is going to be for those next three years and you will have the basis on which you can appeal. Each year, of course, a new assessment will be added to the assessment roll other than municipalities. They will not be denied that, so that if a building were destroyed it will be removed from the assessment rolls. It provides, I think, a fair system over this next short period of time so that we can complete the reassessment of the properties throughout the province on a uniform basis.

The hon. member for Wentworth referred to certain matters as to tax reform, and so forth. I think that one of the basic reasons for this stabilization of the assessment in these next three years is so that we can complete the reassessment on a uniform basis throughout the province just as quickly as possible. There is a great deal of work to be done.

Once the assessment is complete, in looking at what the impact of shifts in assessment will be, if you are going to bring in meaningful tax reform—and that is our proposal and our intention—then you must look at the reassessment throughout the province on a uniform basis so that you can appreciate the shifts in what it is going to do to different classes of property. That is the basic reason that we bring in this stabilization for the next three years.

In doing this, I am hopeful that we can complete the reassessment well before 1974, but we will need a considerable period of time to assess the effect of that reassessment so that there will not be an unfair burden placed on any different types of real estate.

The matter of the $2,500 exemption is, I think, an important feature of this whole bill. It is an incentive to those who wish to make repairs or alterations to their homes, and I think that they should be encouraged to do that.

**Mr. Lawlor:** Why does the minister not make it retroactive for one year?

**Hon. Mr. Bales:** I beg your pardon?

**Mr. Lawlor:** Why does the minister not make it retroactive for one year? The Lawlors put a new addition on last year.

**Hon. Mr. Bales:** I would be treating one member over the others.

**Mr. Lawlor:** I am afraid the minister would. All right, a conflict of interest.

**Hon. Mr. Bales:** And the hon. member for Lakeshore would not want me to treat anybody in this House unfairly over the other. I would be discriminating.

**Mr. Lawlor:** That is right.

**Hon. Mr. Bales:** So that this will be an incentive to people to make those changes.

**Mr. Lawlor:** I opened my big mouth again.

**Hon. Mr. Bales:** Surely the figure we picked at $2,500 market value is a relatively low amount. It is going to deal with those items that the people might normally spend on their homes for changes or alterations. It is not going to deal with the large additions to industry or to buildings, but it is going to affect the individuals throughout the province and encourage them to make those kind of changes which I think they should be encouraged to do.

**Mr. Deans:** Why take it off in 1975 then?

**Hon. Mr. Bales:** Well, in 1975 you are going to have a reassessment throughout the province. At that time we will measure the effect of some of these things. I can see, and

I would hope, we would work toward certain alleviations of assessment on different types of property.

**Mr. Deans:** That is the key.

**Hon. Mr. Bales:** But you are not going to be able to formulate those policies until you have reassessment completed throughout the province and see what the effects of different measures will be.

**Mr. Deans:** Why did you not just leave the date out altogether and introduce the amendment without the termination date?

**Mr. Speaker:** The hon. member for Wentworth is quite out of order. The minister will continue with his remarks.

**Hon. Mr. Bales:** Mr. Speaker, I think I have practically concluded in dealing with most of these sections, except in dealing again with section 13 of the bill. There was reference on page 10 to section 96 of the existing Act; it refers there to similar real property and it applies to appeals over the next three-year period.

The term "vicinity" has always been interpreted, or at least it was always interpreted fairly widely, and it is my intention that it should be interpreted that way, and I think it would be dealt with that way. You have to relate it to a vicinity or to a property in one district as compared to others; similar property in that kind of district; but it might take in a whole municipality. It is not going to be restricted, as the hon. member mentioned, to the house next door, nothing of that nature.

Vicinity has had a far wider meaning under the previous Act when this same word was incorporated there, and it will have the same meaning under this Act. Mr. Speaker, I think the bill has a large number of benefits in improvements to the existing Assessment Act, and this stabilization over the next three years will prove advantageous to people throughout the province.

**Mr. C. G. Pilkey** (Oshawa): Mr. Speaker, could I ask one question? The hon. member for Lakeshore raised the point on the $2,500. If I could use an example where a homeowner made a $3,500 improvement, would the whole $3,500 go on the assessment or just the $1,000—deduct the $2,500? I think that is a very important question he raised and we ought to have the answer for it.

**Mr. Good:** Cannot tell by this Act.

**Hon. Mr. Bales:** Mr. Speaker, if we are going to deal with questions on the different sections, I am quite willing to. On the other hand, the hon. member for Lakeshore said this would be referred, or they would request it be referred to the committee of the whole House.

**Mr. Lawlor:** Never get back again.

**Hon. Mr. Bales:** I will deal with those matters at that time.

**Mr. Lawlor:** I may get them over tonight. The minister will have to find out.

**Mr. Pilkey:** The minister does not know.

**Hon. Mr. Bales:** Oh, yes I do.

**Mr. Pilkey:** No, he does not!

**Mr. Speaker:** Clarification has been asked by the hon. member. Those in favour of second reading of Bill 127 please say "aye."

Those opposed will please say "nay."

In my opinion, the "ayes" have it.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading? Committee of the Whole House?

**Mr. Good:** Mr. Speaker, does the minister intend to send the bill to the standing committee?

**Mr. Speaker:** Committee of the Whole House is where it has been directed as far as I understand. Committee of the Whole House?

Agreed.

## HEALTH SERVICES INSURANCE ACT

Hon. A. B. R. Lawrence moves second reading of Bill 82, An Act to amend The Health Services Insurance Act, 1968-1969.

**Hon. A. B. R. Lawrence** (Minister of Health): Mr. Speaker, I wonder if I could speak to the bill.

**Mr. Speaker:** Yes, indeed. The minister always has the right to participate at the beginning and the end of the debate.

**Hon. A. B. R. Lawrence:** My reason, Mr. Speaker, is that, as the House is aware, over the past week or 10 days I have had an opportunity of a rather strenuous dialogue

with the medical profession in the Province of Ontario, out of which have come certain recommendations which will make when the bill goes to committee, comprising ameliorations, modifications and amendments to the bill that is before the House. I thought this might be the proper time to so announce.

These relate primarily to the role of the director as is spelled out in the present bill. As it exists at the moment, the director, who is a civil servant, has the role of assessing claims and it is suggested in the bill as printed that he also has the power to appoint inspectors as he might deem fit. This was intended to work in conjunction with the committee that has been operating for a number of years under Section 28 of the old Act which was an advisory committee.

However, as a result of my discussions with the profession generally, I have been impressed with their concern over the question of interference in professionalism by the civil service and my staff—the potential for interference—and I have also, Mr. Speaker, been impressed by the concern they had with regard to professional confidentiality insofar as it is related to inspectors and review.

Therefore, I have assured the profession we can protect the professionalism and confidentiality, and to this end a fundamental revision or recasting of the pertinent section will establish—instead of the old committee under section 28, which was advisory as I mentioned—a medical review committee, and working on behalf of that medical review committee, inspectors.

The personnel of the medical review committee will be appointed by the minister from among nominees to be presented to him as such by the College of Physicians and Surgeons, and the inspectors who will be working for this committee will also be appointed by the minister from among nominees to be received from the College of Physicians and Surgeons.

In addition, Mr. Speaker, the inspections carried out by these inspectors will be upon the motion and direction of the committee and the medical review committee itself will make recommendations to the director which will bind the director.

Beyond that the hon. members will notice that we have set up, a la McRuer, a health services claims board and the ultimate impingement or accessibility of the courts.

I might also mention, Mr. Speaker, there will be a minor amendment to section 5(e)(2) which might be described for convenience as the cosmetic surgery amendment. Section 5(e)(2) is designed to reimburse a patient who has paid or who is liable to pay, where the bill of the physician has been taxed downward to any degree. The profession was concerned that the wording of the section as it now exists could mean that where a physician undertook an operation which was not medically necessary the liability of the patient to the doctor would be wiped out. In other words, in the absence of medical necessity, it was possible to interpret the section as outlawing, as it were, the physician's claim against the patient.

The typical case of this, of course, relates to cosmetic surgery where there may be no medical necessity at all, it is just that the person wants his face or his figure improved upon. And although it is not an unethical procedure—

**Mr. Pilkey:** I have to look over there every day.

**Hon. A. B. R. Lawrence:** —it is one which would not fall within the medical necessity provisions of our health services insurance plan. I will also, Mr. Speaker, have an amendment to bring forward moving the effective date of application of the legislation from September 1, to October 1. This is a double accommodation of the profession and of those in my department.

Section 28 you will notice is repealed. That, as I mentioned earlier, is the old section which appointed the advisory committee. It was that advisory committee that was really the cause for our need of a medical and financial audit, in that it did not have the teeth required to really get into the work of taxing physicians' bills—or of digging into the facts themselves which lay behind the particular complaint, whether the complaint be a cybernetic complaint or a human complaint from a patient. Those are the pertinent amendments, Mr. Speaker, that I will be bringing forward in committee.

**Mr. Speaker:** The member for Cochrane South.

**Mr. W. Ferrier** (Cochrane South): Yes, Mr. Speaker, one wonders first of all, speaking about the proposed changes that the minister has just mentioned, whether—as my colleague from Brantford said to me, "It is like putting a goat in the cabbage patch"—to ask the colleges of physicians and surgeons to make the nominations for the minister to appoint.

I must say that that is entirely different from the appointments that were made by the government of Manitoba to its Manitoba review committee. They named three members and suggested that the Manitoba Medical Association would name the other three.

The Manitoba Medical Association wanted to nominate for the minister to pick, and they did not do so. And the government's reason for naming its own members was that in representing the public it should directly appoint some members to the Manitoba review committee and the Manitoba review committee should become accountable to representatives of the public.

Now, I think that that principle might be a better principle to incorporate into the statute in Ontario than the one suggested by the minister, because some of us are rather concerned that the prerogatives of the medical association and the whole private reserve of the doctors of this province have been too carefully catered to and guaranteed by the government opposite.

Now it is a strange thing that this legislation is before us now, because it should have been in legislation in the first place. But let it be said that in the original Health Services Insurance Act, the government has had the power to regulate doctors' claims and control Medicare costs. The Act as it stands clearly commits the government to pay only for services which are medically required, and the director of the plan has the authority to determine both what is medically required and what shall be paid.

Dr. J. S. Aldis, the director, has informed committees of this House that as it became obvious from the billing practices of certain physicians, they were called in and a few doctors were persuaded to change their practice patterns. But only a very few doctors were subjected to this kind of discipline, even though the allegations as set out in the minister's speech to the OMA and his answers to the Leader of the Opposition's questions about these allegations suggest that the government had ample justification for calling a good many doctors in for interviews to explain the great disparity between their kind of billing and that of other doctors in a similar category of practice. Just think of the kind of abuse that may very well have gone on with the squandering of public money, thus adding to the costs of OHSIP in this province simply because the government had not the will to act. The public has been the loser, as is so often the case.

There have been many people concerned about the lack of supervision of the doctors' billing practice. My colleague the member for High Park (Mr. Shulman) issued this news release on June 3, 1970. He said:

> During yesterday's OHSIP tour, I requested permission to view the auditing department which was not on the tour. The department assigned to audit the doctors' honesty contains only one clerk who sends out spot checks on a different doctor each day. It is also her job to check the incoming replies. At this rate and provided that the clerk takes no holidays, OHSIP will finish spot checking all the participating doctors in 27 years, in January, 1997.
>
> Other medical insurance plans have always found it necessary to use a comprehensive auditing system. London Life, for example, prior to the coming of OHSIP, always sent a record of every doctor payment to the patient. Even PSI, the doctor-run plan, sent out 4½ times as many spot checks as does OHSIP although PSI had only a fraction of the subscribers. Despite all their precautions, every year PSI detected a few doctors who were padding or manufacturing accounts. OHSIP is very trusting.

Of course, the government did not react in the public interest to his warning. One cannot help but feel that the government has been singularly trusting and thoroughly naive about its view of the total constituency of the medical profession. As my colleague had said, prior to the implementation of OHSIP, these other plans had their methods of either informing the patient or of checking on a random basis.

The Province of Manitoba has such a procedure of checking doctors' billings. From the Canadian Medical Association Journal of April 17, 1971, I will read the following from this article:

> Manitoba has had a professional review committee empowered to review patterns of practice which in the past has applied fiscal sanctions on doctors. It was an important part of the old Manitoba medical service system of insured medicine for more than 20 years, and was an equally important committee when Manitoba Medicare was established in 1969.

Doctors are no more honest or dishonest than any other segment of the population. The fact is that some few doctors are prepared to be overly motivated by the desire to make

money and are prepared to take advantage of the loopholes that exist in Medicare to charge for a higher priced service when a lower one is rendered, or to charge unconscionable detention fees; or in some cases it is possible that fees may have been charged where no services were rendered.

In the standing committee on supply, I read from an article in the New York Times about the tendency of certain doctors to cheat on their income tax. I will just read that into the record. The New York Times says:

> One of three US doctors may be evading tax. To discourage this apparent tax evasion, the Treasury asked congress to pass legislation requiring insurance companies to report to the Internal Revenue Service all sizable payments they make to doctors. There is such a reporting system in effect now, but it provides only partial coverage.

Dealing with certain audits that were taken, the article said that of 3,000 of the 4,000, according to what Mr. Whittaker told the Senate finance committee, about half showed substantial deficiencies in the amount of income the doctors reported.

Peter Cowan in the Montreal Star of August 15, 1970, points out why France has had to introduce an audit into her medicare system.

> Frenchmen can pick their own doctors or go to several at a time. There are no ground rules for doctors, although there are suggested treatments for certain illnesses, but the system is in trouble. Part of the problem stems from the very laissez-faire attitude which has prevailed. Doctors admit privately that they often overtreat patients, so as not to lose them. Many patients consider it unsatisfactory to come away from a visit to the doctor without a prescription or a shot. No one is questioning the doctor's right to treat as he wants, but Boulin feels it is time for some control. He has decided to computerize the operation of Medicare. This will cut down impossible red tape, speed up reimbursement and through cybernetic medical profits allow this state to check doctors who seem to be getting too much mileage out of their patients.

In terms of the question that certain doctors may be carrying out surgical practices that may not be altogether necessary for the patient's wellbeing, I wish to refer to an article by Dr. John P. Bunker of the department of anaesthesia, Stanford medical centre, entitled, "Surgical Manpower" in which he compares surgical practices in the USA and Great Britain. He writes:

> Philosophical differences probably have their greatest quantitative effect in the large numbers of elective procedures for which indications may be equivocal, such as tonsillectomy, haemorrhoidectomy, cholecystectomy, hysterectomy, thyroidectomy and radical mastectomy. Given the choice of administering or withholding therapy, whether the therapy is prescribing drugs or performing an operation, the American physician appears likely to choose active therapy. The British surgeon, faced with the same choice and carrying a heavier workload, is apt to avoid surgery, if the indication is in question.

This article compares, by the way, the medical practice as it is carried out in group practices, and so on, in the national medical care scheme of Great Britain to the medical practices of the United States. He makes this conclusion:

> Finally, the method of payment appears to play an important, if unmeasured part. Surgical fees in the United States, although perhaps not as large as a generation ago, are still much greater than those in other areas in medicine and the opportunity for large incomes may attract a disproportionate number of physicians into the practice of surgery. In addition, the incentive of a fee for service may tend to increase the number of operations in cases in which indications are borderline. The converse must, of course, be considered that in the absence of such economic incentive, many procedures that are desirable but not essential may not be performed. Until new evidence is available, it is reasonable to assume that there is a disproportionate number of surgeons in the United States, at least in relation to the total medical manpower pool, and it seems likely that some unnecessary surgery is being performed.

These statements suggest that justification certainly exists for the establishment of an audit committee such as the amendments in the bill set out, to examine the type of surgery that certain doctors may have too great a propensity to carry out.

The problem may not arise for most doctors. But there are those that may need close supervision if their pattern of practice seems to deviate significantly from that of most of their colleagues; if they tend to carry out a

kind of surgery that may not be necessary according to a fairly large body of medical opinion.

The facts more than warrant the establishment of the audit committee as set out in this bill. I suggest that sufficient evidence existed when The Health Services Insurance Act was passed to have this kind of audit incorporated in the Act at that time.

As I have said, many of the plans that OHSIP replaced had some form of check built into them to discourage unethical practice. Now, when very alarming practices have gone on for over two years, after the member for High Park again opened the question just a couple of months ago did this minister, who is more progressively minded than any other of his cabinet colleagues, decided the abuses were such that the government could not turn a blind eye any longer, and that they must do something definite to stop these practices.

So he excuses the government's failure to police the plan under the present section, and saw that more stringent provisions must be incorporated to make sure that evidence of such a nature will come forward that will stand up in court, so that this could be assembled against the offending doctors.

Let it be said, as Harold Greer so ably pointed out in his article of May 22 in the Windsor Star, there is dissimulation in the minister's dealing with the problem, in saying that the College of Physicians and Surgeons lacks power to deal with offending doctors.

He states:

> It is true that the college cannot currently examine a doctor's books, but it can discipline unethical conduct, and it is unethical to overservice and overcharge. The hard fact is that many complaints have been made to the college in the past and nothing much has happened.

This bill now makes it possible to examine a doctor's books. No excuse will exist now for the college not to take action on legitimate complaints brought to them about particular doctors. Many of us feel that the college has been overly protective of varying physicians up until this point. We now expect this kind of soft approach no longer to be the policy of the college, but that it will investigate legitimate complaints against the physicians of the province as registered by the citizens of this province, and take disciplinary action when the facts so warrant.

Public attention will be focused on the college to see if there is any change in their policy to deal more effectively and with greater resolve with erring doctors.

I suggest that it is entirely possible that the standard of medical care will rise now that doctors know that their practice is theoretically open to much greater scrutiny by their peers in government and the College of Physicians and Surgeons than it previously was.

Certain physicians see this amendment to permit the government to inspect their books as a grave infringement of their privacy, and that of their patients' very personal medical matters. In an effort to gain a public reaction to the minister's amendment there have been a number of letters that have appeared in the various newspapers of this province, and the minister has had this point very forcibly brought to his attention when he has met with the doctors.

It could, as he suggested, be construed that such investigatory powers would lead to an invasion of privacy, especially that pertaining to patients, if these powers of investigation are used indiscriminately.

However, I hope that these powers will be used—and I gather from the minister's statement today, that they will only be used when the director has reason to believe the pattern of any particular physician's practice is probably deviating from the norm to the degree that an investigation seems warranted or that a citizen makes a complaint about the kind of treatment or billing he has received from a particular physician.

I think that only when these facts are there, would an investigation seem warranted; that spotchecks of doctors throughout the province would in effect be an intrusion on their privacy and their patients', because I think very few of the doctors in this province will need any kind of investigation whatsoever; that the doctors in the main are ethical and that their practice is responsible and they do the best in terms of the medical knowledge that they have.

So I think that point brought up about the confidentiality is important and should be met. I think that by and large the doctors who will do the audits—these inspectors—will no doubt largely be doctors, if not exclusively doctors. I wonder to some degree if an accountant or somebody in the legal profession at times may not serve a very useful role as well.

Because the minister has now finally taken up the challenge of the alleged abuses against OHSIP by certain doctors, he has incurred

the wrath of the profession which is directing against him all the wrath and vigour of a vested interest that is challenged.

For years the doctors have received such wholehearted co-operation from previous Tory Ministers of Health that anyone from that party who dares challenge their private preserves, hits them with a blow that they can scarcely bear.

Their reaction has been one of shock, then one of wrath and concerted opposition. The minister seemed dismayed by the reaction he has been receiving for his stand, but we in this party have evperienced the wrath and opposition of the medical profession for years.

We have been challenging the private preserve of the doctors through the College of Physicians and Surgeons and the Ontario Medical Association for years. We do not believe they should have such disdain of public opinion—and in certain respects the public interest that they have shown in so many instances—in their repeated opposition to Medicare, in their licensing practices—especially as it relates to some doctors from other jurisdictions and other lands—and in their opposition to alternative forms of medical practice, that is community clinics with salaries as opposed to their private practice fee-for-service approach.

The doctors and their association are no more sacrosanct or above public scrutiny than is the faculty of the university or any other body in this society. We believe that the public interest takes precedence over the vested interest of any group and therefore no segments of society should consider themselves untouchable. We challenge privilege and are prepared to experience whatever wrath and opposition are directed against us by such privilege. The minister on his part is dismayed by the vehemence of the opposition he has received from the medical profession. While he is not necessarily backing away from a fight, he is now trying to make his peace with them in the series of private meetings he has so frantically held with the various medical associations of the province.

The Toronto Telegram in its editorial policy is suggesting the minister should backtrack and modify his stand. On July 8 they say in an editorial:

> It should not be too difficult for Mr. Lawrence, the Ontario Medical Association and the Ontario College of Physicians and Surgeons to work out plans to check any such exploitation of OHSIP. But for the minister to announce, as he did two weeks ago, that teams of civil servants are going to audit and question the medical judgements of doctors in their treatment of patients is simply not acceptable to either the doctors or the patients. He must be ready to change his mind on this important matter.

Well he has to some degree, and we can see where as long as this kind of auditing and questioning is limited to those he has reason to believe are abusing this scheme, rather than make it a wholehearted spot check and investigation of all the doctors, that kind of backtracking may have been wise; but we do not expect to see any further backtracking on his part.

We view with some real apprehension that the minister may heed the advice of the Toronto Telegram when it says: "Mr. Lawrence should use the forthcoming meetings as an occasion to renew communications and good relations with the profession." We hope that he has not, and will not, capitulate to the pressure being exerted upon him by a powerful interest group that is particularly friendly to his particular party.

Furthermore, we find the open letter of the OMA to the citizens of Ontario, as published in many Ontario papers of July 7, 1971, as both juvenile and in very bad taste. I suggest it sounds very much like the arrogance of a spoiled child who has finally been rebuffed after repeatedly getting his own way.

I wonder on what basis the Telegram in its editorial of July 26 makes this statement, which the OMA underlines in its advertisement:

> The greatest danger inherent in the legislation and philosophy now emanating from Mr. Lawrence is that the end result of both will be a deterioration in the medical service available to the people of this province.

Furthermore, we view with concern the further statement of the OMA that "political interference in the practice of medicine will inevitably result in deterioration in the quality of medical care available to you, the citizen."

These are extremely serious consequences that the doctors and the Telegram are predicting will result from this particular legislation that we are asked to consider. In effect, we citizens are being threatened by the OMA to the effect that it must be their way, or else.

I take offence at that kind of threat that suggests that doctors will ensure that these kinds of consequences will ensue. Because OHSIP is funded by a considerable amount of money voted by this Legislature, we in the New Democratic Party insist that this bill go to the standing committee on human resources to which the OMA and other doctors will be summoned to explain their statements to the people of this province.

We are not satisfied with the private meeting between the minister and the various representative groups of doctors on this issue. We believe the members of this Legislature must now have the right to question the doctors directly on this matter and therefore we expect that the minister will comply with our wishes on this matter.

This bill suggests a method to tackle the possible abuses being carried out against OHSIP by a few unprincipled physicians. There is also another kind of abuse in OHSIP, perpetuated by government red tape as laid down in The Criminal Code. There was a very good letter in the Globe and Mail of a couple of weeks ago by Dr. Wendell W. Watters, associate professor of psychiatry at McMaster University where he very clearly outlined this; and this was in terms of the abortion committees that The Criminal Code requires doctors to set up and the amount of time that must be spent by these various committees in coming to the decisions that are required. He states here:

> For the Province of Ontario alone a conservative estimate of the dollar cost for the year 1970 was $370,000 and the wastage of doctor health care time in the province was the equivalent of eight and a half full-time physicians operating for the entire year.
>
> The present provincial Minister of Health and his predecessors have justifiably protested the misuse of expensive physician time. It might be worth knowing Bert Lawrence's position on the fact that the abortion provision of The Criminal Code deprived Ontario of the equivalent of eight and a half physicians for the year 1970.

I am just suggesting, in the light of that letter by this doctor and the amount that it is costing, whether the minister may not find it in the interest of the taxpayers to talk to the federal cabinet ministers involved in this particular practice, to see if there may not be another way that might be found to deal with this problem and not tie up medical manpower to the same degree that it is being tied up under the present legislation and regulations under The Criminal Code.

There is one further principle in this bill that requires comment. This bill sets out provisions whereby a physician must either bill the plan or bill the patient but prohibits doing both subject to certain exemptions. This principle does away with the irksome and offending practice of double billing which has been allowed by the present legislation. How annoying it is to get a doctor's bill for $1.30, as I recently did, for the extra 10 per cent presently allowed under OHSIP.

I had a constituent who came to see me recently about the extra 10 per cent he had been billed. He had objected to this practice to his physician and his physician, a staunch Tory, had referred him to me. He resented the fact he was paying high premiums for medical care and had to pay all the additional costs of the 10 per cent extra billing. When I explained the legislation and the NDP's repeated objection to this part he pledged support of our party in the next election.

This extra billing also has worked a discrimination against those who have received their OHSIP on a prepaid basis—the old age pensioner; the welfare recipient; the family benefits recipient; and the low wage income earner or the unemployed. These people have not only had to pay when they went to a doctor—they have had their 90 per cent paid—but a number of doctors have billed for the extra 10 per cent. When you are on a pretty close income as those kinds of people are, it really has worked a hardship. It has been extremely discriminatory and most unfair.

The public have been fed up with this section of the plan and are happy that some modification will take place. We would have preferred that the 90 per cent of the OMAP schedule be made obligatory with no provision being made for the recovery of the extra 10 per cent or more, by allowing doctors to opt out of the plan and bill the patient directly for the full 100 per cent.

I again take issue with the Toronto Telegram in mouthing the doctors' line when they say "the government should not at pistol point force the doctors to accept only 90 per cent of their fees from OHSIP unless they bill patients directly." That is the July 8, 1971, editorial.

Really, Mr. Speaker, "pistol point" and "force to make the doctors to do anything." What has happened has been a cosy arrangement between the government and the doctors, whereby the doctors say "this is what it shall be." The government has stated "always willing to oblige a friend." There has been no negotiation. They have unilaterally set down what the fee schedule is going to be and the government has gone along with 90 per cent of it.

I suggest the 90 per cent is sufficiently fair to recompense the doctors of this province for their services.

An article in the June 11 Globe and Mail has some enlightening comments and suggests that doctors are much better off under OHSIP and other medicare schemes than they were before OHSIP and in a real degree provides justification for the obligatory 90 per cent to my way of thinking.

> Doctors' incomes have risen because universal medical care insurance pays fees which were set when doctors had to charge the rich enough to take care of free treatment given to the poor, a Winnipeg doctor told the Canadian Medical Association today.
>
> Dr. D. D. Gellman, chairman of the CMA council of economics said his deductions were based purely on grade 5 mathematics. He said it was the predictable effect of Medicare on medical incomes and does not imply dishonesty on the part of physicians or anyone else.
>
> "Those planning Medicare should have anticipated it and they have no right berating the medical profession because it has occurred. On the other hand, we as physicians have a duty to take these facts into consideration when discussing future adjustments of benefit schedules."
>
> Dr. Gellman made his calculations on gross and net income increases on the basis of two models: One was based on a doctor's 10 per cent whose pre-Medicare work was not paid for and who spent a third of his gross income for overhead expenses. The second was based on a doctor who was unpaid for 25 per cent of his work who also paid out a third in overhead. Dr. Gellman said reasons for non-payment were that some who could pay did not, some work was courtesy work as for other physicians and their families and some was charity work.
>
> He said that it was probable that specialists whose fees were high had a high proportion of patients unable to pay so that in the free market fees were adjusted appropriately upwards for those patients who could pay.
>
> Also, provinces which had fewer citizens insured before Medicare, would be more affected by introduction of a universal plan than those in which most of the citizens were already covered.
>
> Dr. Gellman said that merely by introducing universal coverage, the first group of doctors would receive 11 per cent increase in gross income and 17 per cent increase in net income and the group where doctors did 25 per cent of free work, the gross income rise would be 33 per cent, the net income 50 per cent.

We agree with the 90 per cent reimbursement for those who bill OHSIP directly. The amendment in ruling out the double billing for those who bill OHSIP directly is overdue and welcome. We object to the possibility of doctors being able to bill the patients directly for the 100 per cent or more when they elect to do so.

This will still be a hardship for those with prepaid premiums—the old age pensioner, the welfare recipient, the family benefit recipient, the low wage earner and the unemployed.

It will continue to be a hardship for them or will mean that some of these patients may very well not seek expensive medical treatment or some doctors will be less than enthusiastic about rendering the treatment required. It will perpetuate a class consciousness in the delivery of health care in this province.

Dr. Aldis wrote all physicians in a letter of July 7 in which he says:

> Shortly after proclamation of the legislation we shall be able to announce what will be the exceptions to the new billing requirements, and shall advise you of all additional details as quickly as they become available.

Well, what are the exceptions he is referring to? Will loopholes be such as to render the legislation ineffective? Will it be used intelligently to protect the interests of the public from abuse from unscrupulous billing by some doctors, from poor and questionable medical procedures that some are tempted to carry out indiscriminately, and also to protect the integrity and standard of practice of those physicians who are above board, honest, scrupulous and careful in their practice and treatment of the sick?

And also, does the audit procedure as laid out in this Act enable the minister to examine the accounts and submit them to the designated agents between now and the time that they will be phased out in July, 1972, or are these audit procedures and the checks that will likely be made limited just to the plan that is under the direct supervision and management of the government?

Above all else we want the abuse stopped and we want nothing more and we want nothing less.

**Mr. Pilkey:** Hear, hear. Right.

**Mr. Speaker:** The Leader of the Opposition.

**Mr. R. F. Nixon** (Leader of the Opposition): Thank you, Mr. Speaker. The legislation before us is very interesting in that it is the minister's first experience with something other than full acceptance of his views.

I am sure that when this legislation—and perhaps even the minister's career—becomes history there will be interesting stories to tell indeed about what led him to make his original speech which precipitated the requirement that action be taken through legislation and then how he responded to the backlash coming from the medical profession and from others. It appeared to us on this side, viewing it all objectively and from some distance, that it was not until John Bassett got into the act that the whips really started cracking around the minister's head and someone—perhaps even a bit higher up than himself in the cabinet—told him that he had to fix it somehow and this particular bill is the fix.

I would hesitate to describe the minister as anything but what I believe him to be, a conscientious man and a man with great abilities, but the pressures of politics have turned him into a paper tiger.

**Mr. Makarchuk:** Imperialist.

**Mr. Nixon:** We were prepared, I would say, almost to be surprised that the minister was as frank as he was in his original speech, I believe given to the OMA, the speech that was full of rhetorical questions that brought into much broader question the professional ethics, the business ethics, of the medical profession.

**Mr. Lawlor:** Rancid butter.

**Mr. Nixon:** I believe that the minister deserves a good deal of the criticism he received; that he pictured himself a new minister, a white knight, a man not beholden to the profession in any way that his predecessor was and that some of those who were interested in his own appointment would have been; he was prepared to take the professional view of an intellectual, and to examine the facts as he found them and let the chips fall where they may.

The opening gun in such a programme was his speech in which he trod quite far into professional aspects of the profession, getting to the point where he was even prepared to criticize the number of tonsillectomies. A brave man indeed, but a man who apparently melted under the heat, the rays that were turned upon him in subsequent days and weeks, so that the bill itself is inadequate and he has been required to announce certain changes in it which we will examine during the course of this debate.

It is not my intention, Mr. Speaker, to discuss anything but the principle contained in the amendments of Bill 82, but being the broad-minded man you are I know that you would understand that in order to discuss the effects of these amendments we must briefly refer to the legislation which brought Medicare into this province.

We know that it was accepted most unwillingly by the government of the day and that they apparently had many bases to cover in order to continue the acceptance of their party which had been the general rule in the medical profession and the insurance business.

This led to a number of substantial shortcomings in the basic legislation which are not corrected by these amendments. These are the fact that Medicare, so called, and hospital services are still separated, although it is announced government policy that they will be integrated approximately a year from now, and that the control of the medical services and the ancillary services was even further fragmented through something called OHSIP, something else called HIRB and something else, which cannot be pronounced, called OHSC.

We approve of the efforts and announced policy for the integration of these control boards but they have been a substantially expensive emanation of the most convoluted policy development that we have ever seen in this particular area. It would be hard to imagine a more complex approach to a problem that might have been solved much more simply. The combination of public and private involvement in the insurance aspects

themselves was, in our view, necessary for the first six months of the full acceptance of Medicare, that is, to allow Ontario to establish a programme itself so that we were in receipt of the federal contribution. In other words, it came within the basic requirements of the federal Medicare plan.

The other substantial criticism, and one we hear more and more frequently, is that we have stuck with the direct paid premium. Mr. Speaker, this is not dealt with in this bill. It is one of the shortcomings of course. I was one of those who was quick to admire the minister when he said, in his view—and that was in those all too short days when he was prepared to take the objective, intellectual view of his responsibility and before the heats of political reality melted him down to his present status—he was prepared to say that it should be the goal of a modern Medicare programme that direct paid premiums be abolished, and that it should be considered a basic right of our citizens and paid for as these basic rights should be and must be in the future.

The minister's early statements were heavily critical. I gathered from what he said in this House—and he was something less than frank, even though our questions tried to draw him out—I gathered that he himself was shocked at what he found in the early weeks of his ministry, particularly pertaining to the cost of the programme which was then really just a few months old. Astronomical figures were bandied around in questions in the House, but, as I recall, only in answers that the minister gave in press conferences outside the House. We got the impression that as much as $100 million were either being wasted or improperly used in the financing of the first year of our OHSIP programme alone. This would be enough surely to give the minister pause and also, if he were prepared to take effective action to set it right, to assure him of widespread support, not only in this House, but in the community.

I doubt in those early days that he was prepared even to withstand the wrath of the medical profession, the medical fraternity, in order to set it right. Yet he never would bring himself to the kind of public pronouncements that would be necessary and would still be necessary if, in fact, he were going to convince the community that the steps that he had originally envisaged should be supported both in the Legislature and by the taxpayers. He drew back under the rather thin excuse that the statutes did not permit either himself or his officials to give anything but the most broad indication of what these costs were and how they had escalated even beyond the wildest and most let us say, liberal predictions of what they might have been when the plan was instituted.

I fault the minister for that. I felt that he was taking an unusual excuse in not putting the facts before this House. It was not enough for us to gather from the kind of emanations that the minister can emit, both publicly and privately, that this was a matter of far greater concern that even we imagined. If the situation is as bad as we were led to believe, then surely the main responsibility, besides hard and specific remedial legislation, was a full disclosure of the facts as he saw them. Instead of that we had the speech with the famous 10 rhetorical questions—or was it eight?—rhetorical questions which called into doubt the professional and business ethics of the medical profession. This more than anything else offended not only the doctors but many members of the House and many people of the community.

It is interesting to notice the way certain issues wax and wane in their popularity. I just came up a few moments ago from a discussion in the estimates committee downstairs where it became apparent that the government opposite senses that even the furor over the cost of education is waning a bit, and that politically it is sufficient for the Minister of Education (Mr. Welch) to set up a tame committee which is going to "look into education costs."

Mr. Speaker, I see you are reaching for the gavel, or at least you are pointing it at me, but the same sort of a thing seems to be happening in this regard. Probably the feeling in the community that medical costs, particularly the payments to doctors, are unconscionably high, is in a growing phase, and with good reason. We talked to people in the medical profession, good sound professional people, when we have known perhaps for some years and we know what they have gone through in the kind of commitments they have made for their education and in the establishment in the early years of a practice against, in some areas, a great deal of competition or they were prepared to go into areas which were not adequately served by the medical profession in order to carve out for themselves a place in a community, obviously based on a good income or good income prospects, but as much as anything else for the fulfilment and satisfaction of a job

in the community well worth doing and done well.

But in recent months, since the full impact of the $550 million committed to the OHSIP programme has come into play, even the doctors themselves are prepared to say quite openly that their incomes have gone up in quantum jumps, usually, in the average run of the mill, if there is such a thing, if there is an average practice, a quantum jump of 25 per cent, not necessarily associated with an expansion of responsibility. In response to that, many doctors, some of the best, have realized that they can serve the community not so much in an individual practice in a small rural community, or even an individual practice in a big city, but by forming themselves into groups for a more efficient approach to their practice.

Mr. Speaker, do you want to do something about adjournment? I have not completed my remarks.

**Mr. Speaker:** So I understand. The hon. Leader of the Opposition will be called first when we resume the debate.

It being 6 o'clock, p.m., the House took recess.

# CONTENTS


Monday, July 19, 1971

**CTV programme, "Taming of the Canadian West,"** statement by Mr. Yaremko ..... 4165

**Ontario donating $45,000 to UNICEF for purchase of shelter material for East Pakistan refugees,** statement by Mr. A. B. R. Lawrence ..... 4165

**Research in early childhood development,** statement by Mr. Wells ..... 4166

**Transference of transient youth from U of T grounds to Mercer facilities,** questions to Mr. Potter, Mr. Nixon, Mr. Lewis, Mr. Shulman ..... 4166

**Orders to OSC to study retroactive restriction of investment from U.S.,** questions to Mr. Wishart, Mr. Nixon ..... 4169

**Government policy re other Toronto expressway plans and developments,** questions to Mr. MacNaughton, Mr. Nixon, Mr. Singer, Mr. Lewis, Mr. MacDonald ..... 4170

**Cabinet involvement with U of T re eviction of young people from Tent City,** questions to Mr. Wishart and Mr. Welch, Mr. Lewis ..... 4172

**Intervention of Ontario to CTC on Bell Canada rate review,** questions to Mr. McKeough, Mr. Lewis, Mr. MacDonald ..... 4172

**Cabinet involvement in discussions re decision to move Tent City,** questions to Mr. Davis, Mr. Lewis, Mr. Nixon ..... 4173

**Statements in advertisements by Whiterock Estates,** questions to Mr. Wishart, Mr. Singer 4174

**Discarded U.S. Army surgical dressings repackaged and sold to hospitals in Ontario,** questions to Mr. A. B. R. Lawrence, Mr. Makarchuk ..... 4175

**University of Toronto Act and attitude of U of T administrators,** questions to Mr. Davis, Mr. T. Reid ..... 4175

**Terms on which Mercer land is available to Wacheea,** questions to Mr. Auld, . Mr. Pitman, Mr. Nixon ..... 4176

**Policy and priorities board of cabinet,** bill to establish, Mr. Davis, first reading ..... 4178

**Treasury board of cabinet,** bill to establish, Mr. Davis, first reading ..... 4178

**Northern Ontario Development Corporation Act,** bill to amend, Mr. Grossman, second reading ..... 4179

**Assessment Act, 1968-1969,** bill to amend, Mr. Bales, second reading ..... 4184

**Health Services Insurance Act, 1968-1969,** bill to amend, Mr. A. B. R. Lawrence, on second reading ..... 4200

**Recess,** 6 o'clock p.m. ..... 4210



# Legislature of Ontario Debates

No. 103

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Monday, July 19, 1971

**Evening Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

5

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO



The House resumed at 8 o'clock, p.m.

## HEALTH SERVICES INSURANCE ACT
*(concluded)*

**Mr. Speaker:** When we rose at 6 o'clock, the hon. Leader of the Opposition had the floor.

**Mr. R. F. Nixon** (Leader of the Opposition): Thank you, Mr. Speaker. To continue my remarks, I was pointing out to you, sir, that the genesis of this legislation was in the speech that the minister made in which he, by innuendo, accused the medical profession of financial and professional milking of our Medicare fund. During his comments, and those made subsequently, there was an indication that among other things 40 medical practitioners had billed the fund for more than $100,000 each and that in total there might very well have been $100 million misappropriated through a series of means which the minister went on to delineate by means of rhetorical questions which have already been referred to, not only in the comments here this afternoon and later this evening, no doubt, but in the estimates of the department.

The minister was forced, then, to bring in this legislation, and there were some aspects of the legislation that got him into substantial trouble with the medical profession and others. It is well known that the minister has a responsibility, by virtue of his office, as being a member of the board of the College of Physicians and Surgeons, or at least in some aspects of the deliberations of that board—probably any that he wishes to take part in.

It would be an interesting piece of information if we were to be told by the minister, when he gives his response in this debate, if at any time he brought to the attention of those people who are specifically charged by provincial legislation with policing the financial and professional ethics and practices of the medical profession, that he had some grave misgivings as to some of the practices. It would also be interesting to know whether in fact the minister made any attempt to use the machinery that is already on the statutes to control this sort of malpractice on the part of the profession. There is no indication that he ever attempted to make use of that procedure.

In the bill before us he does establish a means whereby he can audit the financial and professional practices of the doctors, but he has retreated from his original position, according to his statement made on his presentation of the bill for second reading, saying that he is going to rely, to a greater extent than the bill implies or indicates in its present form, on the professional assistance of the College of Physicians and Surgeons and, at least in some aspects, on the Ontario Medical Association.

It appears then that the minister was not making use of the control functions that were already available to him. I regret very much that he did not take the members of the House and the public more directly into his confidence, or reveal more specifically the problems which he obviously had encountered upon his examination of the financial aspects of the Medicare fund when he took over, and the very onerous duties that he now has as the Minister of Health.

I feel that a clean breast of the facts has never been made available and, as I said before we adjourned for dinner, that the minister has hidden behind his interpretation of the regulations which he indicates forbid him to make any specific comments or release any specific information.

My own view is that the information could be made available without naming doctors, if the law gives that sort of protection, as it should, unless charges are to be laid. He could very specifically have indicated the brackets of remuneration which are payable for certain types of medical services from the fund that this year is going to require close to $500 million to service it in all its ramifications.

The minister in this bill has a number of approaches which, in his view and in the view of the government, are going to improve, if not perfect, Medicare as we know it in this province. It certainly falls far short of that goal. His expressed intention to have an external audit available, at his direction,

of the doctors' practices has been watered down considerably by making these people act essentially under the direction of the College of Physicians and Surgeons, but with the authority of the minister.

This is a change in concept which we will have to examine more fully. My own feeling is that if this Medicare programme had been strongly instituted in the first instance, with full responsibility in the statute, reiterating the responsibility that must lie with the doctors' professional organizations, we need never have gotten into the mess which evidently we find ourselves in at the present time, and that this has been allowed to grow by a strange attitude that I felt was established in the medical profession after the acceptance of the Medicare principle by the Province of Ontario.

There was perhaps a feeling among the doctors that as long as the Conservative government was in office in this province the Liberal principle of Medicare would never be accepted. And they gloried, many of them, in the statement made by the then Premier of Ontario (Mr. Robarts) that Medicare as it was passed by the Parliament of Canada was some kind of a Machiavellian fraud or a hoax, some phrase like that.

They were deeply surprised, as were others, when just a few weeks later the same former Premier of Ontario accepted the programme of Medicare that had been adopted and established by the Parliament of Canada under the administration of former Prime Minister Pearson and it became the law of this province.

There was a strange attitude that was often expressed by medical people publicly and privately, based more or less on my understanding of it, "Well you politicians have forced this on us, now you must bear the consequences."

Well one of the consequences, in my view, was a rather unprofessional use of this enormous reservoir of funds, a bottomless pool of funds—bottomless because the statute itself made the Treasury of the province, or the treasury of OHSIP, as it more properly would be called, responsible for the payment of 90 per cent of the doctors' schedule whatever that would be, and giving no responsibility to this Legislature, or to the government, or to the Minister of Health, or any other responsible public body to even discuss these matters with the doctors.

The minister has perpetuated this attitude. He refuses to use the word "negotiate." As a matter of fact I noticed in a press report available in the last few days that he is using this as a political epithet against the Liberal Party. "The Liberals want to negotiate. What a terrible thing that would be!" because the minister says, in his rather strange approach to this whole matter, that he is just going to discuss with the doctors the specific problems surrounding certain services, which apparently is not negotiation, but in his view expresses the public interest.

We are going to have to face up to the problem that no Legislature, no Treasurer can meet the commitment to pay for a programme which has no bounds and no limits. It is not possible for us to continue paying the doctors' fee schedule unless, at the same time, there is some reasonable requirement through statute and regulation that the doctors' professional organization must negotiate in the public interest with the man—the Minister of Health—the body—the Legislature of Ontario—which must represent the public interest.

There is nothing unreasonable in this. It does not relegate the doctors to a status of being public servants in that sense. They are a strongly organized professional group which probably commands more respect in the community than any other. As a matter of fact, if that respect has been undermined and eroded, the Minister of Health opposite is the one person who has done the undermining and eroding, and that is what has got them into trouble.

**Mr. V. M. Singer** (Downsview): Hear, hear!

**Mr. D. C. MacDonald** (York South): Typical Liberal game.

Interjections by hon. members.

**Mr. Singer:** The members are awfully disturbed after that lead-off speech where you straddled the fence.

Interjections by hon. members.

**Mr. Nixon:** The members must wait their turn.

**Mr. Singer:** Is that not awful. Those members have not got their leader here to express an opinion.

**Mr. MacDonald:** I do not have to follow that tortured reasoning.

**Mr. Singer:** This is much worse than he usually does.

**Mr. Nixon:** Mr. Speaker, the lead-off speaker for the NDP got up and spoke for half an hour and never did inform us whether the NDP was going to support this bill or not.

**Mr. Singer:** That is exactly right.

**Mr. Nixon:** That is mostly because the member for Riverdale was not here and they cannot decide to make up their minds.

**Mr. W. Ferrier** (Cochrane South): The member for Riverdale was here when the Leader of the Opposition was not.

**Mr. Singer:** That is why they could not make up their minds. That is exactly right.

**Mr. Nixon:** —because he knew that if he made up his mind from the back row it would have been a reverse from the man in the front.

**Mr. Singer:** That is exactly right.

**Mr. Nixon:** So, Mr. Speaker, we are talking about the principle of Medicare as it is to be amended, at least according to the minister, by the bill that is before us, and he is the man who has been attempting to have it both ways.

He got up in this province and later in this House and publicly accused the doctors by innuendo of stealing public funds, of using funds improperly, and he has never gotten around to the point where he has been able to verify just how this loss of funds has come about.

He has said that $100 million has been lost, a tremendous sum of money indeed. Surely if we are to expect this bill to control that sort of milking of the funds, then it is inadequate to say the least.

The minister is trying to have it both ways. John Bassett and the Prime Minister have forced him to retreat from a stand which probably was dictated by his own objective assessment of the situation that we presently find in this province.

Surely he is the man who has taken two irresponsible positions, two positions that should not be, and cannot be, supported in this Legislature. They do not come to grips with the problems we face. Now surely this bill, and an immediate amendment that must come forward, should do away with the direct-pay premiums that the minister himself has said in his franker moments, even when he had the responsibility as Minister of Health, have no part to play with the modern system of medical care insurance.

The second thing is that we must have a programme which abolishes direct billing and extra billing. There are too many people in this province who feel—very rightly and justly that through the donations made to our Medicare programme by the government of Canada—$181 million—and through the high premiums that we are paying as citizens here, that they should not have to pay the extra amounts that are billed under our present programme.

The minister has attempted to come forward with some sort of coercion to make the doctors decide one way or the other. It is a very clever manoeuver, one that has some risk within it. The minister knows, and I think that doctors have said publicly, that the advantages to them financially in being in the bill, or being within the ambit of the plan, has increased their income by no less than 25 per cent. And according to some authorities, as much as 65 per cent, depending upon the kind of practice that the doctors engage in.

There was an interesting report from a meeting in Halifax of the Canadian Medical Association, and I quote briefly from the Toronto Star of June 11:

> Doctors may be charging too much for some medical procedures because the fee schedule was set up for a market not covered by Medicare, a Winnipeg doctor said yesterday. Dr. D. D. Gelman, chairman of the Canadian Medical Association's council on economics, said fee schedules were established at a time when not all patients could afford to pay their doctors. Consequently patients who could pay were charged high enough fees to make up for patients who could not pay, he said.

There are some interesting statistics associated with that, including the one I have quoted previously in my remarks that doctors coming under provincial Medicare plans have had an increase in their income of from 25 to 65 per cent, depending upon the type of medicine that they practise.

The goal of a provincial plan must surely be to abolish the direct-pay premiums. We are not discussing this as an amendment before us, although I believe we should be. The wastefulness of the programme that has been established by the government of Ontario over the last two years is apparent to anyone who examines it. And we know that there

are eight premiums required from an individual family that is paying on a direct-pay basis each year and the convolutions and confusions are well known to anyone involved in this system.

We believe further that the integration of the medical services must come about more rapidly, and this minister has predicted this will be achieved. The announcement was made last fall that 18 months would be required. We are still a year away from this integration, which should have been achieved when Medicare was introduced in the first instance.

As far as the fee schedule itself is concerned, we in this party are committed to the power to negotiate by the representatives of this Legislature in this government.

We have said for a long time that the standing committee on health—we would now call it the standing committee on human resources—could very well carry out the hearings with the Ontario Medical Association—let me say, "the organization representing the doctors"—in a public way, so that the doctors could put forward their reasons for any fee changes, any schedule changes, that might be required in the future. That particular standing committee could hold hearings as lengthy as they chose involving, not only the doctors' professional organizations, but others who might want to put forward their views.

That committee, representing all parties, would then put a report before the Legislature and, of course, before the government and particularly before the Minister of Health. The Minister of Health would then recommend to his colleagues what action should be taken, as to whether the recommendations of the standing committee would be accepted or not.

Having had this and similar arguments with representatives of this government for a number of years, I am used to the objections that are raised. The former Premier used to say that this would abolish responsibility in government and that the appropriate ministers and the cabinet as a whole must make a decision and stand or fall on the basis of that decision.

To that, we on this side offer our strong support that the hearings of the standing committee would be in the public interest, allowing for the sort of public discussion of the problem and the putting forward of the positions of the doctors themselves on a public basis by way of justification. The recommendations would then be put before the Legislature and the actions of the government would be their responsible business. They could accept the report holus-bolus or reject it or accept any part of it with any modifications they saw fit.

That is the way any report from a committee is treated by the government. That the cabinet minister responsible would make recommendations, the principle of cabinet solidarity would not be interfered with in any way and the decision of the administration would be arrived at in a responsible way with all of the risks that might be involved in it—that is, in establising a fee schedule which might not satisfy all of the doctors in all parts of the province, and the risk that this might entail.

But I believe very sincerely, very strongly, Mr. Speaker, that we cannot continue with legislation supported by this Legislature which in essence puts no limits and no bounds to the amounts of money that are directed towards the payment to doctors for medical services.

Now, there have been a number of experiments, some reasonably successful, with various means of carrying out some controls. By means of the question period, I have raised the situation in Newfoundland on two occasions with the minister. He has rejected this alternative; yet it is one of some substantial interest that the doctors in Newfoundland have accepted. I do not know under what duress, but they have accepted and continue to practise under a plan by which, when their income exceeds a certain limit, there are well-known and accepted rules for the diminution of the actual amounts payable to the doctors after that stage.

This was a programme put forward as government policy in that province and accepted by the doctors, and at least was one means whereby a limit to the income of doctors from a Medicare fund was actually achieved. There are things wrong with it. Why should a doctor continue to practise once he has achieved this high limit? I believe in Newfoundland it is $40,000 before the downward graduation begins.

But there are also those who have examined various problems in medical practice that indicate that under our present system, where a full fee or 90 per cent fee for services rendered is payable, some doctors are simply pushed into a kind of practice that is almost like a sausage factory. Thetr patients go through the office and before the doctor for his advice at a rate that is unconscionably high. It cer-

tainly has nothing to do with the kind of doctor-patient relationships which doctors have for so long valued highly and put forward as one of the problems that might come to the surface with the imposition or the implementation of a Medicare programme.

But, Mr. Speaker, we want to make it plain that we believe this bill is inadequate without some means whereby, through direct negotiation, the public interest can be expressed and that limits can be set to a fee schedule both now and in the future which would be payable from the insurance funds of OHSIP or whatever its successive programmes might be called in the future.

It is true these negotiations cannot be simple. It is obvious, as the minister has said, that there would have to be a great deal of sensitivity associated with the levels of expertise that different practitioners can achieve, and through the professional organizations these could surely be measured.

The length of service would be associated with this very factor, but it is incredible that the government, through this minister, should continue to say publicly that negotiations of any kind cannot be admissible and that he has to continue talking about a hands-off approach which leaves the setting of this remuneration specifically in the hands of the doctors.

I am quite prepared, Mr. Speaker, to say that it is possible to police the medical organization and the individual doctors through their professional organizations as long as their authority and supervision comes from the Minister of Health and those people working with him. I believe that can be done satisfactorily. The real flaw was that this was not made apparent as a prime responsibility when OHSIP was implemented about 18 months ago. This was the flaw when OHSIP began in this province. I have put down for you, sir, my objections, both to what the Minister of Health has failed to accomplish in this legislation and the serious misgivings we have as to the relationships between the department and the medical practitioners.

We believe this bill falls far short of its basic requirements and for that reason it will not be possible for us to support it on second reading.

**Mr. Speaker:** Do any other hon. members wish to speak to this bill?

The member for Windsor West.

**Mr. H. Peacock** (Windsor West): Mr. Speaker, I would like to deal with a rather narrow portion of the principle of the bill, and that is the provisions of the bill which now provide for a much broader examination of the claims submitted by doctors who agree, under the other provisions of the bill, to practise in a manner in which they will submit their claims directly to the plan.

The minister will know well, if he has read the debates of the House of June, 1969, when we debated the original or fundamental OHSIP bill, that we in this party said that this province should not be the only province in Canada to introduce Medicare in a manner which provided the doctors practising in this province a guarantee of the collection of 90 per cent of the Ontario Medical Association schedule of fees and the right to charge the remaining 10 per cent of the scheduled fee, or more, if they chose to do so.

Ontario at that time, to the best of my belief, was the only province which both guaranteed the 90 per cent of the fee and gave the doctor the right to bill in addition to that. Now the legislation proposes that the doctor must choose, just as the legislation enacted in Manitoba and in Saskatchewan and in British Columbia in the initial instance required the doctor to choose.

If, under the then proposed legislation the doctor billed OHSIP—or the Medical Care Commission of Saskatchewan or that in Manitoba—as of the first day of the plan, then he was held to be a doctor practising under the plan. Otherwise he could give the commission 30 days' notice of his intention to opt out of the plan, in which case he then went on with his practice in the usual manner, prior to the introduction of Medicare, billed his patients directly, took his chances on collecting and hoped that the patient would bill the commission for the allowable portion of the fee.

Finally, the government has come around to that position which we in this caucus put so strenuously in June of 1969, and it was one of the fundamental flaws in that legislation which led us to vote against that bill and which we feel led so many people in this province to accept that the former Premier's Medicare scheme was totally deficient.

Mr. Speaker, I well recall at the time the legislation was debated there was discussion of some of these deficiencies between the minister of that day, his officials and many of the persons concerned about the gaps in the coverage.

One of the groups in my own area which wrote to express its concern about the 90 per

cent limitation was the carpenters' Ontario provincial council situated in Windsor. Its concern at that time was that even though it did not carry a scheme of insurance prior to the introduction of Medicare it could not pay the full doctors' fees on behalf of its members because of the prohibition in the legislation that permitted the insurance of only 90 per cent of the fee by the Ontario plan.

In their particular case they were hopeful the officers of the plan or the government would rule the payment by an employer of members of that union could be made out of the employer's company treasury and therefore would not be in violation of the prohibition in the Act against the insurance of any other portion of an insured service. That did not work out.

But in reply to the resolution and correspondence of that local union of the carpenters and joiners, a very interesting letter was written by Dr. J. S. W. Aldis, executive director of the Ontario Health Service Insurance Plan. He stated in that letter of August 21, 1970: "We are most disturbed by the implication that OHSIP pays less than did Windsor Medical Services Incorporated."

Windsor Medical Services, Mr. Speaker, as you know, was the pioneer plan established in that part of the province by doctors voluntarily organizing themselves to put together a plan for the prepayment of the cost of medical services. As a result of its activities, such plans as PSI and, in the United States, Blue Cross–Blue Shield, and later on other forms of insurance, such as the Kaiser plan, emerged. And Dr. Aldis goes on in this letter of August 21, 1970:

> I am sure you are aware that Windsor Medical Services paid at the rate of 90 per cent of the Ontario Medical Association's schedule of fees to its member physicians and required that this be accepted as payment in full.

I will break off again to explain, Mr. Speaker, that in Windsor Medical Services, each doctor who wished to practise so that his services were insured by Windsor Medical Services Incorporated, signed an agreement or contract with WMS by which he became a medical member. As such, he in turn accepted 90 per cent as payment in full. No argument. There was no way he could claim the 100 per cent and, although a number of efforts were made by various medical members to raise the proportion of the service to be insured and paid for, these groups of doctors never succeeded in getting it above the 90 per cent. Some years earlier it had been at an 85 per cent ratio. Doctor Aldis goes on:

> This is exactly the same rate of payment as OHSIP. In addition, WMS enforced rigid rules and limitations on utilization of services.

He goes on to explain what these were, and pointed out that OHSIP did not have these limitations:

> In short, OHSIP pays the physicians of Essex and Kent counties exactly the same rates as they were paid under Windsor Medical Services and, in addition, is incomparably more generous in its coverage of insured services.

He goes on in a later paragraph.

> Since the doctors of Essex and Kent counties are paid by OHSIP at exactly the same proration—90 per cent of the OMAC schedule as under WMS and with no limitations on their services—there is no question they are better off now. We find it difficult to understand how the residents of Essex and Kent counties are not aware that the benefits of OHSIP are greater than those of Windsor Medical Services. To pay the doctors of Essex and Kent counties 100 per cent of the fee schedule of the Ontario Medical Association would represent a substantial increase over what they received under Windsor Medical Services, the cost of this increase would have to come from the residents and taxpayers of the province, yourselves.

May I say, my comment on Doctor Aldis' very firm rejection of that date is that I wonder whether he holds to that same position today, given that the Minister has been visiting with doctors about the province and, I believe, may have indicated that there is a possibility some time in the future of the payment to them of 100 per cent of the fee schedule.

But, at this particular point in time, in August of 1970, Dr. Aldis was very firm that this would not be. The doctors of the Windsor area, Essex and Kent counties, who found it quite acceptable to receive payment of 90 per cent of OMA schedule, as payment in full, from Windsor Medical Services, griped a bit but they went along with the same schedule of payment and the same manner of payment under OHSIP. In fact, as the minister knows, OHSIP acquired Windsor Medical Services in a sense, as its agent. It bought out Windsor Medical Services and one of the very first regulations passed under The Health Services Insurance Act, Ontario

regulation 393/69, designated Windsor Medical Services Incorporated as one of the carriers or intermediary agents. Windsor Medical Services undoubtedly continued to carry on as it had in the past.

Dr. Aldis refers in his letter to the carpenters of WMS's very rigid rules and limitations on utilization of services and, indeed, they were rigid rules and limitations on utilization of services.

May I say to the minister that I have been advised that Windsor Medical Services Incorporated was equally rigid and imposed equally rigid limitations on the manner in which doctors billed for services. The services had to be very specifically described on an IBM card, of which the doctor was given a supply, as he saw each patient. He was required to retain these billing cards until the end of the month and then submit them all in a bunch to Windsor Medical Services. Windsor Medical Services, with its own internal audit, scrutinized these claims submitted by doctors.

As I said to this minister's predecessor, I have also been advised that doctors, even under a voluntary doctor-sponsored plan in Windsor, were found not to be billing accurately, shall we say. In one or two instances, doctors' claims were regularly reduced by Windsor Medical Services' officers—and without dispute—because it was known to Windsor Medical Services and it was known to the doctors that the particular doctor or doctors in question were not billing, let us say, in an accurate manner that reflected the level of service they were providing or the nature of the services which they were providing.

I presume, Mr. Speaker, that Windsor Medical Services, having become an agent of the government first and then an attachment or regional branch of OHSIP, probably carried on and carries on very much the same kind of auditing and scrutiny which it had learned to carry on while it was a privately incorporated doctor-sponsored plan. I wonder, Mr. Speaker, at the insufficiency that the minister has pointed to in the prior legislation—the fundamental legislation which is now being amended—in carrying out this same kind of scrutiny that Windsor Medical Services and undoubtedly PSI and AMS found to do well. If there was a lack of staff at the time of the introduction of OHSIP in October 1, 1969, then surely it was remedied in good part in the following manner.

I have in my hand a copy of the advertisement—I do not know from which daily paper—of September 4, 1969, placed by the Ontario Department of the Civil Service on behalf of The Department of Health, and the heading reads as follows: "Regional co-ordinators and chief claims officers: Level 1, $11,100 to $13,200; level 2, $13,800 to $15,300." The copy setting out the nature of the job and the qualifications reads as follows:

> The new Ontario Health Insurance Plan requires several senior officers, to be known as regional co-ordinators and chief claims officers, who will be assigned to agents of the plan designated by the Minister of Health. They will be responsible to the co-ordinator of agents in the health services insurance division. The Department of Health, for the operation of the plan by the designated agents within the region for the assessment and approval of claims.

I stress that phrase—

> —for the assessment and approval of claims, and for ensuring that the agents adhere to the provisions laid down for the administration of the plan.

Then it goes on to say what a great opportunity it is.

> Qualifications: The successful applicant will have a good general education and several years' extensive senior administrative experience in the health insurance claims field. He will have proven managerial skills and the initiative and ability to work with a minimum of direction.

And so forth. Then, a few days later, September 19, 1969, The Department of Health placed an advertisement headed: "Assistant Plan Auditors."

> Functions: In an audit capacity within the Ontario health insurance division. Assist the OHSIP auditor in developing an effective financial control programme. Analysis and appraisal of varied operating and accounting procedures will be a major responsibility. Extensive professional level accounting and auditing background in life, health insurance acceptable in lieu of the general qualifications noted above. Some travelling. Applications may be made—

Surely, Mr. Speaker, after the recruitment of such senior personnel as chief claims officers, some of whom may have been paid as much as $15,300, the duties of whom included the assessment and approval of claims; surely after the recruitment of, I

would take it, a number of assistant plan auditors, there must have developed over the last several years a capacity within the OHSIP administration to identify unusual patterns of service on the part of certain doctors.

These patterns of service would be brought to the attention of senior officers of the plan and to the minister and then, if need be, to those within the College of Physicians and Surgeons charged with the matters of discipline over any issues of care, aside from issues of the manner in which claims were being made for adjudication and discipline. Surely at least some claims must have been rejected as the result of the work of the officers who were recruited by these advertisements? Surely some claims must have been rejected as the result of the experience of those personnel who were recruited from Windsor Medical Services and PSI and AMS?

Surely it could not be that the months have gone by since October 1, 1969, without the senior officers of this OHSIP administration having developed a degree of expertise in identifying unusual patterns of service and bringing them to the attention of the minister—not just those dozen or so extraordinary payouts of cash in the six figures to certain doctors. Surely this would have led to internal administrative changes; would have sufficed to amend the kind of practices that were being identified, rather than to bring before us this evening a very cumbersome procedure whereby two new boards—one provided in this bill and I understand another to be introduced by way of amendment later on by the minister—have to be established to add to the already cumbersome procedures for patients to file claims and doctors to file claims for payments.

In the United States, where the US federal government has introduced a plan of Medicare for senior citizens and certain other citizens, this same problem has been faced. The minister well knows that doctors there have been found to be taking exceptional advantage of the Medicare plan.

I might say to him that it is not doctors who are doing the auditing in those instances of discovery of abuse. It is internal revenue service auditors in the first instance.

Where the Blue Cross-Blue Shield agencies in various jurisdictions, such as Michigan, act as the agent for the US federal government, it is the staff of Blue Cross-Blue Shield which carries out the auditing and scrutiny of accounts submitted by doctors. In the light of that review, those agencies can then recommend to the US federal administration the recovery of any payments which should not have been made.

Blue Cross-Blue Shield has long ceased to be a hospital doctor-sponsored operation. It is now more in the line of a community operation imposing on the professionals in the field whose services are being insured a fair degree of lay scrutiny of their activities at both the hospital and medical practitioner level.

I say to the minister that I wonder aloud as to the real requirements for the cumbersome procedures that are set out in the first sections of this legislation and the kind of procedures that must be followed; the designation of inspectors who may either bear the title of medical inspector or financial inspector, whatever each may happen to mean. Before turning to this other matter, all of these procedures, I say, may not have been necessary had this administration first of all relied on the experience that was available to it from its own recruited personnel and from that of other jurisdictions.

Mr. Speaker, in concluding I repeat how welcome it is that this province joins others in setting out the option to the doctor to practise on his own in the traditional manner —billing the patient—to to opt to practise within the plan so that it leaves the patient very clearly in the position to choose whether or not he will go to a doctor who will not impose any deterrent on him for his application for that particular service.

There is one point in the bill which the minister will surely want to clear up and that is found in section 8. In section 8, it appears to provide that there is some very large exception to the requirement that the practitioner ought to either practise under the plan or practise outside it. Perhaps we can expand on it when the bill reaches committee.

Section 8 of the bill has a paragraph which says "exempting any class of accounts from the application of section 21(a) or any provision thereof." Of course, section 21(a) is the section which requires the option to be made by the practitioner.

I take it that clause 8 of the bill, which amends section 32 of The Health Services Insurance Act, is that section of the prior Act which sets out the regulatory powers. Among those regulatory powers is the power

to exempt any class of account from the application of section 21(a) or any provision thereof in this amending bill. That may be, depending on the minister's explanation, a considerable exemption from the requirement to opt, or it may be a very small exemption.

Mr. Speaker, just one other thought and that is that some of the resistance of the doctors to the new procedures set out here, particularly for option, may arise from the fact we are still a long way from the phasing out of the intermediary carriers, the private insurance companies.

Under Windsor Medical Services, for instance, a doctor, with ease, could submit his accounts to his plan, accumulating all of the various statements to the end of the month, and could count on payment by the plan within a matter of 10 days or two weeks of all of the billings he had submitted, insofar as there were no questions or rejections or reductions.

But since the introduction of OHSIP, it is conceivable that a doctor may have had to bill a dozen or more separate carriers, either month by month or over some longer period of time, in order to collect his accounts. This because there were so many different designated agencies continuing in the field of insuring health services, and many of the doctors' patients could well be covered by designated agents rather than by the OMSIP plan, the plan prior to OHSIP.

It will only be with the total removal of the designated agents that this kind of administrative overhead the minister is now imposing will really be effective. It will remain extremely difficult to avoid the recruitment of further large numbers of staff, in addition to those already on staff, to go around all the designated agents and check the billings the doctors are submitting to those carriers.

The minister will find, I am sure, the faster he can remove the private insurance carriers from this field, the faster he will have an effective administration of the review of claims and the likelihood of some reduction in this very cumbersome procedure.

Mr. Speaker: Do any other members wish to speak to this bill.

The member for Humber.

Mr. G. Ben (Humber): I do not know whether the NDP is supporting or opposing this bill; it is a great demonstration of opposition. We stated our point. The Ontario Liberal caucus here believes that Bill 82, An Act to amend The Health Services Insurance Act is not in the public interest as presently drafted and we will not support the bill on second reading.

When the bill was first introduced, many of us expected more, Mr. Speaker—much more than it contains. We were, to say the least, and as the Leader of the Opposition has already expressed it, deeply disappointed.

Since The Health Services Insurance Act was passed in the 1968-1969 session much regarding its operation has come to light. Many of its inadequacies have been well catalogued, documented and established.

For example, I believe it is very clear that the present legislation provides inadequate protection. For example, it does not include prescribed drugs, cosmetic surgery and many out-patient services, just to name a few.

It encourages insufficient use of resources. As an example, it compels many people to go in as active treatment patients for services they could have received either in clinics or nursing homes or in chronic hospitals, but which they cannot do under the present legislation.

Thirdly, it has accelerated the inflation of medical costs because there has been no control of fees charged by the doctors or services claimed to have been performed. It has been shown that because of the type of structure, or the coverage of OHSIP, patients obtain expensive but covered in-hospital care when much less expensive but not-covered ambulatory care would have been effective.

The present system has accelerated the physician's fee inflation, not only by increasing demand but also by allowing the physician to raise his fee without imposing an equal burden on his own patients. This is one of the difficulties with this system.

The patient does not care because he does not pay. The government pays but this government at least does not care to haggle, in fact with this government the word "negotiate" is not a nine-letter word, but a four-letter word. It just has an aversion to calling the tune for which it pays the piper.

Now, someone must call the tune, Mr. Speaker, and the logical person is the one who pays, the government, and, in this instance, the people. How they play the tune, these doctors—in 2/4, or 3/4 or 4/4, or 6/8 time—is up to the player, but at least they should follow the notes.

If we do not negotiate, we have no direct say in the bills to be paid by the government and nothing will limit the rise in

hospital costs and physicians' incomes. That is where I make my criticisms. We believe that we should negotiate and set the pace. It is done insofar as the solicitors are concerned; it is the government that sets what the lawyers shall accept for their services for which they are paid by the government. In most other dealings, the government negotiates; it puts out for tender or negotiates. Here the minister does no such thing. He adds insult to injury. He purports to create new boards or commissions to deal with the cost. But what is one of the clauses in here? It says: "No member of the claims board shall be employed in the service of Ontario or any agency of the Crown."

We now find out that to add to this, the persons the minister is going to choose to make up the claims board are going to be nominees of the Ontario Medical Association. Talk about going from the ridiculous to the sublime; he is absolutely abdicating his responsibility, the government's responsibility, to control the rise in costs of medical care in Ontario.

He also uses a façade in this Act and suggests he is setting up something which already exists. He may change the names, he may talk about the health services claims board as being established, but in fact we already have provisions in the existing Act to police the conduct of the doctors. But the minister chooses to disregard it completely. He has not, to the best of the knowledge of the members of the opposition, referred any claim to a committee established under clause (k) of section 32 for the purposes of assessing claims. Section 28 of the present Act states:

> The director may refer any claim or claims to a committee established under clause (k) of section 32 for the purpose of assessing claims, and the amounts thereof, with particular reference to possible misuse or abuse of the plan, and a committee shall report its conclusions and recommendations to the director.

Now, would the minister tell us where he refers any examples of misuse or abuse to a committee? And if he did, that means he established such a committee. And if he established such a committee, what is the reason for section 3 in the present Bill 82?

He could have taken action to prosecute them. Section 29 in the old Act states:

> Every person who (a) obtains payment under this Act or the regulations for insurance service for himself or for his benefit, or (b) aids or abets any other person in obtaining payment under this Act or the regulations for insured health services for such other person or for his benefit, knowing that he or such other person is not entitled to the payment, is guilty of an offence and, on summary conviction, is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than six months, or both.

How many prosecutions has the minister laid under the existing legislation? Who is he trying to fool? Does he think that by changing some words or changing names of committees or saying he is establishing a new board or new committee, he is fooling anybody? The minister will recall we questioned him on those eight charges that he laid—or rather, I should say, he made, and I cannot even say that they were charges because when we pressed him he said they were rhetorical questions. We could not even get out of him whether in fact there was any fraud. I said:

> The only way we can find out is if you charge them. There is a provision here that says that a provision can be used if you charge them and we are going to ask if you charge all these people.
>
> *Hon. A. B. R. Lawrence*: The Legislature is the body that can change that.
>
> *Mr. Ben*: No, you charge all these miscreants so the public can find out who they are.
>
> *Hon. A. B. R. Lawrence*: If we do—if there are any.
>
> *Mr. Ben*: Are you going to shield them?
>
> *Hon. A. B. R. Lawrence*: No, sir.
>
> *Mr. Ben*: You have admitted that some of them have been doing it. Why are you not prosecuting them?
>
> *Hon. A. B. R. Lawrence*: We have not found any cases of fraud yet.

This is what the minister said. And when we pressed the minister further on, I said this:

> You did not say they were charges but you did find an example of a claim reaching OHSIP which did not represent the services provided. You did find that there was a general increase in charges for general assessments or reassessments over ordinary office visits.
>
> You did find—you must have found—unconscionable claims, because the way you frame the question is: "Why are claims reaching OHSIP which do not represent the services provided?" It implies they are reaching OHSIP. "Why do claims for general assessment or reassessment constitute an increasing proportion of office practices?" and so on. Does this mean, in your opinion, it must be happening? You are asking why it is happening.
>
> You ask "Why are unconscionable claims submitted for detention time?" Unconscionable claims for detention time must be reaching your department in your opinion, or you would not have asked the question.

*Hon. A. B. R. Lawrence*: That is right. It is prima facie.

The minister admitted that charges were being made for services which were provided. He admitted that there were unconscionable claims put through to his office. But yet he elected to take no action. He brings in this piece of legislation which is supposed to cure this and it is a fraud.

If the minister did not have the intestinal fortitude to accuse the doctors of fraud, I am accusing him of fraud. Because what have we here? The minister is appointing members of the profession, or persons nominated by the profession, in fact, to be the policeman.

Now, Mr. Speaker, we are not going to suggest that laymen, that is, of other than professions, should be appointed as inspectors to determine whether all or part of the services rendered by doctors were not medically necessary, or that all or part of such services were not provided in accordance with accepted professional medical standards. It follows that the only people who could pass judgement on requirements of clauses b and c of paragraph 5(d), subsection (2) of section 3 of Bill 82 must be doctors.

But what disturbs me is the fact that you have that in there at all. The key to the solution is negotiating the fees to be charged by the doctors. I could not sleep nights, Mr. Speaker, if I had to dream about the possibility that a citizen of the Province of Ontario was denied adequate health services by a doctor who feared that through knowledge borne of hindsight somebody would subsequently criticize him for having produced that service.

**Mr. M. Shulman** (High Park): That is nonsense. No doctor would do that in the whole province.

**Mr. Ben:** The hon. member for High Park says, no doctor. Mind you, the hon. member for High Park has an aptitude for dealing in all-inclusive phrases. All lawyers are crooks; all doctors are honest; no doctor would do anything dishonest; all accountants are cheats. That is the only way the hon. member for High Park can express himself.

**Mr. C. G. Pilkey** (Oshawa): He never said that. You said it.

**Mr. Ben:** No doctor—he says it is nonsense, no doctor would do that. But the hon. minister asked eight questions of the medical profession, and evidently some of the doctors that the hon. member for High Park does not know, and does not include in his phrase—

**Mr. J. Renwick** (Riverdale): All the members for Humber are—

**Mr. Shulman:** All members from Humber are full of hot air!

**Mr. Ben:** No doctor is doing such a thing. Well, at least when they are full of hot air they are generating some steam, which is more than I can say for the hon. member for High Park. The change in the hon. member for High Park is remarkable. The doctors must have got to him as they got to the hon. minister.

I recall a time here when he used to think rather less than highly of the medical profession, especially when he was occupying the post of coroner. Now, I wonder what brought about the metamorphosis from a person critical of the medical profession to the Sir Galahad who is going to protect it?

**Mr. MacDonald:** The member's perception is dulled.

**Mr. Ben:** My perception is quite acute.

**Mr. Shulman:** His perception may be acute, but his memory is bad.

**Mr. Ben:** My memory is not bad. My memory remembers the criticism that the—

**Mr. MacDonald:** What was he saying about the bill when he interrupted himself?

**Mr. Ben:** —hon. member for High Park used to direct at the doctors.

Interjections by hon. members.

**Mr. Ben:** Well, I take it then that the hon. member for High Park has not changed his opinion. It is just that the doctors have reformed, and I compliment the medical profession. It is long overdue.

**Mr. K. C. Bolton** (Middlesex South): They will be able to sleep tonight.

**Mr. Ben:** Now, as I say—

**Mr. Shulman:** Somewhat deflated.

**Mr. Ben:** —I would not feel at ease if I thought that services were being denied persons for fear that their actions would be criticized. I refer to some tests not run; x—rays perhaps not taken, although I think x—rays are being over-used; a person sent home rather than kept in a hospital bed for an extra day or two.

Of course, in the opinion of the member for High Park, that thing never happened but I feel differently about it. I feel it does happen and this just might occur and might happen more frequently.

So, for that reason—

**Mr. Shulman:** Nonsense!

**Mr. Ben:** Sure, everything to the hon. member is nonsense except, I guess, his existence.

It does disturb us in this party, at any rate, if it does not disturb the hon. member or the members of his party. This is one reason why we oppose it. The main ground of our opposition is that the bill skirts the real issue which, in the final analysis, is public control of what which, in the final analysis, is public control of what doctors charge OHSIP for their various services. This means to us a negotiated fee schedule must apply. Failing agreement with the profession, the government representing and responsible to the people of Ontario must be able to determine the fee schedule, at least insofar as medical payments are concerned.

While we are not opposed to the audit procedures outlined in the bill, save and except that we feel none of the members should be appointed out of nominees produced by the OMA—

**Mr. Shulman:** None at all?

**Mr. Ben:** None.

**Mr. Shulman:** None?

**Mr. Ben:** They should all be employees of the government.

**Mr. Shulman:** The OMA does not appoint any of them.

**Hon. A. B. R. Lawrence** (Minister of Health): It is not the OMA.

**Mr. Ben:** He announced today, the hon. member for High Park, that—

**Mr. Shulman:** By the college. There is a difference.

**Mr. Ben:** Sorry, by the college?

**Mr. Shulman:** Yes.

**Mr. Ben:** Same difference.

**Mr. Shulman:** There is a big difference.

**Mr. Ben:** Oh, no.

**Mr. Shulman:** One could not expect the hon. member to be aware of it. I will explain it to him later.

**Mr. Ferrier:** Your perception has become rather dull.

**Mr. Ben:** I love that parrot in the back there, the one without the intestinal fortitude or knowledge to determine how his party is going to vote on this.

**Mr. MacDonald:** The member will find out how we are going to vote.

**Mr. Ben:** Do you hear the way he echoes, "Your perception is dull, your perception is dull"? Good grief, Edgar Bergen in the front row and Charlie McCarthy in the back row—

**Mr. Ferrier:** I do not get—

**Mr. Ben:** —made of wood, as was Charlie.

**Mr. Ferrier:** I do not get up and make a fool of myself like the member does, and cause embarrassment to my party.

Interjections by hon. members.

**Mr. Speaker:** Back to the bill, please.

**Mr. G. Bukator** (Niagara Falls): The hon. member must be making points—

**Mr. Ben:** I must be making points because every time I do—

**Mr. Speaker:** Could we stick to the bill, please?

**Mr. Ben:** As I said, while the caucus is not opposed to the audit procedures, we feel that the main provisions as suggested by the Liberal Party would render many of these procedures redundant and, in the process, would preserve the confidentiality of the doctor-patient relationship. We will insist that all inspectors be qualified medical personnel and not merely lay civil servants since otherwise the danger of questioning the necessity of tests and treatments with hindsight will always reflect unfairly on the doctors making the decisions at the actual time of the event, as I have already pointed out. Only other trained medical personnel ought to be in a position to audit motivations and matters of medical judgement and a mere actuarial check after the event would be most unfair to all concerned.

To us, Mr. Speaker, the bill makes it too easy for medical records to find their way into data banks or electronic information storage, which on retrieval may well destroy

the last vestiges of confidentiality. Better safeguards must be built into the bill which, while providing for access for evidence of malpractice and disciplinary purposes, must uphold privacy principles and afford the patient at least as much protection of confidence as presently exists between doctor and patient. The possibility of medical data being committed to memory rather than paper is otherwise very real and is a retrograde step in treatment standards.

The essential concern of the government must be with cost. Every other agency or profession dealing with governments agrees on rates for fees and there is no reason why doctors should be the exception. The avoidance of this tenet makes Bill 82 unacceptable in principle and it, therefore, cannot merit Opposition support.

**Mr. Speaker:** The hon. member for Oshawa.

**Mr. Pilkey:** Mr. Speaker, I want to say at the outset that in the minister's speech to the Ontario Medical Association, as opposed to the one that he made to the Essex county medical profession, you could see exactly what has happened. It is true that someone had got to the minister. He was backing off from the tough stance that he had made earlier in regard to the medical profession. And I think it is typical of the Conservative government at any time—

**Mr. P. J. Yakabuski** (Renfrew South): Oh, not that again.

**Mr. Pilkey:** —they seem to somehow come back to the traditional role of conservatism.

**Mr. J. Renwick:** The member knows it is.

**Mr. Pilkey:** I really do not know why. This government really owes nothing to the medical profession except that I suppose when they did get tough with OMA they were really out of character. That is not their role; they normally do not play that role. Now they have come full circle and are now in character. Obviously, the brave words of the minister have been retracted and the decision is something less than the speech that he made to the Ontario Medical Association.

I also want to say that I listened with great interest to the Leader of the Opposition. I got from his speech that the government was too tough on the doctors and that, on the other side, he felt that we should not be too tough on the doctors. He was on both sides of the issue and I really did not understand it.

**Mr. J. Renwick:** Dust them off with a feather.

**Mr. M. Gaunt** (Huron-Bruce): The member was not listening closely.

**Mr. Pilkey:** Well, I though I was listening fairly well. We know that the Liberals voted for the original bill, and now we have the government bringing in some legislation—not adequate by a long shot, but eliminating some of the original flaws—and now the Liberals are going to vote against it.

**Mr. MacDonald:** They are wrong twice.

**Mr. Pilkey:** And you know, what it really says for the Liberals—

**Mr. MacDonald:** They are consistently wrong.

**Mr. Pilkey:** —is that they are always too late and with too little. Obviously if they are going to make some impact with the electorate in the elections that we are going to be faced with shortly, they have to retrieve some of the lost ground. Now they are going to vote against this piece of legislation.

**Mr. R. F. Ruston** (Essex-Kent): How is the member going to vote?

**Mr. MacDonald:** The member will find out.

**Mr. Pilkey:** The member will find out.

**Mr. MacDonald:** We might even clear the member's thinking when we announce it.

**Mr. Bukator:** The member has not done it yet.

**Mr. Ferrier:** It will take more than that to clear their thinking.

**Mr. Pilkey:** And it appears to me that initially the government, in a political decision, said "The doctors ought to become the whipping boys. This is going to gain us some ground." All the decisions that this government has made in the last six months have had a tremendous political posture. They were going to make the doctors the whipping boys. They were an expendable element of the electorate and this was a calculated risk I suppose, but again, as it has been pointed out, someone really got to the government.

They made some pretty strong accusations that there was fraud, there was cheating, and really depicted doctors as the most irresponsible group in our society. Surely the backlash that this government received from those statements obviously has moved them off their position.

This party has pointed out the shortcomings in the Medicare legislation in this province and we have not changed our mind to this date.

We went after the former Prime Minister when he said that Medicare in principle was a Machiavellian fraud—we all remember that—and to get the $200 million from the federal government he had to initiate a Medicare plan here in the Province of Ontario with the highest premiums in the country and with little concern of providing a responsible plan for the people of this province. As a result of that, we do find within the plan itself some obvious flaws; that it has not been working adequately.

The government knows full well that we said that there should be one agency as opposed to two; and what did the government do on that one? They made an announcement some months ago that they are going to integrate the plan; I believe it was in April, 1972.

Why the delay? If this was a sound principle to integrate the plan and eliminate the agents, and I believe it was, why was that not brought about much earlier? Why leave it to some point in the distant future?

The other thing is, as the minister knows, when the OHSIP plan was being discussed in this province, the doctors under PSI, particularly in the Province of Ontario, escalated their fee schedules. They also announced that doctors would receive 100 per cent at that time of the OMA schedule of fees. So, before the plan was introduced the doctors had taken care of it adequately in terms of the fees and in terms of the 100 per cent payment.

The minister has since reduced that to 90 per cent and has said that 90 per cent will represent 100 per cent. Well, this party said back in 1969 that the 90 per cent really did represent 100 per cent, in any event. I do not know why he does not say that the doctors are getting 100 per cent of a proper OMA schedule of fees—and not 90 per cent.

**Mr. Gaunt:** The member had better be careful.

**Mr. Pilkey:** And quite frankly, and I do not know if my party even agrees with me on this, but I happen to think that the doctors should receive 100 per cent of the OMA schedule of fees. But, with one reservation, that I happen to think that the doctors ought to negotiate the OMA schedule of fees with this government.

**An hon. member:** Hear, hear.

**Mr. Pilkey:** And then I think we would have adequate and reasonable compensation for doctors in this province. Every other organized group, and particularly the trade union movement, has to negotiate its wages and under public scrutiny as well—

**Mr. Ben:** Even co-ops.

**Mr. Pilkey:** —surely the medical profession ought to do exactly the same.

**Hon. E. A. Winkler** (Minister of Revenue): How about the lawyers?

**Mr. Gaunt:** Not a bad idea.

**Mr. Pilkey:** Well, maybe we ought to get around to the lawyers as well.

**Mr. J. Renwick:** The sooner the better. They are not getting enough—under the present system.

**Hon. Mr. Winkler:** What is that?

**Mr. Pilkey:** I want to also say to the minister that the accounts that doctors submit should be legitimate accounts. And it appears to me that the accounts should be scrutinized by OHSIP, as an agent of the government. If there are abuses to the plan, then obviously they must be stopped.

It may not be politically popular with a government to stop those abuses. But I just happen to think that they should be stopped, irrespective of the political popularity of that endeavour, because it is so important that these plans be financially viable in every sense of the word. If doctors are abusing the plan obviously it must be stopped and it appears to me that one way that it can be done is through public control of those abuses, it is necessary that people who are not connected with the medical profession scrutinize these accounts.

I do not happen to think, as it was pointed out in one of the editorials in one of the Metro newspapers, that this is infringing on the confidentiality of the patient. I do not happen to think that that is a fact at all. We

have many government agents checking on items or matters that probably could be described as confidential, and I do not think that it has really changed anything because these accounts are scrutinized. I am sure that the general public in the Province of Ontario would support it in any event.

I do not think we have to hide behind this whole question of confidence. Make it public control so that the plan itself is being supported by the government and, if there is a premium involved, that the cost to the plan be legitimate. That is the point I am trying to make. That it is not an inflated cost because somebody is abusing the plan. We have to guarantee that the cost is relative to what is needed to pay for the plan, and not because someone has abused it.

**Mr. Speaker:** Does any other member wish to participate before the minister replies?

The hon. member for Riverdale.

**Mr. J. Renwick:** Mr. Speaker, I think most of the arguments have been put. Of course, the one political argument has not been made and that is that the Minister of Health decided he could, with impunity, attack the medical profession because he felt that they would continue to vote Tory in any regard. Of course, the fact of the matter is that he beat a hasty retreat when he found that in all likelihood he was driving the doctors into the ranks of the NDP.

**Mr. Gaunt:** Hardly likely!

**Mr. J. Renwick:** And he had to pull back from the very bold statements which he had made earlier in the course of leading up to this bill.

**Mr. Gaunt:** The doctors would take a lot of abuse before they would be driven to that extreme.

**Mr. MacDonald:** There are more of them in our ranks than the member thinks.

**Mr. Singer:** Yes. That sounds like a great Lewis production.

**Mr. J. Renwick:** There is nowhere else for them to go. They certainly would not go to the Liberal Party.

**Mr. Gaunt:** Oh yes, they are coming in droves.

**Mr. Pilkey:** The only ones who are going over there are the psychiatrists!

**Mr. J. Renwick:** On second reading, I want to mention to the minister that he has devised a most complicated scheme when you take into account that The Statutory Powers Procedure Act is also going to be involved in the operation of the bill, as I understand it—the one which we passed in this Legislature just two or three weeks ago.

As I understand it, we are going to have the director making a determination. We are going to have, by way of amendment to the bill when it comes through committee, a medical review committee, and we are going to have the claims board which is set up in this Act. On top of that, we are going to have an appeal to the Supreme Court of Ontario, and then—a sort of a side issue under The Judicial Review Procedures Act—we will be able also to challenge or to take proceedings under The Judicial Review Procedures Act.

It seems to me that the minister at some point has to decide whether or not that is not a much too cumbersome procedure for any method of settling the kind of problem with which he is faced. He has been very reluctant, as the Tory government has been, to do anything to bring in some way within the community of the Province of Ontario, a profession which by and large believed itself to be a law unto itself in most of its affairs, by grant of the authority from this Legislature.

The minister has, but not by providing us with the evidence, forcibly drawn to the attention of the doctors that he, as the minister, is not going to stand for any abuse so far as the expenditure of public funds is concerned. He has not provided us with the basis on which he came to the conclusion that there were such abuses, but he certainly got a very powerful reaction from the medical profession.

Now it seems to me that really in substance he has built such an elaborate edifice that it is going to come tumbling down around him.

If for example the medical claims board has the right to receive all kinds of evidence because he has incorporated certain provisions of The Statutory Powers Procedure Act by referring to those matters which are admissible—and I might just refresh the minister's memory where it says that:

> A tribunal may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court, any oral testimony in any document or other thing relevant to the subject matter of the proceedings and

may act on such evidence, but the tribunal may exclude anything unduly repetitious.

There are certain provisions later on which purport to cut down, very narrowly, the scope of the admissibility of evidence before a claims tribunal.

But the minister, as a lawyer, would well understand that if he is going to then permit an appeal to the Supreme Court of Ontario in accordance with the rules of court, he has immediately faced the court with a very formidable problem as to the extent to which they are going to find themselves in a position, novel for them, of taking into account evidence which they do not normally, before the court, take into account.

And I think, for example, that particular contradiction is one not easily resolved, and I think that the minister should give very serious consideration to eliminating the provision for appeal to the Supreme Court of Ontario because I do not happen to think that the Supreme Court of Ontario is a competent body to make that kind of decision on appeal from the claims board.

I think it is quite proper that the judicial review procedure, which is the companion bill passed quite recently, would be an appropriate way to ensure that by appeal to the court under old prerogative writ proceedings, it could be established that the claims tribunal had acted within its powers and had acted in accordance with the principles set out in this statutory procedures bill and in accordance with the statutes and the regulations which have been passed.

Surely, I say to the minister that is as far as it is necessary to go. There is not, Mr. Speaker, any real reason in this day and age why we must make very special provisions for the medical profession insofar as these claims are concerned.

I speak not only of the medical profession of course, but I speak also of a claimant who, where the doctor has opted out of the plan, has received a bill from the doctor, has submitted it to OHSIP and OHSIP has turned the account down or purported to have reduced it, because that person, as I understand it, is also entitled to make application for a hearing before the claims tribunal.

But in either of those cases, I say to the minister that the procedure could very well stop at the claims tribunal. I would like to know something of the background at some point as to just who drafted the bill, and why it was felt necessary to make the provisions for an appeal to the Supreme Court.

I think that illustrates part of my concern about the bill—that it is over-elaborate in its provision. I am not so certain, from what I could gather from the minister, that I do not perhaps agree with him on the question of the initial stages at least until some sense of confidence is developed, on the question of the audit of accounts, and the inspection of records.

My own view is that the bill, as presently drafted—if the medical profession had been prepared to give it a whirl—would probably have not caused them any undue concern. That is my feeling. But because the profession has been allowed to wander so long divorced from society, I think it probably raised unnecessary apprehensions in their minds, and I am not one who therefore is going to fight over a complicated and perhaps unnecessary method by which these kinds of problems can be resolved in the initial instances.

I think that the medical profession tends to see tremendous threats in any legislation which is passed about their profession. I was surprised, Mr. Speaker, to find that the minister, I am certain not for political purposes, was very adamant in telling the doctors that he was not going to make them all members of the civil service.

Well, that is the extent to which the doctors respond to an old red herring which is thrown in front of them, that in some way or other the economic and efficient provision of medical services in the Province of Ontario for the people of the province encroaches upon them as individual members of a profession who deal with patients and who do not consider themselves to be employees.

It is surprising to me that the medical profession would continue to require that kind of assurance from the minister. I think the point we have made over the years, the point we will be making again in this Legislature when we come to the bill standing in the name of the Minister of Financial and Commercial Affairs (Mr. Wishart) with respect to his version of so-called no-fault liability, is that fundamentally and essentially what we are saying is that we want the economic, equitable provision of health services in an efficient way.

We in this province cannot afford the luxury of an extravagant method of providing health services, nor can we permit a system by which the allocation and distribution of health services depends upon the question of ability to pay. Therefore when

one is looking for efficiency in government, when one is looking for efficiency with respect to the payment for medical services and the supply of medical services, I think one is faced with the question of possible abuses of the system—abuses which apparently to the minister are more than possible abuses but in fact are actual abuses—and that therefore it was incumbent on the minister of the Crown to bring in legislation which will deal with those abuses.

I think it is not an adequate attack on the bill to say that it does not cover other flaws which we pointed out when we voted against the bill when it came through the Legislature on its initial enactment in 1969. We wish that it did contain other provisions. We wish it contained the kind of provisions which caused us, on balance, to vote on principle against that bill when it was brought through. But it would appear to me that the minister has gone, in some way, to meet the problems.

I think it is an over-elaborate system. I think it is an unnecessarily cumbersome one. I think it still reflects a degree of paranoia in the medical profession that is quite unnecessary. The source and origin of that is something that can only be attributed to a profession that has been allowed so long to determine its own destiny, to live within its own framework and to have the sensation that they and only they are the ones who are entitled not only to provide medical service but to determine what should be charged for and who should be the ones who receive that medical service.

I will leave it to my colleague, the member for York South, to determine in the final analysis how we will vote on this bill, because—

**An hon. member:** Good for you.

**Mr. J. Renwick:** —at 9:30 on a Monday evening, I would not want to let the Liberal Party know exactly what we are going to do.

**Hon. Mr. Winkler:** Do not be too decisive.

**Mr. J. Renwick:** All I can say, Mr. Speaker, is in accordance with the way in which this caucus operates, our decisions were made some time ago with respect to this bill—

**Mr. Gaunt:** He just does not want to reveal them.

**Mr. J. Renwick:** —and the member for York South, who more than any other man has fought and determined the issue of Medicare in this Legislature, will make the final comments about the position of this party on this bill, Mr. Speaker.

Interjections by hon. members.

**Mr. Ben:** We will clap for the hon. member for York South when he gets up.

**Mr. Shulman:** I would like to speak very briefly, Mr. Speaker.

**Mr. Speaker:** The hon. member for High Park.

**Mr. Shulman:** I am not speaking for the caucus, may I say; I am speaking for myself. I wish to commend the minister for this bill. I would be very proud to have had my name on that bill. I think he has done a very brave act in bringing it forth. Politically, it is a very un-Conservative bill to bring forth. It is the sort of bill that I thought was a small "l" liberal type of bill, the sort of bill that we in this party would be proud to bring forth.

I think the minor step the minister has taken backward is not such a horrible thing. I do not think that the minor concessions he has made, if they have placated the physicians and organized medicine, really cripple the bill; and I would just like to say that I think he has done a fine job with it and I wish to commend him for it.

Interjections by hon. members.

**Mr. Speaker:** The hon. member for York South.

**Mr. MacDonald:** Mr. Speaker, there seems to be some doubt as to exactly how we are going to vote in this caucus.

**Mr. Gaunt:** Yes, there certainly is.

**Mr. I. Deans** (Wentworth): Save it until the end.

**Mr. MacDonald:** I am not going to save it until the end because I want my punch line to deal with the continuing weaknesses in the bill. Let me tell the members why we are going to vote for the bill.

**Some hon. members:** Hear, hear!

**Mr. MacDonald:** In 1969, when the basic legislation was brought before this House, it was so incredibly flawed that we were the only party who opposed it. Now, at least this bill is going to correct some of the flaws which the public has found to be most irksome.

This 90 per cent deal, for example. I do not think there is any member in the Legislature who would deny the fact that this has been an issue on which he has had constituents and non-constituents come to him and complain about the niggling nature of it.

This is going to be removed, at least insofar as now the doctors have to opt into the plan, or stay out of the plan. If they stay out of the plan, at least the patient, the citizen, is going to know under exactly what circumstances he is going to be operating. But if they opt into the plan, the 90 per cent would be deemed to be full payment of the bill.

That correction in itself would seem to me to make it worthy of support. It then raises the main problem. It is a problem which my colleague from Windsor West outlined, I think, in a very conclusive way to the minister; how seriously the government erred in its first approach.

It could have borrowed and used the expertise and the experience of the Windsor Medical Services, or PSI or AMS, and avoided the kind of situation that has now developed. But in its wisdom, it decided it was going to exclude them and set up its own administrative machinery with, it now appears, virtually no checks at all.

Indeed, because of the mechanical problems the department had with the computers, I know it is a fact that in many instances the bills were just rushed through the computers to pay because it was the only way they could deal with the administrative log jams that they got into. So there is no doubt that this is a problem that must be faced up to.

Now we have said it enough already that I do not need to detail it, that we have serious misgivings about the particular features which the minister has decided to adopt in coping with this problem. My colleague, the hon. member for Riverdale, has just indicated that they are "over-elaborate."

But my main concern is that it does not zero in on what I think is a legitimate proposition. Namely, if public moneys are being spent, surely genuine representatives of the public, and not the profession that is involved, should have responsibility for the policing.

The minister's whole approach from the outset has been that he is going to strengthen the powers of the profession which did not exercise the policing responsibility it had—although that responsibility is fairly clear in its own regulations and indeed, by implication, in the laws that we have passed. Since they have not exercised it, now he is going to strengthen their hands presumably to do a better job.

In our view, I do not think that is going to be good enough, but at least it is moving in the direction of correcting the abuses.

The main burden of my comment, Mr. Speaker, is going to be on trying to dispel the image the minister attempted to create as he launched this almost unprecedented attack upon the medical profession. I think it was unprecedented—certainly coming from Tories it was unprecedented—and he tried to create the image that there were just a few people in the profession who were doing it.

Well, maybe that is not fair, because one time he was creating the image that there were just a few people. Then, if you examined his words rather carefully, the implication of them—indeed more than the implication; the statements that the words made—indicated that it was a very widespread abuse. And when you attach it to adjectives like "irresponsible", "unconscionable", "intolerable"; those are pretty tough words—particularly when you attach to it $100 million, as it has been repeated a number of times during the debate as the possible loss, the possible milking of the fund, in monetary terms as well as in the verbal terms that the minister was using.

Let me put on the record what I think is the best statement of the game the minister was playing, and ultimately he was destined to lose—and he is in the process of losing. Quite frankly, I am very sorry that he is losing it, because this minister alone in the cabinet, in my view, has established some genuine credibility since this new government was formed. He is now in the process of dispelling that credibility. He first attacked the doctors and now he is at least giving the appearance of backing off.

But I want to go back to that original attack. Let me quote, if I may from the most incisive analysis that I have seen of this whole issue in its initial stages, namely an article that was written by Harold Greer and syndicated; this one was carried in the London Free Press on May 26. There are just two or three paragraphs:

> It is quite true that only a minority of doctors are abusing Medicare and the entire profession cannot be indicted, but it is equally fatuous on the other hand to claim, as is often done, that only a few doctors are at fault.
>
> Mr. Lawrence's own bill of particulars makes it clear the abuses are decidedly

widespread and not just the work of a few doctors. Even though the government has seen fit (the inside word is that it does not dare) to release the statistics. Claims are being put forward for medical services which were never provided.

The basic "office visit," the lowest item on the medical association schedule of fees, is being increasingly replaced by claims for "general assessment" and "re-assessment" which bear a much higher tariff. Unconscionable claims—

That is the minister's term—

Unconscionable claims are being submitted for detention time, which means doctors are charging $20 an hour whenever they think they have spent more time with a patient than the service in question normally calls for, and which in fact is being used as a device to get around the prohibition in the law against claiming for travelling time.

"A surprising number" of operations of questionable necessity are being performed. Claims for diagnostic service and laboratory work are significantly greater—

The minister's term—

—when doctors have a financial interest in the laboratory being used. Services provided by technicians and nurses are being billed at the physicians' fee level. Services provided by hospital interns and residents who are not licensed to charge fees are being billed in the name of the supervising physicians who have never seen the patients in question.

That is Mr. Lawrence's list—

Said Harold Greer—

It is by no means exhaustive, and it is certainly not new, and to suggest that the College of Physicians and Surgeons lacks power to deal with it, is mere dissembling.

It is true the college currently cannot examine a doctor's books but it can discipline unethical conduct and it is unethical to overservice or overcharge.

The hard fact is that many complaints have been made to the college in the past, and nothing has happened. The very growth of the abuses Mr. Lawrence complains of is evidence enough that the doctors have discovered they have little to fear from the College of Physicians and Surgeons.

Charges for laboratory tests are a classic case in point. Since the advent of Medicare over 200 doctor-owned corporations have been formed in this province to operate laboratories because doctors discovered they could charge for tests at the physician's fee, even though a technician does the work.

The medical profession set up a committee three years ago to look into the propriety of this and nothing has yet been heard of it.

The case is there. This is very widespread abuse, and for the life of me I do not know why the minister is backing off. He either says too little or too much, and quite frankly, I cannot understand why he is backing off when the doctors, for reasons that are really quite baffling, had one of their leading spokesmen, as the minister knows, write a letter to one of the leading Toronto newspapers a few weeks ago and in effect dare the minister to document his charges.

The minister can document the charges, my colleague, the hon. member for High Park says he has. Quite frankly, I do not think he has sufficiently, and I think this has got to be done. The minister cannot win playing this game with the doctors very much longer; at least in my view, he cannot win and, quite frankly, in the public interest, I do not think he should play the game any longer with the doctors. I give him full credit for, in effect, grasping the nettle in the fashion perhaps that no other minister—certainly, no other minister in this government in the last 28 years—has done. I wish he had had the courage to continue to grasp the nettle and, particularly, when a leading official of the medical association writes in the newspaper, and, in effect, taunts the minister and says, "look, you said too much. Instead of just accusing us, produce the evidence."

I think the public is entitled to the evidence and, quite frankly, if it does not come out during the course of this debate or sometime soon, I think it should come out by hearings before the human resources committee so that the minister can have his position strengthened. He has nothing to lose. Certainly, the public interest is going to gain.

So we will support this bill. We will support it because, firstly, it removes some of the flaws in the bill that we opposed two or three years ago, certainly some of the more irksome features of it. Secondly, and most importantly, it is now at least grappling—we hope we are proven to be somewhat wrong in our suspicions of the ineffectiveness of this

grappling—but, at least, it is grappling with the abuse of the Medicare plans. Having charged that there was abuse, the minister is now moving to establish some sort of machinery to see that that abuse will be corrected.

I can assure the members that, in our view, it can be done more effectively and, at least in Committee of the Whole House, we will be moving amendments to see if we cannot improve it.

**Mr. Speaker:** The hon. member for Downsview.

**Mr. Singer:** Mr. Speaker, I was very interested to hear the party on the left at last state its confusing position through the mouth of the hon. member for York South.

It brings to my mind the fascinating debate about the introduction of the principle of Medicare, when the NDP, long the champions they said of Medicare, voted against the principle of Medicare because they found flaws in the bill.

**Mr. MacDonald:** Then we went out and won a by-election on that position.

**Mr. Singer:** Yes; they misled the public then, and in that by-election, as the member says—

Interjections by hon. members.

**Mr. Singer:** Let me say again. Mr. Speaker, that their indictment against this bill today, which they now say, five speakers later, they are going to support, was stronger than their indictment against the original Medicare bill.

But mirabile dictu, amazing to say, Mr. Speaker, tonight they are going to support it substantially because they think that it is meet and it is proper that they should vote against the position that we are going to take. But we are going to oppose it, Mr. Speaker, because we think it is wrong in principle. We think that the minister, paper tiger that he is, having bared his teeth, is now backing away from the major issue.

**Hon. A. B. R. Lawrence:** No, I am not.

**Mr. Singer:** He has backed away from the major issue.

**Hon. A. B. R. Lawrence:** No.

**Mr. Singer:** Mr. Speaker, the principle of the minister's method of control is entirely wrong. All he has to do is to listen to the words of some of those 2,000 doctors he says he has talked to in the last week or 10 days and listen to what they say. They object, by and large, as honorable men—certainly they are as honorable as the profession that the minister and I belong to—to being called a bunch of crooks.

This is, in fact, what the minister has done. His bill of indictment, that ran through seven or eight or nine points, was posed by a series of rhetorical questions, in which he refused to come down and say there are X cases of overbilling; there are Y cases of too many tonsillectomies and there are Z cases of unconscionable profits being made out of laboratories. He refused to complete the bill of indictment. All he did was to leave the innuendos dangling in the air and to damn every one of the 9,000 doctors in the province as being dishonest and being corrupt and taking advantage of a system—

**Mr. Nixon:** How can a minority steal $100 million?

**Mr. Singer:** —which the government, as inefficient and inexact as it was, had, in fact, set up.

Let me tell you a story, Mr. Speaker, about a conversation I had the other evening with one of the senior doctors who practises here in Toronto. This doctor is a man very highly regarded in his profession, a specialist, an internist, who frequently is called in as a consultant and he said, "I do not know why any government would agree that I should be able to charge $38 for a consultation." He said, "I have been carrying on consultations for 10 or 15 years and the fees I was being paid, which started at $25 and moved to $30 and moved to $35, anywhere along the line were reasonable fees."

He said "However, with government blessing, the OMA was allowed to put our schedule of fees up to $38 and I am doing no more now than I was doing when the fees were lower," and he said "I will be quite frank and honest with you, I am earning far more than I ever imagined I could in the practice of medicine."

He said "I am earning, in fact, an unconscionable amount, but I am earning it honestly. I am charging in accordance with the schedule of fees. I am working no harder than I used to, but the annual income that I am getting is in fact unconscionable." He also said "However, if the government is stupid enough to allow this system to go on uncontrolled, then the government is in faot asking for all sorts of trouble."

He went on to say "What I object to—what this doctor objects to and what my colleagues and I object to—is the minister and his government, having allowed this system to form, having forced us into it against our objection, now says that because they are doing what the law says, they are all a bunch of crooks and charlatans.

He says, and he says with very substantial validity, Mr. Speaker, that the government had a responsibility, having brought about Medicare; albeit as reluctant as they were; albeit that they were being blackmailed into it so they said; albeit that those terrible guys in Ottawa forced them into something they did not like; he said that the Ontario government had a responsibility to control this system reasonably and adequately.

Once they were beginning to collect public dollars and dispensing those public dollars to a profession, the government had an absolute responsibility to make sure that the fee schedule was one determined by the government.

He went on to say "There is no reason why young doctors two and three years out of law school should be earning perhaps $100,000 a year."

**Mr. MacDonald:** Out of medical school, not law school!

**Mr. Singer:** I am sorry, out of medical school—the member for Forest Hill was quite right in that chuckle—"out of medical school should be earning upwards of $100,000 a year, but the system allows it."

The system was made by government and is encouraged by government. Government has got itself into this box, and government has been unable to assume the very serious responsibility with which it is charged to control it. We had hoped when we saw this minister take over the portfolio that he was going to come about this very serious responsibility in a manner that was worthy of his idea of professional responsibility.

Instead of that, the paper tiger has set up a paper monster, and it is quite easy to attack all the doctors in Ontario for the faults of government. That is, in fact, what he has been doing in his bill which now allows investigation of accounts, and perhaps is going to allow the minister or one of his lackeys to say: "Too many tonsillectomies. Therefore, we will let you charge for half of them."

It does not mean anything. Surely the answer would have been to proclaim, as you never have in insurance or in legal aid or in Medicare or in any one of these fields that where public money is collected by government and dispersed by government, a system of reasonable controls be determined by government and then turn to this profession, which I say is an honorable profession, and say, "Now, police it."

I do not think the doctors are any worse than the lawyers, and the lawyers do police their profession. Some people think not sufficiently, but I am certain that had you given to the doctors the machinery, the ammunition, in the predominating statutes which would allow them to control, they would have exercised that responsibility as well as any other profession did.

I think, Mr. Speaker, the minister and his government stand condemned because with their great whitewash brush they have damned the whole profession. There is nothing in this statute yet that says we are going to be concerned about the schedule of fees; we are going to be concerned about reasonable annual earnings; we are going to be concerned about perhaps spelling off or grading them along the system that income tax is graded—the higher your income is the more your fees will be cut down. Is it Newfoundland or Nova Scotia? It is Newfoundland which has adopted that plan. There would be nothing wrong with that.

As I say, Mr. Speaker, in taking that kind of an approach the minister would have been appealing to an honorable profession that, by and large, has served this province and its people very well. Instead of that, the minister come out with the sledgehammer; he wants to beat everybody over the head. Then, when the pressure gets hot, when the editorials start flying, he tries to withdraw.

Well, his withdrawal is neither graceful nor meaningful. His withdrawal has not yet provided the solution. Sending in accountants and auditors and inspectors is not going to improve the situation. That, Mr. Speaker, is why we are going to oppose this bill.

We would have liked to have seen the minister say the system has not worked as we envisaged it. Now that is in fact what he did not have the courage to say at the beginning. The system has not in fact worked as all of us envisaged it.

It has been spending far too much money because the government let the Pharisees get completely out of hand. And the minister let people earn honestly—most of them earned honestly—annual sums of money which just do not make sense as a part of our whole

economic programme within the Province of Ontario. That is where he should be cutting back. There is no word of any of that in this bill, Mr. Speaker.

I do not know why the minister believes that the medical profession as a whole cannot be trusted because I do not believe it, and I do not think that most people in Ontario believe it. I would like, before it is too late, to see the minister bring about this kind of change before this bill, in fact, becomes law. I would like to see—and I ask the minister, does he have the courage now to let this bill go to the standing committee, so that we can have a face-to-face confrontation, all of us together, with the medical profession?

Let us hear what they think about the principles that lie behind this bill. It is not sufficient for my purposes, Mr. Speaker, to know that just the minister has talked to 2,000 doctors. Let us hear from them—let all of us hear from them at the committee downstairs. Let us hear what they think about the minister and this method of procedure.

Mr. Speaker, most of these points have been covered earlier, but I thought it was most important that it be made quite obvious that we, for one group in this House, do not believe that all of the ills that lie in the Medicare system lie only at the door of the doctors. We say the government, by inadequate planning, by its negligence and by its stupidity brought this situation substantially upon itself. In setting up the doctors as the unconscionable corrupt group that the minister and his colleagues have tried to paint them, he has made a very serious mistake that the people of Ontario are not going to forget for a long time.

**Mr. Speaker:** The hon. member for Middlesex South.

**Mr. Bolton:** Mr. Speaker, we of the New Democratic Party feel rather badly shattered to be accused by the hon. member for Downsview of being inconsistent.

**Mr. Ben:** The NDP are!

**Mr. Bolton:** Because he is such an expert at inconsistency his word might be taken seriously. In fact his whole party is noted for its inconsistency, its confusions.

Interjections by hon. members.

**Mr. Gaunt:** Now we do not have caucuses in the House, though.

Interjections by hon. members.

**Mr. Deans:** Keep it up! Do not let them turn you off!

**Mr. Gaunt:** We know how you are going to vote.

**Mr. Bolton:** It has been suggested I keep this up, but why should I reveal my firm grasp of the obvious?

**Mr. Ben:** The member ought to convert and go to confession.

Interjections by hon. members.

**Mr. Bolton:** The member who is interrupting is the one who accused all New Democrats of being atheists—

Interjections by hon. members.

**Mr. Ben:** The member damn well told me—

**Mr. Pilkey:** Do not stumble; spit it out!

**Mr. Bolton:** I always find the member for Humber entertaining. If the House has the time I am perfectly prepared to relax for a while and listen to his further interventions, but I gather we have more important things to do.

Reference has been made to the fact that we voted against the original Medicare scheme. We certainly did, because it was such a shockingly bad, ineffective scheme, with many serious flaws.

**Mr. Ben:** On a point of order.

**Mr. Speaker:** Point of order.

**Mr. Ben:** Would the hon. member—

**Mr. Speaker:** Would the hon. member for Middlesex South resume his seat on a point of order, please?

**Mr. Ben:** Will the hon. member for Middlesex South, who just resumed his seat, please cite to this august chamber the reference in Hansard where I referred to the hon. member or to his colleagues as atheists?

**An hon. member.** We all heard the member.

**Mr. Ben:** Show me where it says so in Hansard.

**An hon. member:** We heard him.

**Mr. Bolton:** Mr. Speaker, on that point of order—

**An hon. member:** Do not bother!

**Mr. Bolton:** No, I plan to pursue it, because it is rather intriguing.

This was stated in the House. I was at that time too inexperienced to know what to do when I did not find the observation in Hansard the next day, so it was never recorded in Hansard; but as an hon. gentleman I would like to ask the last speaker if he is prepared to deny that he said that.

**Mr. Ben:** Find it in Hansard.

**Mr. Pilkey:** My colleague has a point there. Go ahead!

**Hon. A. Grossman** (Minister of Trade and Development): It looks like both members are?

**Mr. Speaker:** The hon. member for Middlesex South has the floor on the debate of the principle of this bill.

**Mr. Bolton:** Let the record show that the hon. member did not deny having made that statement in the House. I refer to the hon. member for Humber.

**Mr. J. Jessiman** (Fort William): It is a case of put up or shut up.

**Mr. Bolton:** Mr. Speaker, to continue our comments about this bill, there was a certain amount of confusion on the part of the member for Downsview who talked about tarring with a whitewash brush, which rather matched his comment about graduating in medicine from law school. We opposed the original Medicare bill because it was so badly planed.

**Mr. M. Makarchuk** (Brantford): Doctor of law!

**Mr. Bolton:** We now support this bill because it moves in the direction of improvement. We are always happy when we find that attention is paid to our comments and our criticisms, and we welcome any evidence of reform—

**Mr. Ben:** They were all wrong.

**Mr. Bolton:** We have already stated that we support this bill, but since some reference was made to the by-election in Middlesex South, I thought I would at least make these few observations indicating our support of this bill. Thank you.

**Mr. Speaker:** Does any other member wish to participate? The hon. member for Timiskaming.

**Mr. D. Jackson** (Timiskaming): Mr. Speaker, just a few words.

I am sure that the medical profession recognizes that an ounce of prevention is better than a pound of cure. When we first stood in this House and opposed the original OHSIP bill, we felt that it was much easier to apply the ounce of medicine in the beginning, rather than wait until we had to put forth the pound of cure as we are doing now. But once a disease has taken hold, we surely are not going to sit back and say that we do nothing about it—

**Mr. Ben:** Talk about the meetings!

**Mr. Jackson:** —and that we refused to apply the bit of cure that would bring forth a plan that will serve the needs of the people of Ontario. And when the Liberals now sit and say to us that we are not consistent, well, they should look at their own record in this House—

**Mr. Ben:** Look at it.

**Mr. Jackson:** —when they stood and opposed OHSIP with one breath, and then turned around and supported the government when they brought in the basically flawed bill that we are now trying to correct.

**Mr. Ben:** When did we oppose OHSIP?

**Mr. Jackson:** Well, if the member for Humber would go back into the records, he will find that their arguments were on both sides of the fence at that time, as they are tonight.

**Mr. Ben:** We won two by-elections in 1965 fighting for the introduction of Medicare. The member does not know what he is talking about. It is nothing but drivel. Why does he not sit down and do himself a favour?

**Mr. Jackson:** I say to you, Mr. Speaker, that we support this bill because we feel that any change that betters the original OHSIP is worthy of support.

**Mr. Ben:** We made the same statement about OHSIP in the first instance and they

would not support it. The member is disgracing himself, making a fool of himself. He should not stand up.

**Mr. Speaker:** Are there any further speakers to this bill? The hon. member for Wentworth.

**Mr. Deans:** Mr. Speaker, in this bill, as in many bills in the House, there is a great deal of value judgement. There are two distinctly different principles, each dealing with an entirely different matter.

The first principle that I want to speak to is the principle of having doctors opt for operating either within or outside of the plan. I think that this is a very valuable principle. I think that if a public plan is going to operate effectively and efficiently, then doctors must make a decision at some point whether or not they are going to operate inside that plan or outside of that plan.

If they decide to operate within the plan then it is of extreme value, in fact it is necessary, that they make the decision based not only on the ease of obtaining their money, not only on the guarantee of return that they get simply by being part of the overall programme, but they make the decision knowing full well that having once accepted the programme what they get from that programme is payment in full and that there will be no deterrent fees established or deterrent fees allowed as there have been over the last 2½ years.

When the initial Act was introduced into this House, we argued at great length about the manner in which the payments were to be made. We argued, not only about the fact that additional carriers were to be involved, but we argued about the fact that persons who would be unable to meet their commitments would be forced to pay over and above the doctor's fee. As it so happened, over the last 2½ years, the complaints that have poured into the offices of members of this Legislature from constituents from all parts of this province, have borne out what we said—that the patients have found the additional 10 per cent difficult for them to raise in many instances.

The doctors, I suspect, if they were to be honest with the minister, have also found it to be more of a nuisance than anything else; and I say to him that doctors have a lot of nerve in complaining at this point about receiving 90 per cent. When they operated their own programme they were quite prepared to accept less than 100 per cent knowing full well that the moneys were used for administrative purposes. And for them now to complain, as they have done, that in making the decision to become part of the programme they would be making the decision to reduce their earnings is, I think, an argument that does not sit very well and is not, in fact, accurate.

I feel that it would be very useful to move, and I think that the government should be moving, toward negotiations with doctors over fee schedules. I have felt for some time that to give a group the right to establish their own rates without any accountability of any kind is not in the best interest of the medical care of the people of the Province of Ontario.

**Mr. Shulman:** Except for MPP's!

**Mr. Deans:** I say including MPP's, including anyone! There must be an accountability. At some point in this programme there will be accountability, and at some point in the future there will be negotiation between the doctors' representatives and the plan representatives to discover and to discuss reasonable fees to be paid to doctors for services performed. I predict it. It has got to happen, and it will happen.

It could happen now, although perhaps with the furor that has erupted over these minor changes—and they are minor to a great extent—but with the furor that has erupted over these changes perhaps the timing would be bad.

However, I urge upon the minister that he continue to move toward that day when there will be a fair, negotiated fee schedule, and that we will have some say in the determination of what will be paid for certain services. This could be done on the very highest plane. It need not reduce the doctors to anything less than they presently are. It need not reduce them at all. In fact, it could be done in such a manner that they will not lose much of the autonomy that they presently have and cherish.

The second principle is the principle of whether or not the auditing of doctors' books will in any way disturb the doctor-patient relationship. Now I am not a doctor, but I can truthfully say to members as a citizen that I do not think the fact that an auditor goes in and audits my doctor's books is going to in any way infringe upon the relationship that I have with my doctor.

If it does, it will be from his end, not from mine. I certainly do not care. In fact I

welcome this kind of a change, provided it is used with discretion, provided it is not a unilateral auditing of doctors whether or not there is any indication of abuse or misuse. I am convinced that in this bill there will be the safeguards, assuming the changes are made, that will guarantee that only in instances where it is evident that there are abuses being brought on the plan will this auditing procedure take place.

I say to the members I can remember walking along Wellesley Street one evening talking to the minister about this very point, after the bill had been introduced, and saying that it is a very difficult thing to find people. I think the minister may well have found the answer to that problem in that if doctors, properly trained, are being used to do the actual auditing itself, in fact there will be no problem with the ethic of the doctor-patient relationship.

I think that the public–

**Mr. Ben:** Does the member's leader know that he is sitting on both sides of the fence tonight?

**Mr. Deans:** I think that we are sitting on the right side of the fence.

**Mr. Ben:** Does he know the member is sitting on both sides of the fence tonight?

**Mr. Deans:** I think–

**Mr. Pilkey:** The member represents the overbilling–

**Mr. Deans:** I think that the public would demand–

**Mr. Ben:** The member puts the Tories to shame.

**Mr. Deans:** I think that the public would demand–let me talk to the member for Humber through the Chair and to all of the members–I think that the public would demand that where there are obvious discrepancies in regard to billing, where it is evident by virtue of either the earnings or the numbers of claims made by a particular physician that it is likely that he is abusing the plan, that the public would demand there be a manner in which the books could be audited in order that–

**Mr. Ben:** Which the member for Downsview said, and the Leader of the Opposition–

**Mr. Deans:** –in order that we could have a properly run programme at the lowest possible cost.

**Mr. Ben:** That is what we asked for.

**Mr. Deans:** I feel that while this may not be the best method, it is a method. It is a method that, if used with considerable care, will be acceptable. It may have to be enlarged upon. It may have to be improved, and no doubt it will have to be improved, but nevertheless there will be no feeling running throughout this province that we are subjecting honest doctors to public scrutiny. We are subjecting doctors who are operating in a way other than an honest way to public scrutiny.

**Hon. Mr. Grossman:** There is a switch for the NDP.

**Mr. Deans:** Well that may be so, that may be so.

**Mr. Ben:** How does the member know which one they are until they have been scrutinized?

**Mr. Deans:** Now–

**Hon. Mr. Grossman:** The member for Wentworth is getting to look more like a Bay Street broker every day.

**Mr. Ben:** They have gone so far right they have fallen off the edge.

**Mr. Shulman:** Wait until we are sitting over there, we will look even more interesting.

**Mr. Deans:** It might be interesting to note that if you look at both principles, I think the principle of having doctors operate within the plan and accepting payment in full is a good principle. I think that while there is reason to believe that doctors are not acting properly within the plan, that there must be safeguards to guard the public purse against abuse. That is what is contained in this bill. The principle of the bill contains both of those things and I say to you, Mr. Speaker, that if there are ways of altering it, adjusting it in order to bring it more into line with the things that we want to do, then those things should be rightfully done in committee because the principles are good principles. Whether or not–

**An hon. member:** That is not what the member said last night.

**Mr. Ben:** Not only is the member in bed with the Tories, but he is not even wearing pyjamas.

**Mr. Deans:** The hon. member for Humber just opens his mouth to change feet.

I say to you that with those two principles in mind, the proper place to make adjustment is evidently in the committee where those adjustments can be made. I do not think the Committee of the Whole House is adequate. I feel it is important that this should be subjected to additional public debate and that the public debate can take place, as my colleague from Cochrane South has said and as other members of this House have said, that debate can only properly take place in the human resources committee. I ask the minister, at the risk of extending the sittings, that he—

**Mr. Nixon:** Oh!

**Mr. Deans:** Fine!

**Mr. Nixon:** Of course, the member will sit here all summer. Let him tell us he will sit here all summer.

**Mr. Deans:** I ask the minister—I will sit here all summer.

Interjection by an hon. member.

**Mr. Deans:** At the risk of doing that he should be sure to send this to a committee where persons from outside—

**Mr. Ben:** The member will have to sit all summer to correct this.

**Mr. Deans:** —of this Legislature will have the opportunity to appear and to make representation.

**Mr. Nixon:** Why is the hon. member not like the member for High Park who leaves his halo outside?

**Mr. Deans:** I say to the minister that assuming—

**Mr. Ben:** Does he get a halo now?

**Mr. Deans:** —that the principles are as I stated them, and recognizing that any changes to the structure itself can be made in that committee and any subsequent committee, we would support the bill.

**Mr. Speaker:** Is there any other member who wishes to engage in the debate? The minister has the floor.

**Hon. A. B. R. Lawrence:** Mr. Speaker, I will be very brief and not at this stage deal with a number of the details that were raised as again I feel that this can be done in committee.

As has been mentioned by the member for Wentworth, there really are only two principles in the bill. One relates to the audit function that is there and is supported by, I would judge, everyone in the House.

The other principle relates to the manner of practice, in or out of the plan, and the abolition of the 90 per cent.

**Mr. Pilkey:** The Liberals are against that.

**Hon. A. B. R. Lawrence:** The NDP, I understand, support the bill because they support those two principles.

The Liberals, although I cannot make out that they quarrel with either of these two principles—

**Mr. Pilkey:** It is difficult to understand where they are.

**Hon. A. B. R. Lawrence:** —are going to vote against the bill for some reason that they have not yet brought forward.

**Mr. Shulman:** They think they will get the doctor vote, but they are not going to get it anyway.

**Hon. A. B. R. Lawrence:** The nearest thing I can suggest, that I was able to get out of the debate, Mr. Speaker, is that they are going to vote against this bill based on those two principles because, as Liberals, they would like to see doctors' fees fixed. That is a principle. It is not in this bill, but it is certainly debatable under some particular piece of legislation some day.

**Mr. Ben:** OMA fixed the fees.

**Hon. A. B. R. Lawrence:** I have not noticed any private bill from that party suggesting that compulsory arbitration in medical fees was one of the banners of the Liberal Party. But obviously that is the position they have taken tonight, that they are not going to support this bill, not going to support these principles, on the completely oblique approach that this bill should in some way be required to include a compulsory fixing of fees for the medical professional.

Interjection by an hon. member.

**Hon. A. B. R. Lawrence:** I would suggest to them that if they would deal with the principle, they in turn would join the other party on the opposition side and support the bill.

**Mr. Speaker:** The motion is for second reading of Bill 82.

The House divided on the motion for second reading of Bill 82 which was approved on the following vote:

| Ayes | Nays |
|---|---|
| Allan | Ben |
| Auld | Bukator |
| Bales | Deacon |
| Bernier | De Monte |
| Bolton | Edighoffer |
| Burr | Gaunt |
| Carruthers | Good |
| Deans | Haggerty |
| Downer | Innes |
| Dunlop | MacKenzie |
| Evans | Newman |
| Ferrier | (Windsor-Walkerville |
| Gilbertson | Nixon |
| Gisborn | Paterson |
| Grossman | Reid |
| Guindon | (Scarborough East) |
| Hamilton | Ruston |
| Haskett | Singer |
| Henderson | Smith |
| Hodgson | (Nipissing) |
| (Victoria-Haliburton) | Worton—18. |
| Jackson | |
| Jessiman | |
| Kennedy | |
| Kerr | |
| Lawlor | |
| Lawrence | |
| (Carleton East) | |
| MacDonald | |
| Makarchuk | |
| Meen | |
| Morningstar | |
| McKeough | |
| McNeil | |
| Newman | |
| (Ontario South) | |
| Peacock | |
| Pilkey | |
| Pitman | |
| Potter | |
| Reilly | |
| Reuter | |
| Robarts | |
| Root | |
| Rowe | |
| Rowntree | |
| Shulman | |
| Smith | |
| (Simcoe East) | |
| Smith | |
| (Hamilton Mountain) | |
| Snow | |
| Stokes | |
| Villeneuve | |
| Welch | |
| White | |
| Whitney | |
| Winkler | |
| Wishart | |
| Yakabuski | |
| Yaremko—56. | |

**Clerk of the House:** Mr. Speaker, the "ayes" are 56, the "nays" 18.

**Mr. Speaker:** I declare the motion for second reading now carried.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Committee of the Whole House?

Agreed.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, tomorrow morning I would expect to call item 20 on today's order paper and item 24. I hope to reach, some time during the day, items 10 and 11, 13, 14 and 15.

Mr. Speaker, I should advise the House that we will sit Wednesday night and I shall probably move each evening that we sit beyond the usual hour of adjournment—

**Hon. W. D. McKeough** (Treasurer): Hear, hear!

**Mr. Singer:** Oh!

**Mr. Nixon:** Now the pressure comes on.

**Hon. Mr. McKeough:** Happy days are here again.

**Hon. Mr. Grossman:** That will learn you!

**Mr. Deans:** That is a typical tactic!

**Hon. Mr. Wishart:** —commencing with tomorrow evening.

**Mr. J. E. Stokes** (Thunder Bay): Nothing makes us sick.

**Hon. Mr. Wishart:** There are two motions for concurrence on the order paper. I prom-

ised the members we would give as much notice as possible on those. I would expect to call those sometime on either Wednesday or Thursday.

**Hon. Mr. McKeough:** Maybe Friday!

**Hon. Mr. Wishart:** The estimates, Mr. Speaker, of the Prime Minister and the Lieutenant Governor will be before the House sometime soon this week; not necessarily tomorrow but soon.

Hon. Mr. Wishart moves the adjournment of the House.

Motion agreed to.

The House adjourned at 10:45 o'clock, p.m.

# CONTENTS

**Monday, July 19, 1971**

**Health Services Insurance Act**, bill to amend, Mr. A. B. R. Lawrence, second reading .... 4215

**Motion to adjourn**, Mr. Wishart, agreed to ..... 4242

No. 104

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Tuesday, July 20, 1971

**Morning Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

5

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JULY 20, 1971

The House met at 10 o'clock, a.m.

Prayers.

**Mr. Speaker:** Orders of the day.

## PUBLIC HEALTH ACT

Hon. A. B. R. Lawrence moves second reading of Bill 119, An Act to amend The Public Health Act.

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker, some months ago the government of Prince Edward Island decided that rock festivals were a serious threat to their pastoral community and undertook in the Legislature to bring forward laws which specifically gave the government the power to prohibit them. There was a substantial outcry against the unfairness of such legislation and the government in its wisdom backed down from that position.

This province has had some problems with rock festivals. The Attorney General (Mr. A. F. Lawrence), more than anyone else, probably knows what they are. In his efforts to control the rock festivals by means of the police he has, with the consent of the government through order-in-council, imposed substantial charges on the entrepreneurs, making it difficult for them to find the money to pay for the kind of police control that is necessary in the public interest. He is also having great difficulty collecting these funds and is in the process of suing the entrepreneurs in the courts for these moneys.

There are those who feel that this legislation is designed to bring about such controls through the back door and that instead of having it an open, controlling procedure that is well understood by all concerned under the jurisdiction of the Attorney General and through the Ontario Police Commission, the government has decided that through health requirements it will be possible to stop rock festivals where the government feels they should be stopped. This is a serious charge indeed.

One thing that brings some substance to such a charge is the fact that in this statute, a specific bonding procedure is necessary. The amounts of such bonds are not set out in the statute itself, but apparently are left to the discretion of the minister. It is possible—in fact, some say probable—that the size of such bonds will be set by the minister, ostensibly to guarantee the proper and adequate facilities for any large crowd meeting in the open, and the required requisite cleanup afterwards, but the size of that bond would be, in fact, a controlling power.

I would suggest, Mr. Speaker, that if the minister is at all concerned with charges of the type that I have put before you, sir, and that if the fact is that this statute put forward by the government under the jurisdiction of The Department of Health ostensibly—and as far as we are concerned, we must accept it at face value—concerned with providing facilities for large crowds meeting in the open, means they do not intend this to be their major weapon in an arsenal of control of rock festivals or outdoor entertainment, then such a limit should be prescribed during second reading, or at least indicated by the minister in his comments.

As I read the bill this is the area which gives me pause. The department may arbitrarily put the figure of money as a requirement for the approval by The Department of Health at such a level that in fact it could very well act as the instrument of control.

I must say that we have discussed this in our caucus very carefully. We believe that whenever a large group meets outside, as rock festivals must by their very characteristic, obviously it is necessary that adequate sanitary facilities, access to fresh water and so on be necessary.

We have looked up the requirements of The Public Health Act already, Mr. Speaker, and the requirements are there. The local medical officer of health can set minimum requirements as he sees fit so that the crowd, as it is estimated by any reasonable estimator, including the medical officer of health himself, can be set at a reasonable level.

It does not appear clear why the government, through the Minister of Health, requires these special procedures; we do not

see why he has to have special powers in order that the rock festival or the outdoor gathering proceed.

I can be frank with you, Mr. Speaker. We have serious misgivings as to the intention of the government in this bill. Following up on what I said yesterday, it is not my assessment of this minister that he would undertake legislation which is a subterfuge for legislation which should be in the name of the Attorney General if its main requirement is to control, or make illegal in that sense, rock festivals.

I hope the minister will give some indication of his views in this regard. We are going to have to be satisfied that this is a bona fide bill which is concerned with the well being of the young people and anyone else who attends a large outdoor gathering. If he can give us the assurance, that the advice of his officials and the information he has give rise to substantial and proper concern that the provision of these sanitary facilities is not being ensured by present legislation, then we will support the bill.

If we take it on its face value it is supportable in that context. But if it appears from the minister's comments—and anyone else from the government side that might defend this situation—that this is a subterfuge, that this is an improper way of controlling rock festivals, then we will have to vote against it.

We believe rock festivals have to be brought under reasonable control and the Attorney General, as the chief law officer of the Crown, must be the person to do that and not the Minister of Health.

We think there are many occasions when rock festivals have gone much too far, and that proper recognition of what is necessary under the laws of Ontario has not been made clear.

So Mr. Speaker, I must put it to you this way, that we will support the bill if the minister can convince the House that the bill is as it appears on its surface; if he will give us a guarantee that the bonding requirements contained in its provision are not going to be a hidden weapon to control rock festivals per se, rather than a setting out of the sanitary and the public health facilities that they must have associated with them. If he cannot give those assurances then we will have to vote against the bill. We are asking for further information on second reading and I trust that the minister will be able to provide it.

**An hon. member:** Hear, hear!

**Mr. P. D. Lawlor** (Lakeshore): Mr. Speaker, perhaps to get the morning off with a little poetry, Alexander Pope said, you know:

> Of forms of government, let fools contest,
> Whatever is best administered, is best.

I do not agree with either the first line or the second line of the poem, but this is a question of administration in this particular piece of legislation basically.

We on this side of the House, in this party, have substantial misgivings. As a matter of fact, our position will be that we are going to vote against the bill on numerous grounds. The hon. Leader of the Opposition has just said that he wishes to be assured that it is a bona fide bill; that if it appears from the minister's comments that the minister is himself in good faith with respect to this legislation then the decision will be made.

We cannot go along with that. That is not the point and purpose in legislation unless the legislation brought before this House, on its face—and obviously—bears the imprint of bona fide; has it written into the legislation and the discretionary powers are not so vacuous and wide as are contained in this particular kind of writing. Unless those safeguards are obvious and on the surface and available and binding on other ministers of the Crown who were less, perhaps well disposed, then I think we will be derelict in our responsibilities.

I got to know this minister—if I may for a moment bring personalities into this, Mr. Speaker—very well during the months of deliberations we had during the Smith committee on taxation and were travelling all over this province in tandem, so to speak. I know that he is a man who on occasion likes to wear a rose between his teeth. He is perhaps one of the more youthful and aggressive men. He speaks of his children quite often; a little puzzled by them, like some of us tend to be on occasion as to the deportment, manners and ritualisms, tribalisms if you will, of youth.

I know that he therefore has some real feeling for what is taking place in the contemporary world, and with those people who will take over in this Legislature and in this world 10 years hence; and whose disaffection or affection, whose balance and equilibrium, whose sense of rapport with this society or alienation from it, is of fundamental and vital importance to this whole Legislature and to every one of us.

We know well enough the disaffection of youth saying that we are old fogies, sticks-in-the-mud, reactionaries, throwbacks, holding up the times with no sense of personal spontaniety or a sense of freedom but bound by habitual mores, forever caught in the sludge of life and holding everything back because we have personal interest, mostly of a property nature, to protect, while our children repudiate, and repudiate to our teeth every day.

There are admirable elements about that. There is a certain element of irresponsibility woven into that fabric. But we would hope that as experience with life comes, this maturing quality which is precisely responsibility takes over.

The other night in this Legislature—no, let me just finish that thought!

The minister himself, I suppose, holds in his own mind's eye something of himself as a swinger, you know; there is a little difficulty at this time of life to really carry it out in fandango fashion. But there it is. The man has some eclat and some elan, and with that I am surprised that he is bringing in legislation that permits a surreptitious, backdoor, covert method of undermining the rock culture insofar as he can do so.

Like Canute telling the waves to stand still, the minister may be standing on the shore with his hands in the air. The waves will come in and it is up to us to forfend with them, to give them meaning and to bring them into the fabric of our life, as we understand the things that we value.

All right, as I said the other night here in the Legislature, and I will not repeat it, during the Attorney General's estimates I gave a personal account of some experiences I had with Rockhill, a rock festival which I attended last year at the invitation of the proprietors because of what they claim was police harassment and we went into that element of the matter. I do not know if the hon. minister was here at the time, Mr. Speaker, but it went further than that.

Having attended on the spot, I walked over the property for many hours, spoke to many young people and went down to the tents that were erected by The Department of Health in the flats. These tents were quite extensive, very elaborate, and as a matter of fact at that time I took umbrage—and I take umbrage now and I mentioned it the other night—namely that the operating theatre under those tents was of such an elaborate nature and so thoroughly equipped that you could have done heart transplants in the place.

This was the cause of some rejoicing or some pride on the part of those who were running the establishment. I felt it was a little excessive in the circumstances; you do need an operating theatre obviously for broken legs and for emetics and things like that—there were nurses around to tend and these are all necessary things.

Drugs are consumed at these festivals and there may be somewhat open grounds, as in the Mosport situation; but nevertheless over against that will be the care and supervision that we give to so-called adults attending football games. Are there police in surveillance, closely investigating and stopping the cars as they enter the porticos of Varsity Stadium or Exhibition Park to test as to whether they have a mickey underneath the back seat? Do they open the trunks to—

**Mr. V. M. Singer** (Downsview): They carry it in thermos bottles in the front seat.

**Mr. Lawlor:** Yes, all right!

The bottles are in clear view and they are in clear view when you get into the stadium. Mostly in the late fall you could not stand a football game in Ontario without a little consumption, you know.

**Mr. H. Peacock** (Windsor West): Hit on the head too!

**Hon. E. A. Winkler** (Minister of Revenue): The member should speak for himself.

**Mr. Lawlor:** Are the same rules applied? Is it not this legislation's tendency to be discriminatory with respect to a certain element of our population, one which the government is starting to woo and we will woo in the next two to three days with respect to new electoral reforms under this head? The minister cannot segregate one area of the population from another and say that he is going to impose special rules of an arbitrary and punitive nature.

Take a look at the legislation. Lord knows it is short enough. The shorter legislation gets, sometimes the more I suspect that it is simply a repository of arbitrary powers in the portion of the minister.

In 2(b) they want regulations—and everything here is done by way of regulations; nothing is done in the legislation itself, it is all through the processes of regulation. My colleague from Riverdale will speak to you

in a few moments with respect to the onerousness of those regulations, particularly with penalties applied and the nature and extent of the penalties to be applied under these particular regulations.

And the regulations are up for grabs, are they not? We have not got a clue as to what they might be. The minister probably does not have them even printed or devised yet to any extent.

He leaves within his own hands, over against a third of the population or more, completely autocratic disposal of an area of human activity, particularly these festivals, where they seem to not only congregate, as in the great instance of Woodstock, but find a certain joy in communication in these things.

It is certainly a departure from the over-30 kind of thing. This is youth—these are the grounds in which they find room for meeting and accord. And I have been to some of them just to be able to talk with some experience about these things, not in the vague or in abstractions. They seem to take a delight —which I have never experienced—in lengthy conversations with one another. They talk interminably into the night about everything conceivable under the sun.

I have a regret of course, being an eye man myself as McLuhan would say, and not relying upon an ear culture by listening to people speak so much, except myself. By way of eye culture, I have terrible regret to see the disappearance of books, by and large.

There does not seem to be a dawning realization that within the covers of books is distilled wisdom by one man who has had a peculiar sensitivity to life and has by that path distilled it into words and kept it as an immortal memory of what he has been through and what he has learned from the lessons of life. That is all that books are—that kind of distillation. Therefore, one gets it in a highly qualitative form when it comes that way, rather than in the vague dispersed illogical form that is picked up through conversation. But if that is the way in which the contemporary generation wishes to learn, then so be it.

We would try to improve the quality of the conversation, and that is what I think our task is in this party and was for several weeks past with the University of Toronto bill, where the impenetrability of the professors was something profound—it was the only thing I could see that was profound about them.

So that this particular coming down hard with respect to regulations is something—I do not say we have misgivings—we are suspicious about. We find it unpalatable in the forms of legislation; we think it runs contrary to the best traditions of liberality. And we have no reason, on the basis of statements made from that side and the Neanderthal members over there, to place any credence or trust in what this minister might do, should we give assent to this particular kind of Act.

This is the section I was speaking about with respect to the bondings:

> Requiring any person responsible for the health and safety standards at outdoor festivals to be bonded in such form and terms and with such collateral security as are prescribed and providing for the forfeiture of bonds and the disposition of the proceeds.

"On such terms"! Now listen, we have been through 75 years in this province and to a recent date—and it is not finished yet with some magistrates or provincial judges—we have been through the whole business of bailing accused persons. And a doctrine of humanness and a doctrine of a recognition of the lot of the poor has begun to creep through the ventricles of the state; or, as I say through all kinds of obstructions we encounter every day in the courts downtown.

What is the minister seeking to impose here? We all know that bail was set at too high a level, was egregious in the circumstances, was a device used to keep people incarcerated, to keep them readily available to the authorities, was a trespass upon basic human freedoms and so on.

It has lasted. There is no reason why the bonding regulations here may not be devised at such a high level as to undermine this—well, that is the point; is it undermining the minister's legislation? Is the legislation designed to really protect and keep and guarantee that rock festivals will remain a phenomenon of the time? Or is it, on the other hand, a surreptitious device to see that they do not; that Ontario is free, clean and pure of such raucous happenings? There is certainly nothing to spell that out.

Then the minister goes further with something I have never seen in any other legislation before this House. He requires "the furnishing of such information and reports respecting rock festivals as are prescribed and authorizing an officer of the department to require such additional information or reports

as are considered necessary"—and here is the part I take a little offence with—"and requiring any such information and reports to be verified by affidavit."

Does the government as a general principle, when it is having reports filed from the general public, require that they swear that what they are saying is true, and that they can be imposed upon by some factotum or functionary of this government and demand that they put it into affidavit form? What really is the purpose of that? Is that not another form of obstruction and harassment in this particular context? Is this not an exhibition of a venality on the government's part, of a bias with respect to the operations of these festivals?

Then when you come to the final paragraph, you impose a $10,000 fine. That seems perhaps a little harsh in the context.

Then in your general definition section you do, with some degree of care—not any elaborate one, but some degree—try to carve out that this is not to apply to church picnics, and this is not to apply to soccer games even played in open fields, nor is this to apply to various forms of trekking expeditions, or six-day bicycle races. This is not to apply to anything except where 2,000 people are involved for a period of at least 24 hours.

The government tries to zero in. It probably has missed somewhere along there. It will find that some loyal order of the Elks or some group of campers coming from Mozambique will exceed this number over that period of time and the government will sit wringing its hands as to just what impositions it can possibly impose, particularly by way of Mozambique, and affidavits in order to have them validate their case.

Mr. Speaker, the final thing that I would like to mention which is absent here is something which the government has written into a piece of legislation after piece of legislation in the past few weeks.

Suppose the government ran this thing through the House without reviewing it and bringing to the surface and into the terms of the Act the various thoughts and requirements which I think are necessary under any theory of civil liberties at all.

Suppose the minister did that. Suppose he set the bond at a reasonable figure, considering what are the real requirements for medical facilities on the spot to treat people who may be injured and for the sanitary facilities which must be installed. Suppose he does that and there is some question of difference between government members.

Let us say the government sets the bond high. The proprietor says, "We have a certain number of facilities. We have toilets and what not. We will supply them. But you are setting a $50,000 bond and that rules me out, I have not got $50,000 nor do I ever expect to see the same." Has he no right of appeal? Is there no procedure provided in this legislation whereby, as the government has done, as I said in piece after piece—91 pieces of legislation reformed the other day in the House—by writing into them the procedures by which a person could make a complaint at a high level and get his situation reviewed?

There is nothing like that in here at all, and why is there not? Why would the government deliberately, if that was the case, have omitted so crucial a matter when the minister, as a lawyer, is very well acquainted with McRuer's various recommendations. This is a perpetration of the atrocities that he wrote about so far as the protection of appeal procedures and civil liberties are concerned, and which government has gone to great lengths to rectify itself here on this occasion.

This again indicates to us the very fact that what the government has done is it has omitted to do something of this crucial importance which must be salient in the minister's mind. This indicates bad faith to us. There is more behind this bill and more animus than would be betrayed on the surface, and that is one of the reasons, no doubt, the government has kept it so short. Thank you, Mr. Speaker.

**Mr. Speaker:** Is there any other member? The member for Riverdale.

**Mr. J. Renwick** (Riverdale): The member for Downsview is going to wait to speak after I speak, Mr. Speaker.

**Mr. Singer:** With the member's permission? Do I have his permission to do that? Thank you very much.

**Mr. J. Renwick:** I would just like to know that we have a number of other speakers who can follow on after him.

**Mr. Singer:** That is fine. I am interested in hearing.

**Mr. D. C. MacDonald** (York South): He must follow everybody, including the Prime Minister (Mr. Davis). His record is clear down through the years.

**Mr. Singer:** Jealousy will get the member nowhere.

**Mr. J. Renwick:** Mr. Speaker, we are going to oppose the bill. The minister has brought this bill in as part of a series of ear-to-the-ground pieces of legislation, which the government is introducing from time to time in order to try and select segments of the population they believe they can get support from in the forthcoming election. It can possibly have no other explanation.

This is one of the poorest pieces of legislation that has ever come before the Legislature purporting to deal with what some people consider to be a social problem.

The minister is asking us to give him authority to pass regulations subject to the approval of the government. One provision of the bill will have the effect of imposing fines up to $10,000 for regulations which will be promulgated under this authority and of which we have no conception in this Legislature.

If the minister thinks for one single moment that this party is prepared to permit the government to pass a bill imposing fines up to $10,000 on the basis of regulations which are not available for perusal by the assembly then he had better go back to college and start to understand the principles of the delegated authority of administrative powers.

**Mr. Peacock:** Hear, hear!

**Mr. J. Renwick:** We are sick and tired, Mr. Speaker, we are sick and tired of the inability of the government of this province, and we are disappointed that this minister falls into that trap of not being able to use legislation creatively to say what the government wants to say and to provide that regulations passed under it are truly ancillary and are not a total delegation to the government or to the executive council of the ability to pass laws.

If we were to pass this bill today we would be abdicating the legislative authority of the assembly. Mr. Speaker, the minister knows very well that I am not an advocate of Lord Hewart's approach to administrative law. We recognize in this party the absolute essential necessity of adequate administrative authority which must be covered by regulations.

This government, after 24 years in power, comes to us bill after bill, and scattered throughout it is the incapacity of the government to say in the bill what it wants to accomplish; and to say it in a way which we can understand and will give some focus to it and some perspective to it.

The Leader of the Opposition made the point that The Public Health Act probably covers the authority, if any is needed within an administrative sense, to do most of the things which are required without singling out one particular group of the population for special and particular attention.

The minister knows very well that under The Public Health Act there are provisions for public health officers; there are provisions for sanitary inspectors; there is ample authority to make regulations with respect to the sanitary and health facilities in any given locality in the province. There is the ability, if a particular municipality does not have the capacity to provide the health services, for an agreement to be entered into by which this minister will provide those health services.

There is a specific broad definition of nuisance in The Public Health Act, which then goes on in section 82 of The Public Health Act which permits the medical officer of health to take action under section 86 to deal with such a nuisance.

All of those matters are presently contained in The Public Health Act. I want to point out to the minister, that I think section 82 is quite pertinent to what we are talking about. Section 82 of The Public Health Act defines a nuisance as:

> Any condition existing in a locality that is or may become injurious or dangerous to health or that prevents or hinders or may prevent or hinder in any manner the suppression of disease, shall be deemed a nuisance within the meaning of the Act.

An obligation is then imposed, Mr. Speaker, under section 86 of the Act that every medical officer of health shall ensure that the municipality or location for which he is appointed is regularly inspected in order to prevent nuisances or to abate any existing nuisance.

In addition, as I have said; there is ample provision for community health services; for public health services; for the regulation of any situation or circumstance, with which we agree, where there is a health hazard in the province. Yet the minister feels that he must come in and introduce a bill which, in fact, defines one special segment of the population.

You see, the difference really between the Shriners and other similar groups holding conventions in various areas of the province at various times and attracting people, is that by and large they come into a community and they have got a lot of money to

spend. The community bears the expense of putting up all sorts of portable facilities, if they are required, for the purpose of meeting the outdoor facility requirements of such groups, because they balance off the moneys which they are going to get; and there is the desire to have the publicity and attention drawn to their community with respect to a particular public convention which is held in their place.

Many municipalities spend a lot of time endeavouring to attract such conventions, because the people who come to them will spend a lot of money. The government will gain a lot of money from the liquor which is purchased. The community will gain a lot of money from the purchases which are made by the conventions which come to the area.

They never ever consider passing a statute singling out those groups as persons who are going to have to have special attention paid to them with respect to the facilities and the demands made upon the local municipality.

I know this came out in the Minister of Justice and the Attorney General's estimates the other day, under the discussion which was mainly between himself and the member for Downsview. Many groups in the community do have to bear some part by agreement with the local municipality for the provision of those services. But there is no statutory requirement of this assembly; it is a matter of mutual agreement on a local basis for these things to be attended to.

I notice also, Mr. Speaker, in The Public Health Act that any appeal through to the courts on any of these questions is prohibited. Now it may well be that the minister will be able to tell me that that is not so, but my reading of The Public Health Act would indicate quite clearly to me that there is just no way that anyone can get before the court to find out whether or not it is the legitimate or illegitimate use of the power to pass regulations, in order to have it determined through a court in The Public Health Act in section 133—

**Mr. Speaker:** I am sure we enjoy this exposition of The Public Health Act, but while it may be relevant in some regards I think the hon. member is now straying very much from the bill which is up for second reading and I would suggest that he come back to the bill and discuss, if he wishes, the powers of appeal given there.

**Mr. J. Renwick:** Well, Mr. Speaker, as always I accept your admonition, but will continue to point out the relevancy of the power to pass regulations which we are being asked to grant to the government under a statute which precludes any appeal to the court with respect to them. I consider it quite a relevant matter and I will endeavour to deal with it in a way which will not offend you, Mr. Speaker.

Section 133 of The Public Health Act states that:

> No order or other proceeding matter or thing done or transacted in or relating to the execution of this Act, shall be vacated, quashed or set aside for want of form, or be removed or removable by a certiorari or otherwise into the Supreme Court.

Now for a government which has come before us with a series of bills purporting to implement not only the words and the statements of Mr. McRuer but also the substance of what he says, then I think for the minister to ask for these kinds of broad, regulatory powers against which there is no possibility of judicial review, as I understand it when there is such a clause in the governing statute, is an affront again to the assembly and what the government is trying to accomplish.

The bill, Mr. Speaker, then proceeds to indicate that somebody is going to be responsible; but there is nothing in the bill which indicates the method by which the designation will be made of the person who is responsible for the health and safety standards at outdoor festivals as defined by the bill. Now we do not know, and certainly I cannot find anything which indicates that there is any power to designate the person responsible.

**Mr. Peacock:** The Minister of Health did not even ask for the power to designate who the person to be responsible could be.

**Mr. J. Renwick:** There is no way of determining who that person will be who is going to be responsible, who is going to have to put up the bond and who is going to have to provide the facilities.

**Mr. Peacock:** And who is going to be subject to a $10,000 fine.

**Mr. J. Renwick:** Let me very carefully make the distinction which we made during the estimates of the Minister of Justice and Attorney General: We are quite happy to have a provision in a statute which states that a promoter of an event in the Province of Ontario who is engaged in a profit-making

activity, be it a rock festival or any other kind of festival or any other kind of activity, should be required to bear his share of the cost of the burden which he is casting upon the community with respect to health and other services.

There is no question in our minds that a promoter engaged in a promotion for profit should have that obligation. But this is not what this bill says. What this bill says is that it is "requiring any person responsible for the health and safety standards of outdoor festivals to be bonded"; and then goes on in very broad terms to make the provision with respect to that bonding.

In addition to not designating who is the person who is responsible, and even if one could read into the bill by implication an authority given to the minister by regulation to single out the person or entity that is responsible; even if we assume that, then in our view there is grave danger of discrimination against co-operative ventures which are non-profit, against community and university and other activities which are non-profit in order that this minister may impose the obligation of providing these facilities.

Mr. Speaker, at a time when, as everyone knows, there is a large number of young people particularly in this climate during the summer months joining the nomadic groups that wander around the country, the minister full well knows that a province of this wealth and this capacity can well provide the portable health and other facilities which are required to enable rock festivals to be held in a sane, sensible and orderly way.

If the minister will consider the points which we made, if the minister is prepared to limit the bill to promoters out to make a profit; if the minister is prepared to make absolutely certain that no co-operative or other type of venture is going to be subject to this kind of provision, then we could give another thought to whether or not we would support it.

We are very much concerned about that aspect of the bill. We are equally concerned about the wide open power to make regulations which is then provided under requiring further information. It is a carte blanche for whoever is going to collect this information to get any kind of information that he wants to get—such additional information or reports as are considered necessary and requiring information and reports to be verified by affidavit.

Mr. Speaker, I do not think I need to go on at any greater length about the problems in the bill. It is basically a very poorly prepared, inadequately thought out discriminatory piece of legislation, designed in some way, we believe—regardless of good faith of the members of the minister's staff who may be called upon to implement it—designed and having the precarious danger in it of interfering with the freedom of people to associate together for lawful purposes in the Province of Ontario on public or private property.

It has very real implications of that concern. We are ones who believe that there is a very real interest in the government of the Province of Ontario to ensure health and sanitary facilities. We happen to think it should not be used for the purposes which have been broadly stated in this bill.

For those reasons, the reasons given by the member for Lakeshore, and other reasons which may follow in the debate, we are irrevocably opposed to this particular piece of legislation and will oppose it on second reading.

**Mr. Singer:** Mr. Speaker, this bill has very many serious implications. It follows on the heels of a discussion in the estimates of The Department of the Attorney General when, try as we would, we were unable to elicit from the Attorney General any principle at all insofar as the control of rock festivals were concerned.

We are aware, for instance Mr. Speaker, that the Attorney General has initiated legal action against a certain group, trying to collect from them some $108,000 which he claims—or his officials claim—are the moneys that were necessary for policing of a rock festival that took place in this province about a year ago. We are aware that the government has stretched and strained and tugged at the provisions of section 6 of The Police Act in an effort to bring about controls that, in my mind at least, do not properly exist as written into that section.

We are aware that the Attorney General, the other night, perhaps in a fit of temper or perhaps in keeping with his usual philosophy, thought that police should have water guns in order to control the terrible things that were going on in the Province of Ontario. Quite what they were he was not able to tell us, but when one puts together the wanderings and namby-pamby utterances that emanate from the mouth of the Attorney General along with this bill introduced by

the Minister of Health, one must shake one's head and wonder what really do they have in mind?

Interjection by an hon. member.

Mr. Singer: What are they doing? There was an editorial in the paper the other day—one of the Toronto papers—called "Socking the Rock," with a picture of none other than the hon. Minister of Health stuck in the corner of the editorial. There were two paragraphs there that I think speak very well of the concern we all must have about this particular statute that is before us at the moment.

> The amendment is thus carefully directed against rock festivals, a form of mass entertainment enjoyed by thousands of people, albeit to the widespread distress and distrust of their elders. The forum at Ontario Place will undoubtedly be safe from having to post a huge bond and soccer matches, a blood sport in these parts of late, will also be exempt.
>
> Young people will thus be forgiven for suspecting that this amendment is but sophisticated Ontario's way of achieving what PEI crudely aimed at. First of all, there is nothing expressed in the amendment to protect rock festival promoters against an unconscionably high bonding requirement manufactured solely to suit the whim of rural township politicians, terrified by the prospects of a long-hair invasion similar to the one portrayed by an Ontario Provincial Police film shown to them precisely for that purpose.

That, Mr. Speaker, was the thrust of my leader's comments.

We can recognize that overall there could be, and should be, a reasonable policy which perhaps the Attorney General and the Minister of Health together could enunciate. They would enunciate it in the fashion that has been done up to date. They would not enunciate it in the manner that perhaps the police should have water cannons to take care of the terrible things, or that there should be unlimited bonding powers to take care of "festival," as is defined in this amendment.

We would wonder why the minister did not resort to the provisions of section 6 of The Public Health Act—why he needs a new section 6(a) as he now proposes. I draw his particular attention to section 6, subsection (17) which gives the government power to enact regulations regarding any other matter that, in the opinion of the department, the general health of the inhabitants of Ontario or any locality may require.

Using that general head of power, Mr. Speaker, we have regulations about health camps, and we have regulations about pasteurization plants and regulations about indigent patients. The minister's office was good enough to supply me with a great large envelope full of the regulations passed under The Public Health Act. They come, by and large, from this general power and I direct the minister's specific attention to subclause (17) of section 6 and ask why he could not have used that.

Well, the minister says, perhaps: "it is too vague." Perhaps he will say that. It is no more vague in its provisions than are the various regulations before us.

Then, Mr. Speaker, if the minister would refer to section 116, subsection (2), there is a penalty section, and for any provision of the Act that is not complied with certain penalties are provided for. Maybe the minister will say, in his opinion, the thing that he is trying to wrestle with perhaps should carry graver penalties. Why not amend section 116(2)?

In other words, why could the minister not work within the four walls of the present statute, unless his objective is as outlined in the editorial portions of that which I just read? Why is the government afraid to come out with a frank and open policy? Why is the government, why was the Attorney General, why was the Minister of Health not able to say that you are going to be concerned?

I think we are having a Shriner's convention in this city in a few weeks' time. Is the minister going to apply this kind of regulation to Shriners' conventions? He will say: "No, it is not a festival, an outdoor festival."

By reason of the confining nature of his definition the minister is getting at only one thing. He is getting at all these terrible young people who inhabit the Province of Ontario and who come and visit us and who do all these terrible things that the Attorney General talked about but could not name. All these terrible young people who, perhaps, should have the water cannons turned on them.

One must conclude, Mr. Speaker, and we hope—and I join in the plea that my leader made—we hope that the minister is going to be able to give some rational explanation for this piece of so obviously discriminatory

legislation. It is not in keeping with the character of this minister to bring forward, in his own name, discriminatory-type legislation.

Somebody has conned him into it. I suppose he had to do some bargaining if he wanted to get something else through. Perhaps this was the price of his yielding on this one because, knowing the Minister of Health as I do, it is completely out of character to see him bring in as unfair a piece of legislation as this.

Let us look for a moment, Mr. Speaker, at the bonding requirements. I am sure the minister knows, in his practice as a lawyer, the difficulties that often occur when people want to get bonds to guarantee performance. There are companies that will give bonds. They will give bonds to people who have bona fide financial assets, people whose signature on a piece of paper is worth something in cash.

Very often bonding companies are most reluctant to advance bonds and I would suspect, Mr. Speaker, that if a bonding company is going to be asked to put forward a bond for one of these outdoor fastivals, they might show very grave concern and might in fact, as they do on many occasions, refuse to grant a bond.

What then happens to people who want to have an outdoor festival? The alternative obviously is going to be to put up cash. That would mean, if we use the norm as set by the Attorney General, that an outdoor festival operator might be expected to put up perhaps $100,000 in cash in advance of being able to hold an outdoor festival. What in effect that means, Mr. Speaker, is that the outdoor festival just is not going to be able to take place.

If the Minister of Health wants to bring forward logical legislation in regard to this matter, I have two or three suggestions for him. One is let him look to section 6, his present regulatory powers, and if necessary expand upon them; I think he has enough power. The second thing: If he is concerned about the penalties, let him increase the maximum penalty available under section 116, but let him not talk about the kind of discriminatory procedures that he must mean in this legislation without putting in reasonable safeguards, without putting in the safeguard of appeal to the courts, without putting in safeguards of a reasonable amount of bonding.

What is it? Is it something that is determined in the manner that the Attorney General has determined these police costs; or is it a sum that is going to be expected to provide a certain amount of outdoor toilet facilities, cleanup, that sort of thing, and some form of medical health? There just is no indication at all.

Mr. Speaker, many of the points I wanted to make have been made by the previous speakers. It comes to mind that we have had a series of so-called outdoor festivals, as they now have been described, such as the ones in Mulmur township, the township represented by my friend from Dufferin-Simcoe (Mr. Downer); he is very concerned about it. There have been others at Mosport, where the chief superintendent of the Ontario Provincial Police said the best thing to do was for the police to stay away from it.

There was the one near Brantford, just the other day, where 40,000 young people gathered and held quite a happy gathering. I am advised that when they left the place was clean and spotless, in fact, there were no problems by and large. Surely the Minister of Health does not want to create turmoil in our province. Well this is the kind of thing that this bill seems to be directed at.

Mr. Speaker, I appeal to the Minister of Health and to his colleague, the Attorney General—appeals to the Attorney General are pretty well hopeless, but maybe he could get into this debate—and maybe we could get some assurance from those two ministers that there will be some reasonable and common policy that will apply to all the people of Ontario in the same way and in the same manner, and that we will not be accused—and with validity—of passing legislation that discriminates against youngsters who happen to have long hair and like to listen to loud music, because that is about what we are getting.

**An hon. member:** Very good.

**Mr. Peacock:** Mr. Speaker, I had not thought to enter the debate on second reading until after I listened to the remarks of the member for Downsview. I trust that when the debate concludes that his leader and his party will conclude they should join with us in opposing the bill.

**Mr. Nixon:** It could be.

**Mr. Peacock:** May I put it to the minister, Mr. Speaker, that this is a matter, not primarily for the regulation of the outdoor festivals in respect to the safeguard of public health and order; but it ought to be—and it

is not—a measure to license entrepreneurial promoters who come into this province or bring into this province major rock bands or other star groups of entertainers, admission to whose performances is covered by a charge or some other consideration to those in attendance.

We ought to very clearly distinguish, and the minister should have done so in this piece of legislation, in the manner in which the member for Riverdale insisted that the legislation had to distinguish, between those persons who are engaged in a private business enterprise of providing entertainment to people young or old where they are gathered together in numbers exceeding 2,000 for a period of more than 24 hours and those who are not. I suggest to the minister that this could be one of the reasonable tests as to whether or not the approach set out in this bill ought to be applied to such groups.

If the test reveals that admission is to be charged or that some other consideration is involved, such as sponsorship by a manufacturer of a particular product by way of promotion of his product as an advertisement, either with the charge of an admission or without, then very clearly it is an endeavour of a business nature and should be regarded as such. In that particular instance it will be very clear as to how the person mentioned in paragraph (b) of subsection 2 of clause 1 of the bill can be defined and identified and can be made responsible for the various requirements. If it is to be an entertainment with a profit-making purpose then surely this government, or one of the municipal governments within whose boundaries it is to be established, can then require of the promoters certain contractural agreements, specifically the payment for services that are provided, either by this government or by the municipal government; and that in the absence of any such agreement or the refusal of the promoters to agree to meet all of the standards required of them, the municipal authority or the provincial government simply refuses to give permission for the use of the lands or makes use of whatever power it has to restrain the outdoor festival or rock festival from taking place.

This, surely, is something which is already provided in the public health statutes or municipal corporation bylaws that can be used to prevent a promoter from entering upon any lands of the municipality, public or private, and carrying on what is, in fact, a commercial or business enterprise. This should be a matter for licensing. There should be set out in a piece of legislation, whether or not it should be an amendment to The Public Health Act or some other piece of legislation, a new statute to provide for the licensing of the holding of outdoor festivals.

The way in which determination is made as to whether the licensing must be applied for and received would be, I suggest to the minister, the test of whether there is an admission to be charged or some other consideration involved. Where it is very clear that there is no such charge to those wishing to attend and they are not also subjected to advertisements as well as the ear-splitting noise of the rock festival, but they are simply a group of people who wish to gather together to listen to music, then surely the present restraints on any assembly of people are sufficient and in those particular situations the services for outdoor sanitation and St. John Ambulance first aid and so on would be adequate provision.

Mr. Speaker, I repeat that the legislation is totally deficient in that it delegates from this assembly, to the minister and his officials, the power to make regulations; and one of those powers to which we take great exception is that the regulation may require any person responsible for the health and safety standards to be bonded. Surely that is a nonsensical phrase within this piece of legislation.

Who is a person who is to be responsible for the health and safety standards? In the first place, power to designate such a person is not asked for in subsection 2. There is no power of delegation to identify such a person or to give to the minister authority to hold one person or more than one person responsible. That power of delegation to make regulations in that respect is not even asked for in subsection 2.

Further, it reads: "Requiring any person responsible for the health and safety—" Well without definition the only person who is responsible for the health and safety standards at outside festivals surely are those persons already given that responsibility or obligation in the present Public Health Act that we are now amending—for instance, a medical officer of health.

It cannot be that the minister is intending to hold the medical officer of health responsible for the health and safety standards and that he will have to be bonded. The language does not make sense as it stands in paragraph (b) of subclause 2, and even if it were to be changed in such a fashion to make it very clear that the person is a

person engaged in the promotion of the rock festival or is in some other fashion an organizer of the rock festival, then there is no statement in the subsection that the Lieutenant Governor may make regulations identifying such a person.

In that respect, Mr. Speaker, the bill is seriously deficient. And as the member for Riverdale has pointed out, without any such safeguards any person who finds himself, by directive of an official of the minister's staff, to be responsible for the health standards may face a fine of up to $10,000 for a breach of any of the regulations that are made under this statute. I repeat, Mr. Speaker, after this consideration of this second reading that the party to the right should join with us in opposing the bill.

**Mr. A. W. Downer** (Dufferin-Simcoe): Mr. Speaker, I would like to say a word or two on this matter. Rock festivals have been held in my constituency. I think the devotees of rock festivals have rights, but I think the people who live in the area have rights too. They are vitally concerned with the health and the morals and the security of their own homes in their own community.

**Mr. Nixon:** Is this bill designed to clean up the morals?

**Mr. Downer:** Well I think the government should give some sort of leadership as far as morality is concerned.

**Mr. Nixon:** And this bill is designed to do that?

**Mr. Downer:** Well, I think perhaps it will help. We would like a few tools, at any rate, to deal with these unsavoury situations that we find in the province and especially in my own area. These people who come to these rock festivals have not got any stake at all in it. Largely they come from outside areas, many of them from northern New York and other provinces, and they are not concerned about Dufferin-Simcoe, about the township of Mulmur or the people of Mulmur at all.

I would like to say too that there have been numerous protest meetings in the particular areas; and I would like to just read some the things that were sent to me, coming out of those protest meetings.

To give a little background, the property of course was purchased in 1964 and up to last year was used just to have what they call country music shows. And, of course, there was not a great deal of difficulty in the country music shows because they did not attract any more than perhaps 400 or 500 people. But now we have about 25,000 to 30,000 people on hand for one of these rock festivals.

And they flout the law. There is no question about that. I am just going to read something of what they do.

There is illegal drinking, consumption of narcotics and nude bathing. I was told by the police that it was not a music festival at all, it was simply a drugfest. Yet it is very difficult to get evidence. They try their very best to get evidence, but it is very difficult to get evidence. No one will lay a charge, and yet there should be charges laid of one kind or another about these illegal acts.

Then we have nudity, no question about that, plenty of it, when the rock festival is on.

**Mr. Peacock:** What is immoral about nudity?

**Mr. Downer:** I do not think that our people should be forced to walk around the roads and see people walking around nude in a country area. How would the hon. member like it in his own area?

**Mr. Peacock:** The cows do not object.

**Mr. Downer:** He would not put up with it overnight.

**Mr. T. P. Reid** (Rainy River): Put clothes on the cows.

**Mr. Downer:** No, he would not like these festivals in his home area.

**Mr. Peacock:** I would not walk along the roads if I felt as the member did.

**Mr. MacDonald:** Who is he trying to kid?

**Mr. Downer:** The Bruce Trail comes along just beside the Rockhill festival site, and fathers and mothers will not even permit their children now to walk along the Bruce Trail. They have no idea who they will meet or what will happen to them, because all sorts of things go on in that particular area.

They fear for their children's safety; they fear for their children's morals; they fear for their homes—there is no question about it. Most of them—I will not say all of them, but some of them—sit up all night with a rifle to keep undesirable characters away from their property.

**Mr. Peacock:** They will hurt only themselves.

**Mr. Downer:** We have to have some way of dealing with these rock festivals. If this is the only way we can deal with them, well then let us have this bill. I know that we should have legislation—we must have legislation—

**Mr. T. P. Reid:** Is that government policy?

**Mr. Downer:** —if we are going to deal adequately with rock festivals we must have legislation. Now the people in my area—

**Mr. MacDonald:** The member sounds like the Liberals in PEI, but they withdrew the bill.

**Mr. T. P. Reid:** Is this government policy he is giving us? Is this what is behind the bill?

**Mr. Downer:** This is my own view, as far as I am concerned. I am just asking the government to do something to give the municipality the tools so that they can deal with this unsavoury situation.

Now there are also other things. There is trespassing, grain trampled, people being kept awake all night because of the loud noise. I know for a fact that the noise could be heard at least three miles, because I went down there on Saturday evening and as far away as Whitfield you could hear the beat of the drums and the loud screaming of people on trips.

**Mr. Peacock:** They used to keep me awake on the 12th.

**Mr. Downer:** Yes they have drums.

**Mr. Peacock:** But the Lambeg Drums used to keep me awake.

**Mr. Downer:** Oh, they are there in the afternoon, not all night.

**Mr. Peacock:** Oh, they went on into the night. In fact they were there every 12th.

**Mr. Downer:** We should do something. These people have a right to complain and I plead with the government not only to give us the tools, but to make the tools strong enough to deal with rock festivals. We do not want them in our area, I do not see why we should have to have them.

Mr. Speaker, this is a very serious situation in Dufferin-Simcoe and our people are upset. They are vehemently opposed to rock festivals and they feel that surely these festivals could be eliminated. You know, they would be eliminated if they took the profit motive out.

**Mr. MacDonald:** That is the purpose of the bill, is it? To eliminate them, not to deal with health matters?

**Mr. Downer:** Thank you very much, Mr. Speaker.

**Mr. Speaker:** The member for Middlesex South.

**Mr. K. C. Bolton** (Middlesex South): Mr. Speaker, the member for Dufferin-Simcoe has given us a very clear evidence of why he wishes this bill to be passed. He complains about the crowds, the noise, the illegal drinking—one blushes at that term—and I have sympathy with the problems of his constituents—

**An hon. member:** Archdeacon Wally is in trouble—

**Hon. C. S. MacNaughton** (Minister of Transportation and Communications): Wait until the bishop hears about this.

**Mr. Bolton:** —who do not welcome the young people of this generation in this particular activity. I think he has underlined very clearly for us the intent of this bill and confirms us in the New Democratic Party in our opposition to the use of The Public Health Act for punitive and for police purposes. There are other ways of dealing with the problems of rocks festivals.

We have police investigation. We have Acts already in existence to control any abuse, any breaking of the law, illegal drinking, drug taking, excessive noise; all these things are with us now.

I deeply regret that the ministry of Health should be used in this way. The Minister of Health has a great responsibility and a highly dignified position in protecting the health of our people. He is concerned with the mental health and concerned with the physical health of all our people. His department must be clear of any judgemental situation. I think it is an abuse of the ministry of Health to ask it to do the police work, the punitive work, the protective work, that is envisaged and was referred to by the last speaker.

This is a shockingly bad piece of legislation and I sincerely hope that the Minister of Health will see his way to withdraw this bill.

**Mr. Nixon:** Mr. Speaker, on a point of order, surely the charges or comments made to the House by the hon. member for Dufferin-Simcoe should require the Attorney General to express his view on this bill to make it clear that he still is the chief law officer of the Crown, and that unlike the reading that the hon. member for Dufferin-Simcoe has given the bill, that it is not in fact designed as—

**Hon. A. F. Lawrence** (Minister of Justice): What sort of point of order is that?

**Mr. Nixon:** —the police arm to control rock festivals. Surely the Attorney General should take part in this debate?

**Mr. Speaker:** I cannot see that there is any point of order in the comments of the hon. Leader of the Opposition.

**Mr. Nixon:** All right. He said them anyway.

**Mr. Speaker:** Is there any other hon. member who wishes to participate in this debate of the bill?

**Hon. A. F. Lawrence:** I made my comments the other night on rock festivals. The Leader of the Opposition should have been here to listen.

**Mr. Nixon:** The Attorney General is the water gun man. I heard about it.

**Hon. A. F. Lawrence:** He should have been here.

**Mr. Speaker:** If not, the hon. minister.

**Hon. A. B. R. Lawrence** (Minister of Health): Mr. Speaker, I was intrigued to notice that I am the third Anglican minister in a row to be speaking on this issue.

Interjection by an hon. member.

**Hon. A. B. R. Lawrence:** The background against which this—

**Mr. Nixon:** The minister's tenure is not quite so secure.

**Hon. A. B. R. Lawrence:** I am the junior of the group in any case.

I may say Mr. Speaker, and this applies to a number of remarks that have been made about the bill, such words as "subterfuge" and "obliquely" and "back door" and "under the table," and this kind of suggestion—

**Mr. Nixon:** Right; that is the problem.

**Hon. A. B. R. Lawrence:** —that the genesis of the legislation insofar as the Minister of Health is concerned, is found in The Department of Health Act itself. Section 4 of that Act, says:

> (a) the minister shall advise the government in respect of the health of the people of Ontario; and (b) oversee and promote the health and the physical and mental well-being of the people of Ontario.

Therefore it seems to me, Mr. Speaker, there is no way as Minister of Health, where a situation arises in this province that does create health problems where I can abdicate as Minister of Health my responsibilities in the particular portfolio and the particular field that has been assigned to me.

What I do, despite the allegations that have been made, is exercise, as far as I can see that it falls upon me to do so, the overall responsibility that I have mentioned from The Department of Health Act. It seems to me that the responsibility to oversee and promote the health of the people of Ontario is the framework within which all my powers are found, and is the framework within which this bill itself is cast.

Certainly, I would say as a lawyer, and anyone giving a fair interpretation to the legislation must look at it within that framework and consider, as I do, that it is entirely relevant, that there is a function here to be performed insofar as health is concerned. I, personally, could not care less about the length of hair. As Minister of Health, I doubt if there is any health function involved in what has been described as a nuisance, but there—

**Mr. Nixon:** What about the trampling of grain, and nudity raised by the member for Dufferin-Simcoe?

**Hon. A. B. R. Lawrence:** Those are not my concerns, Mr. Speaker. Mine relate specifically to and are encompassed by the responsibility broadly for the health of the people of Ontario.

**Mr. Singer:** That is where you use the water guns.

**Hon. A. B. R. Lawrence:** There I begin—and I say this to the Leader of the Opposition who asked me for a guarantee—there is my guarantee because it is within that framework that my responsibilities begin and end. It is within that framework that I have presented this particular amendment to The Public Health Act.

Now the question of health, as all members know, is very directly involved; emergency health services are involved not as a matter of show but as a matter of need. The Addiction Research Foundation is involved because it must be involved, needs to be involved, it has to be involved. The public health branch of my department is equally involved; and we all know that there are, and can be, serious sanitary problems.

We know that there are very serious drug problems, and we know that physical injury does occur. We cannot wash our hands of our responsibility for these young people whether or not they would like us to; whether or not they are self-inflicted wounds. I can see no way, as Minister of Health, that, on the basis of their long hair or the noise they make or the way I personally may not like them, I can in any way wash my hands, as Minister of Health, of the overall responsibility of seeing that they are not injured physically; injured seriously mentally from drug abuse; or generally have their health injured by lack of sanitary facilities.

Mr. Speaker, the legislation, if looked at as I would suggest it be looked at in that framework, is not out of keeping with other legislation that The Department of Health administers. We have—and the member for Downsview mentioned it—vast and complicated regulatory power; and because it is in the field of health, I suppose it is outside the scope of appeals right through the court system; applying as we all know, to everything from sausages to ice cream to water to swimming pools—you name it.

As long as the Minister of Health, in fact—indeed I think the history of this portfolio would demonstrate this—as long as the Minister of Health honestly stays within the overall jurisdiction of health, the fact that the regulations are complicated, the fact that they are more open-door than any other regulatory powers probably given to any other ministry, is underlined by the fact that in the public interest we have been able to define health as what characterizes both the power and the responsibility.

I will assess whether or not there should be a legal appeal when we are dealing with the question of a bond of this kind. This question was raised by the member for Lakeshore. I would like to think about that.

Insofar as the responsibility is concerned—dealing with the responsibility not only of the organizers and others—I think this legislation, unless one casts it fundamentally as being obviously devious—and there you have begged the whole question in any case—I think this legislation can be read as generally supportive of the freedom of the people moving about and in our culture.

None of our freedoms is so wide that we are allowed to trample the freedoms of others, and I think that every new freedom that we have recognized over the last hundreds of years has been built into our society by making it responsible. Each exercise builds on its responsibility and has its responsibility recognized.

Here I can see—and and I think we have had some good festivals, I am told, from the point of view of public order and public acceptance—nothing wrong with reasonable health standards being other than supportive to a gradual, cultural recognition and social recognition of the phenomena itself.

Therefore, I rather resent the suggestion that there is duplicity involved in what I consider can be a creative, and in the long run supportive role so long as we deal with health on the grounds that I have suggested earlier.

**Mr. T. P. Reid:** Did the minister hear what the member for Dufferin-Simcoe said?

**Mr. MacDonald:** We disassociate ourselves—

**Hon. A. B. R. Lawrence:** There are 118, I believe, members in this house—

**Mr. M. Gaunt** (Huron-Bruce): One hundred and seventeen.

**Hon. A. B. R. Lawrence:** —one hundred and seventeen, and we all have different situations and problems and we all must recognize—

**Mr. T. P. Reid:** It is interesting that the minister should take that attitude.

**Hon. A. B. R. Lawrence:** I am quite prepared to be entirely respectful of the opinions of the member for Dufferin-Simcoe.

**Mr. MacDonald:** The member confirmed our suspicions regarding motives back of the bill.

**Hon A. B. R. Lawrence:** But he is not the Minister of Health; he is speaking as a private member, entitled to do so—

**Mr. Nixon:** He looks on this as control legislation not for public health.

**Hon. A. B. R. Lawrence:** —describing a particular phenomenon in his riding involving his people. Would any of us in this Legislature give up our residual right to speak freely, frankly and strongly about the problems in our own backyard—namely his own riding?

**An hon. member:** The minister laid an egg!

**Mr. J. Renwick:** Nobody questions that.

**Mr. Nixon:** There is nothing residual about that. That is private.

**Hon. A. B. R. Lawrence:** Mr. Speaker, the question of profit or non-profit does not suggest itself to me as being one that, as Minister of Health, can be the touchstone of judgement. Profit or non-profit, if we are to license as has been suggested, or if that should be the approach, or if it should be an approach through the Attorney General's department, or we should tackle it through The Department of Financial and Commercial Affairs, there perhaps the question of profit or non-profit becomes significant. But, and this is the fundamental part of my plea, if we are to look upon this as the question of health, really it does not matter whether it is profit or non-profit, because the problem of health will be there whether someone makes a large amount of money or no money out of it at all.

I would say the point is, Mr. Speaker, that this bonding and the putting up of money is not necessary. If the people involved under the first paragraph of limitations as to regulation are to put up the sanitary facilities, if they are to say: "We are capable of, and financially responsible for supporting our own basic tents, and other medical facilities." If they are capable of renting the half-dozen or so ambulances that may be needed, if they are capable, in fact, of doing these different things, what care I, as Minister of Health, and what care my services that we are going to be put out of business? The responsibility falls on us only in the absence of its discharge by others.

Mr. Speaker, the Shriners have been mentioned as an example, but I think that is entirely unfair. Whether it be Maple Leaf Gardens, or whether it be the Grey Cup game, or whether it be the Shriners moving about, or any other convention, the public health rules, regulations and facilities of this great city are quite capable of ensuring an absence of injury and ensuring that the ambulances are available, that the hospitals are warned, that there are the facilities for taking people from a place of injury by ambulance to the hospital. This is a very complicated business. When we try and serve one of these festivals, we have to insure that beds and ambulance services are provided and the hospitals are warned. We know that we can get 10 in there, five in there and two in there. It is a complicated manoeuvre, taking expertise and the attention of a large number of civil servants, in turn paid for by the general taxpayer.

Mr. Speaker, as for the question that was raised as to the identity of persons responsible, there is nothing new here. Our statutes often refer to people responsible. The onus falls on that person and ultimately, of course, when one is dealing with a fine or an appeal, it is for the court to say, in fact and indeed, whether or not that person was a person responsible, whether or not he was an organizer, and whether he, in the opinion of the court, is capable of identification, not whether he, in the opinion of the minister, is capable of identification.

So Mr. Speaker, I would like to have another look before we move this bill into committee, at the question of appeal and see whether, indeed, there is anything here offensive to the principles of Mr. McRuer's report, because there is no need to be.

If there is, I would be pleased to deal with this question of appeal. But I do suggest that the House not look at the bogeymen that have been waved in front of it by some of the speakers and that within the framework of The Department of Health Act they recognize the guarantee of relevancy and that they support the bill as doing exactly what I have suggested it is designed to do.

**Mr. Speaker:** The motion is for second reading of Bill 119.

The House divided on second reading of Bill 119 which was approved on the following vote:

| Ayes | Nays |
|---|---|
| Auld | Bolton |
| Bales | Bukator |
| Belanger | Bullbrook |
| Bernier | Burr |
| Carruthers | Deacon |
| Carton | Deans |
| Davis | Edighoffer |
| Downer | Ferrier |
| Dunlop | Gaunt |
| Gilbertson | Gisborn |

| Ayes | Nays | Ayes |
|---|---|---|
| Gomme | Haggerty | Rowe |
| Guindon | Innes | Rowntree |
| Hamilton | Jackson | Smith (Simcoe East) |
| Haskett | Lawlor | Smith (Hamilton Mountain) |
| Henderson | Lewis | Snow |
| Hodgson (Victoria-Haliburton) | MacDonald | Villeneuve |
| Hodgson (York North) | MacKenzie | Welch |
| Jessiman | Makarchuk | Wells |
| Kennedy | Martel | White |
| Kerr | Newman (Windsor-Walkerville) | Whitney |
| Lawrence (Carleton East) | Nixon | Winkler |
| Lawrence (St. George) | Peacock | Wishart |
| MacNaughton | Pilkey | Yakabuski |
| Meen | Pitman | Yaremko—51. |
| Morin | Reid (Rainy River) | |
| Morningstar | Reid (Scarborough East) | |
| Morrow | Renwick (Riverdale) | |
| McKeough | Ruston | |
| McNeil | Shulman | |
| Newman (Ontario South) | Singer | |
| Potter | Smith (Nipissing) | |
| Price | Spence | |
| Reilly | Stokes | |
| Reuter | Trotter | |
| Robarts | Worton—35. | |
| Rollins | | |
| Root | | |

**Clerk of the House:** Mr. Speaker, the "ayes" are 51; the "nays" are 35.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Committee of the Whole House.

Agreed.

**Mr. Speaker:** It now being 12 of the clock, we will recess until 2 this afternoon.

It being 12 o'clock, noon, the House took recess.

# CONTENTS

**Tuesday, July 20, 1971**

**Public Health Act,** bill to amend, Mr. A. B. R. Lawrence, second reading ..... 4247

**Recess,** 12 o'clock noon ..... 4263



# Legislature of Ontario Debates

Tuesday, July 30, 1974

No. 105

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Tuesday, July 20, 1971

**Afternoon Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**

**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

5

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JULY 20, 1971

The House resumed at 2 o'clock, p.m.

**Mr. Speaker:** Statements by the ministry.

Oral questions.

## ALLEGED MISTREATMENT OF PRISONER IN DON JAIL

**Mr. V. M. Singer** (Downsview): Mr. Speaker, I have a question of the Attorney General. Is he able, as yet, to inform us what action, if any, his department is going to take in connection with the question I raised several weeks ago about the alleged mistreatment of a prisoner in the Don Jail, as referred to at some length in two columns in the Telegram, written by a columnist named Paul Rimstead?

**Hon. A. F. Lawrence** (Minister of Justice): Yes, Mr. Speaker, I was in close contact with the Minister of Correctional Services (Mr. Apps) about this matter, who, I thought, did make a statement in the House or answered questions. In any event, the individual—

**Mr. Singer:** I was here and I did not hear any answer.

**Hon. A. F. Lawrence:** All right. My understanding is the individual concerned is in—I speak from memory now—the Lambton General Hospital undergoing some sort of treatment, surgery, I think.

**Mr. Singer:** Quite apart from how the individual concerned is being treated, do the investigations conducted, either by this minister or by his colleague, the Minister of Correctional Services, indicate the necessity of taking some proceedings against those people who had custodial charge of the individual?

**Hon. A. F. Lawrence:** Certainly, in any institution other than the Don Jail, in our investigation we were not able to turn up any evidence that would indicate any grounds whatsoever for any prosecution. In respect of the Don Jail matter, I believe that the last report that I had was that the investigation was proceeding in respect of the Don Jail authorities. I really should take that part of the question under notice, because I am speaking strictly from memory and I have not had a report now for some time on it.

**Mr. Singer:** By way of further supplementary, to my recollection it is about a month since I have raised this question and, quite apart from the treatment of the individual concerned, the substantial thrust of Mr. Rimstead's article—

**Mr. Speaker:** Perhaps the member would ask a question.

**Mr. Singer:** In view of the fact that the substantial thrust of Mr. Rimstead's articles was the apparent abuse of this man, would the Attorney General not agree that that should be where the focus of the investigation should be directed?

**Hon. A. F. Lawrence:** My involvement in the matter was directed completely along those lines and, as I say, it may well be now that I have got the final report in my possession as well. I will check into that and give an answer very shortly.

**Mr. Singer:** Will the minister then undertake to advise us whether or not any kind of proceedings, criminal or otherwise, are going to be taken and the reasons for either initiating them or not?

**Hon. A. F. Lawrence:** Yes.

## HOSTEL ARRANGEMENTS FOR TRANSIENT YOUTH

**Mr. Singer:** Mr. Speaker, I have a question of the hon. Minister without Portfolio from Quinte. The hon. Minister without Portfolio from Quinte shakes his head. I suppose that signifies he does not know anything about it. Nevertheless, I am going to ask him. Can the hon. Minister without Portfolio from Quinte give us the latest development in the problem about the establishment of a tent city for youth on the grounds of the Mercer institution?

**Hon. R. T. Potter** (Minister without Portfolio): Mr. Speaker, I am sure the hon. member has already read the newspapers today, as I have. I do not think there is anything that I can add to it. It is all pretty well outlined there what went on over the past 24 hours. Perhaps I might add that the president of SAC, I think they call it, at the University of Toronto was discussing the matter with me last night when you came along, as a matter of fact, so undoubtedly you discussed it with him, too.

He did meet last night with president Sword and residents of that area. Dr. Sword phoned me this morning to say that they had had a good meeting; that he was still sympathetic to the cause; that we would still like to have the university as the responsible party, make the Mercer Reformatory property available to the group providing, of course, that he had the approval of his own legal counsel and the chairman of the board of governors.

He did say that he would like to have the consent of the residents of the area. There were several of them there last night and you undoubtedly read in the paper that they did not agree that perhaps they could get along with the students.

I was talking to the president this morning. He is having difficulty today trying to locate Alderman O'Donohue—is it?—who has been in quite a furor about it. Since 8 o'clock this morning he has been trying to locate Alderman O'Donohue to get his consent to the programme. Once this can be obtained, I know that Dr. Sword and ourselves and the students are very anxious to get the programme under way.

**Mr. Singer:** By way of supplementary, Mr. Speaker: Could the minister simply inform us whether, along the lines of the Premier's statement yesterday, a hostel will open tomorrow on the grounds of Mercer and if not, why not?

**Hon. Mr. Potter:** Obviously we cannot inform the member of that because we are not running the programme. It is a federal government programme. They are running it. We have been offering assistance as far as we can.

**Mr. J. B. Trotter** (Parkdale): Mr. Speaker, by way of a supplementary question arising out of the minister's remarks, did Dr. Sword inform him that the university would not approve the programme of taking over Mercer unless they would have the approval of the Parkdale residents; or as you say, would like to have it?

**Hon. Mr. Potter:** Quite honestly, I could not swear to it whether they said they would like to or they would not do it. I understood them to say that they would like to do it with the co-operation of the residents.

**Mr. Trotter:** By way of a further supplementary question, Mr. Speaker: Is the minister aware of any attempt to give some protection to the residents of that area in the event that there is a tent city? By that I mean what type of order or organization has the minister got in order to control the tent city?

**Hon. Mr. Potter:** This programme is being worked out by the students' action committee and the administration of the Toronto University.

**Mr. T. Reid** (Scarborough East): The Student Administrative Council.

**Hon. Mr. Potter:** Is that what it is? The Student Administrative Council?

**Mr. T. Reid:** SAC means Student Administrative Council.

**Hon. Mr. Potter:** That has been worked out by them and they are quite agreeable.

**Mr. Speaker:** The member for Downsview.

**Mr. S. Lewis** (Scarborough West): By way of a supplementary—

**Mr. Speaker:** A supplementary?

**Mr. Lewis:** By way of a supplementary: Just out of curiosity, does the minister have in his mind a likely date when Tent City will be a reality at Mercer?

**Hon. Mr. Potter:** I wish I could tell the member a likely date, but not until this group can get together. I can see no reason why they could not move in tomorrow if they can get all these people together. Unfortunately, there are too many people that I can see trying to make a political thing out of this—and they are not available; or they do not want to become involved; or they are trying to get somebody they want to get approval from and he is just not available. This young lad, the president of the SAC, is having a hell of a time trying to get the people together to get the thing coordinated. I really sympathize with him.

**Mr. M. Shulman** (High Park): If you wait for Tony O'Donohue you will have a long wait.

**Mr. Singer:** Mr. Speaker, I have a further question of the same minister. Does the government have any plans which he can tell us about for establishing permanent youth hostels in the Province of Ontario?

**Hon. Mr. Potter:** No, Mr. Speaker, we have not.

**Mr. Singer:** By way of a supplementary, is the government investigating the possibility of the establishment of any such plans?

**Hon. Mr. Potter:** The government is not investigating the possibility but the interdepartmental committee on youth is investigating—

**Mr. Singer:** Is that not a branch of the government?

**Hon. Mr. Potter:** —when the member was speaking about government, I thought he was referring to the cabinet. As far as I am concerned, the youth committee is investigating the suggestion that there is a need for permanent youth hostels. I believe I answered this question a few days ago in the Legislature. When we have all the information available then we will pass it on to the government.

**Mr. Speaker:** A supplementary?

**Mr. W. G. Pitman** (Peterborough): A supplementary: When did the youth committee meet last?

**Hon. Mr. Potter:** I think it was last week. We meet every two weeks.

**Mr. Pitman:** They will be meeting again in another two weeks? Does that youth committee have any paid assistance to carry out that kind of a study?

**Mr. Speaker:** The minister might resume his seat while the question is being asked to give the member the floor.

**Hon. Mr. Potter:** The committee is investigating this, yes. It is being properly investigated, I can assure you.

**Mr. Lewis:** Who is on the interdepartmental committee on youth?

**Hon. Mr. Potter:** The member is not going to ask me to name them, now, is he?

**Mr. Lewis:** By way of supplementary, is it a committee of cabinet or is it a committee of the civil service?

**Hon. Mr. Potter:** No, it is a committee made up of a representative of each of the departments. All these representatives—or the majority of the representatives—are young people from the departments who are working on this programme. Then we have a youth advisory committee which consists of 10 members of youth, spread out through the province.

**Mr. Lewis:** What is the minister's role on that?

**Hon. Mr. Potter:** I am strictly chairman of the committee.

**Mr. Lewis:** The minister is chairman of the committee?

**Hon. Mr. Potter** Yes.

**Mr. Lewis:** Strictly chairman.

## STRIKE BY GLAZIERS AT QUEEN STREET HOTEL SITE

**Mr. Singer:** I have a question of the Minister of Labour: Would the Minister of Labour tell us if he has any plans to resolve the strike which is taking place at the Queen Street site of the new Inn on the Park building being built there, where some 12 glaziers, by reason of a jurisdictional dispute, have ground a $40 million development to a halt?

**Mr. C. G. Pilkey** (Oshawa): The member for Downsview was on the picket line this morning, was he?

**Hon. G. Carton** (Minister of Labour): Mr. Speaker, the glaziers are presently on a legal strike. They are in the negotiating stage and this is a jurisdictional dispute.

**Mr. Singer:** That is the point.

**Hon. Mr. Carton:** Now, if they have appointed their jurisdictional representative—and in many cases they have not; but if they have—then under the new section 108, and section 66 of The Ontario Labour Relations Act, they can use that. But in the meantime they can apply to the Ontario Labour Relations Board, which has not been done to my knowledge as yet, at which time an interim order can be made.

Also, if it is in their collective agreement, they could apply to a joint committee. If

they are in an international union, it would have to be in their agreement. But basically they would have to apply to the Ontario Labour Relations Board.

**Mr. Singer:** Mr. Speaker, by way of supplementary, quite apart from what the disputing parties might do, does the minister and/or the government have any plans to work out some resolution, either permanent or temporary, to this problem so that the ludicrous position of 12 men holding up a $40 million development while they dispute jurisdiction will no longer be able to slow down the economy of the province?

**Hon. Mr. Carton:** No, Mr. Speaker.

**Mr. Singer:** Does the minister intend to explore this matter further and assert a government presence, or is he just going to sit by and let matters take their own course?

**Hon. Mr. Carton:** There are procedures in the Act and we will let them take their own course, Mr. Speaker.

## POLICY ON EXPRESSWAYS IN METRO TORONTO

**Mr. Singer:** Mr. Speaker, I have a question of the Premier. Could the Premier advise us what government policy is insofar as the extension of the Gardiner Expressway, the Don Valley Expressway, the Belfield Expressway and Highway 403, all within the boundaries of the municipality of Metropolitan Toronto are concerned?

**Hon. W. G. Davis** (Prime Minister): Mr. Speaker, I do not know that one can treat all of them in the same way. The Belfield, for example, is not all in the boundaries of Metropolitan Toronto.

**Mr. Singer:** I did not say it was, I just said they are within the boundaries.

**Hon. Mr. Davis:** No, no—and to try and draw, shall we say, a parallel on certain aspects of this with the government decision on Spadina would, of course, be erroneous.

**Mr. Singer:** Ridiculous. To expect you to be consistent would be ridiculous too.

**Hon. Mr. Davis:** Well, Mr. Speaker, if the member for Downsview wants to raise a question of consistency as it relates to—

**Mr. Singer:** I do indeed.

**Hon. Mr. Davis:** —the position of his own party on all of these items, I would be glad to debate this with him anywhere, because one of the great assets of that particular party is the degree of consistency it has in its inconsistencies.

**Mr. Singer:** Let us have a debate on it right now.

**Mr. Bullbrook:** That is where our strength is.

**Mr. Trotter:** Answer the question.

**Mr. Singer:** Now back to the question.

**Hon. Mr. Davis:** It is true!

**Mr. Pilkey:** We had a good demonstration of that last night.

**Hon. Mr. Davis:** Mr. Speaker, as it relates to specific situations with Metropolitan Toronto they will be dealt with by the municipality, by the department and, if necessary, the Ontario Municipal Board.

**Mr. Singer:** Mr. Speaker, by way of supplementary: Does the Premier agree with the request made by the Deputy Minister of Municipal Affairs that the Gardiner should be proceeded with and extended from Leslie Street to Coxwell Avenue as that deputy minister recently indicated in a letter?

**Hon. Mr. Davis:** Mr. Speaker, I am not familiar with the contents—

**Mr. Singer:** Of course not.

**Hon. Mr. Davis:** —the specific contents of the letter. I would have to examine it very carefully, but I do not think that, in fact, is what was said.

**Mr. Singer:** What is the Premier's policy insofar as the extension of the Gardiner Expressway is concerned?

**Hon. Mr. Davis:** Mr. Speaker, my recollection of it is that the application for the extension to the Gardiner Expressway is still before the Ontario Municipal Board.

**Mr. Singer:** Fine. By way of further question, would the Premier tell us that the government's attitude is insofar as the request by The Department of Transportation and Communications—including the deputy minister and several of its staff—is concerned that Metropolitan Toronto continue to expropriate properties to the north of the present widened limit of the Don Valley in order

that the additional extension of the Don Valley can proceed?

**Hon. Mr. Davis:** Mr. Speaker, this would be a matter more appropriately put to the Minister of Transportation and Communications.

**Mr. Singer:** He could not answer it yesterday.

**Hon. Mr. Davis:** Well, that is fine.

**Mr. Lewis:** That is unfair. He did answer it.

**Mr. Singer:** No, he said it was government policy, which had not been decided.

**Mr. Lewis:** He said it was an alternative to Highway 400.

**Hon. Mr. Davis:** That is right. Mr. Speaker, the hon. member for Downsview well knows that when we have policy to announce we will announce it if the House is sitting here. If not, we will announce it in other places.

**Mr. T. P. Reid** (Rainy River): With a great deal of fanfare.

**Mr. J. Renwick** (Riverdale): Yes, there will be a lot of those announcements, the government does not want to make them here.

**Mr. Singer:** Mr. Speaker, could the Premier tell us what the government policy is insofar as the Belfield Expressway is concerned?

**Hon. Mr. Davis:** Mr. Speaker, the policy as it relates to the Belfield Expressway has not been finally determined by this government. The Belfield Expressway is not comparable, shall we say, to the Spadina Expressway. The projected plans for the Belfield extend well beyond the boundaries of Metropolitan Toronto, including portions of the county of Peel. To try to relate them one to the other—

**Mr. Singer:** There is the difference!

**Hon. Mr. Davis:** Not at all.

**Mr. Singer:** It affects Peel. There is the difference.

**Hon. Mr. Davis:** Mr. Speaker, even for the hon. member for Downsview, I surely did not have to draw a map as to the difference in extending the Spadina Expressway into the downtown core of the city of Toronto, and building some route to serve people in the more remote areas, if one might use this term—

**Mr. Lewis:** Careful! Peel North is not a sure thing any more.

**Hon. Mr. Davis:** —through land that is not, shall we say, highly developed. If one cannot draw this distinction, then, Mr. Speaker, I cannot be of much help to the hon. member for Downsview.

**Mr. Singer:** Well, the Premier certainly is not. That is all, Mr. Speaker.

**Mr. Speaker:** The hon. member for Scarborough West.

**Mr. Lewis:** A question, Mr. Speaker, of the—

**Hon. Mr. Davis:** The Leader of the Opposition (Mr. Nixon) does much better.

**Mr. Singer:** It is a pity, we just have to take me on the days he is not here. The Premier does not do well on any day. That is his trouble.

**Mr. Speaker:** Order, order.

**Mr. J. E. Bullbrook** (Sarnia): I thought the member for Downsview was very good. I thought he was terrific.

**Hon. A. F. Lawrence:** That is a change in attitude, too.

**Mr. Bullbrook:** The Premier was bad, but he was very good.

**Mr. Singer:** The Premier's back is really getting him down. He should have a rest.

**Mr. Shulman:** The member for Sarnia is glad to have him ask questions. It shows up his lack of ability.

**Mr. H. Peacock** (Windsor West): I would take him any day.

**Mr. Speaker:** The member for Scarborough West has the floor.

## AID TO SEPARATE SCHOOLS

**Mr. Lewis:** Thank you, Mr. Speaker. I have a question of the Premier. The Premier will perhaps recall, I ask him with an obvious inflection in my voice, his undertaking in Windsor on April 23 last to give a "definite government policy statement on the extension of aid to separate schools." The three-month period which he undertook is up on Friday of this week. Will the government statement on the extension of aid be available by that time?

**Hon. Mr. Davis:** Mr. Speaker, I stated in Windsor that within the rough period of three months there would be a definitive statement, as it relates to the request from the separate school trustees for extension or addition to the separate school system, which is perhaps a more accurate phrase.

**Mr. J. E. Stokes** (Thunder Bay): Or completion.

**Hon. Mr. Davis:** I question whether it will be available by this Friday.

**Mr. G. Ben** (Humber): So do we.

**Mr. Lewis:** By way of supplementary, I take it, then, that what the Premier is saying is that it will not be a statement given to the Legislature. It will be a statement made at some point between the closing of the House and before or during the campaign?

**Hon. Mr. Davis:** Mr. Speaker, I could ask what campaign.

**Mr. I. Deans** (Wentworth): Ask.

**Hon. Mr. Davis:** I have been on a campaign since 1959; sure, we all have.

**Mr. Lewis:** The Premier is so sad.

**Mr. Trotter:** Does he mean he does not know what he has been doing the last three months?

**Mr. Stokes:** That one that runs from sod-turning to bales of hay.

**Mr. Lewis:** He is very cute.

**Hon. Mr. Davis:** However, I will give the hon. member this assurance, that the statement will be made well in advance of a campaign. There will be lots of opportunity for him to restate his position as it relates to the extension of support to the separate school system, and a lot of opportunity for the Liberal Party to restate its support for extension to the separate school system in those ridings where it thinks it will be helpful, and not to state it in those ridings where it thinks it will not.

Interjections by hon. members.

**Mr. J. Renwick:** Thank you for making a distinction between the two parties.

**Mr. Lewis:** Mr. Speaker, who am I to quibble with such unerring a reply?

Interjections by hon. members.

**Mr. Lewis:** According to my calculations that gives the Premier about 24 days within which to sort out his reply.

**Hon. Mr. Davis:** I just want to make this abundantly clear, I have great respect for the mathematical talents of the leader of the New Democratic Party, but I would suggest to him to—

**Mr. Lewis:** I have been wrong almost every time.

**Hon. Mr. Davis:** He is wrong on most issues but his mathematical prowess I would not dispute. I just want to say to him, please do not calculate 24 days, 26 days and so on. He could be in error again.

**Mr. Lewis:** That is true, I could. But at some point I will be right. I am never a man to give up.

## PROGRESS OF BILL 94

**Mr. Lewis:** May I ask a question of the Minister of the Environment? Does he intend to proceed with second reading of Bill 94 without government amendment?

**Hon. G. A. Kerr** (Minister of Energy and Resources Management): No, Mr. Speaker, I will be announcing certain amendments at the time I move second reading of Bill 94. As the hon. member knows, those amendments would have to be dealt with at the committee level, but in any event I intend to give notice to the House of those amendments. There are really only three or four dealing with principle; there will be a number of amendments that we can deal with in committee. But I am hoping, of course, that sometime this afternoon around 4, when we are through with the House leader's bills, we will deal with Bill 94.

**Mr. Lewis:** Well, 4 o'clock will be a protracted length of time.

**Mr. J. Renwick:** The minister will have time for tea this afternoon.

**Mr. Lewis:** It is before that the auto insurance bill ends.

Mr. Speaker, by way of supplementary, did I hear the minister correctly in stating that he would have three or four amendments as to principle and additional amendments in Committee of the Whole House? Would it be possible for him to table these amendments in advance—I assume they now

are drafted—so that when the bill is called for second reading and three or four major alterations to principle are made, we might have some notice?

**Hon. Mr. Kerr:** I think, Mr. Speaker, what I could do is send copies this afternoon to the member's office and to the Leader of the Opposition. Would that be all right?

**Mr. Lewis:** Yes, and I think we can assure the minister that the bill is unlikely to be called today.

**Hon. Mr. Kerr:** Oh, really?

**Mr. Lewis:** Give us time to look it over.

**Mr. J. Renwick:** It may be sometime after midnight.

## STRIKE AT TEXPACK

**Mr. Lewis:** May I ask a question, Mr. Speaker, of the Minister of Labour?

Has the Minister of Labour intervened in the dispute between Texpack and the independent textile union in Brantford?

**Hon. Mr. Carton:** No, Mr. Speaker. This strike just started on July 16. We have not taken any part in this strike yet.

**Mr. Lewis:** By way of supplementary, is the Minister of Labour aware that on July 15, in a letter to the employees, the company stated:

> If a strike is called, we intend to immediately begin hiring permanent strike replacements. Striking employees will be permanently replaced. We will not roll over and play dead. Our corporation has weathered strikes—

The traditional rhetoric.

Does not the minister think that this directly contravenes the obvious sections of The Labour Relations Act and that his department should act upon them?

**Hon. Mr. Carton:** I will check into it, Mr. Speaker. I wish they would send me copies of the letters so that I would be aware of some of these things that take place.

**Mr. Lewis:** Perhaps when the minister's actions merit a record where correspondence will be sent, it will be sent.

## DOCTORS' THREAT TO OHSIP PLAN

**Mr. Lewis:** I have one further question that I will ask of the Minister of Health, if I may. Is the minister aware of the threat today—I think it was in a story of the Toronto Daily Star—by a Dr. Moran that, in view of the audit procedures in the Legislature, every possible nickel would be squeezed from the OHSIP accounts and doctors would engage in additional billing? Can the minister make some statement on whether or not he has had discussions along that line with the Ontario College of Physicians and Surgeons or the OMA?

**Hon. A. B. R. Lawrence** (Minister of Health): No, Mr. Speaker, I have not. I would say that Dr. Moran's remarks, as reported in the paper, are most inappropriate and I am sure do not reflect the ethical attitudes of the profession.

**Mr. Lewis:** Right. I will leave it at that. I agree with the minister.

**Mr. Speaker:** The member for Scarborough East.

## CANADIAN DRIVER POOL ROLE IN STRIKE

**Mr. T. Reid:** Mr. Speaker, I have a question of the Minister of Labour.

Has the minister discovered anything more about the organization called Canadian Driver Pool which, according to local 46 of the International Chemical Workers, is involved in strikebreaking activities at the Johns-Manville plant in West Hill, in the riding which I represent? Secondly, has the minister received any information that the strikebreakers are employing doberman pinscher dogs in their vehicles? They are employing movie cameras and clubs as they go through the picket lines to take the product out of that plant.

**Hon. Mr. Carton:** No, Mr. Speaker, I was not aware that Canadian Driver Pool was concerned with the Johns-Manville dispute. This has been going on for some time. We have had talks with both parties. There are other factors entering into this particular strike besides wages—there is a pollution element.

Just recently my department made a finding with respect to vacation pay which our

department feels should be paid by the company, notwithstanding the fact they are on strike. There are many issues in connection with this particular strike, but I was unaware of the fact that Canadian Driver Pool was there.

**Mr. T. Reid:** A supplementary: Would the minister investigate this information which has been passed on to me by Jim Taylor, the president of the local?

**Hon. Mr. Carton:** Yes, Mr. Speaker.

**Mr. T. Reid:** A further supplementary: Has the minister also discussed the question of dust pollution with the Minister of Health, particularly with regard to the way in which the standards of acceptable levels of pollution inside the plant have been arrived at by the Minister of Health?

Is the minister aware that the standards may very well be based upon research carried out by the business sector in the United States, as opposed to an objective evaluation of health standards by a department of government, either in Ontario, Canada or the United States?

**Hon. Mr. Carton:** I have not discussed this with him, Mr. Speaker. This matter is taken over by The Department of Health insofar as our particular department is concerned. We do not have our inspectors; we use The Department of Health, the occupational branch, for this and they do the testing.

**Mr. T. Reid:** Do I understand then from the minister's reply, Mr. Speaker—

**Mr. Speaker:** This will be the last supplementary.

**Mr. T. Reid:** Do I understand correctly from the minister's reply that his department is not investigating what is probably the essential issue involved in this labour dispute at the Johns-Manville plant because another minister in the cabinet is responsible for the setting of standards and inspection?

**Hon. Mr. Carton:** We are concerned with all parts of any dispute, Mr. Speaker. What I stated was that the inspection takes place via The Department of Health, the occupational branch. My understanding—and the hon. member may direct the question to the minister on this—is that they are within the proper limits.

**Mr. Speaker:** The member for High Park.

## CHAUFFEURED LIMOUSINES FOR FORMER MINISTERS

**Mr. Shulman:** I have a question of the Prime Minister, Mr. Speaker. Can the Prime Minister inform me why ex-ministers of the Crown are supplied with chauffeured limousines?

**Mr. Lewis:** That is "ex."

**Mr. Deans:** Not "X" as in numbers.

**Hon. Mr. Davis:** Mr. Speaker, I am not sure why the term "ex-ministers."

**Mr. Shulman:** Former ministers.

**Hon. Mr. Davis:** They are all ministers. If the hon. member means former ministers, Mr. Speaker, I will endeavour to get that information for the hon. member right away.

**Mr. Shulman:** As a supplementary: Is the Prime Minister unaware of this?

**Hon. Mr. Davis:** Mr. Speaker, I am quite aware of the fact that former ministers have on occasion utilized the services of an automobile where there is, of course, a driver. To say that they have chauffeurs, I think, is very questionable because I do not believe they do. I have a driver, not a chauffeur. I will find out the exact information for the hon. member.

**Mr. Singer:** Is there a difference?

**Mr. Shulman:** As a further supplementary if I may: Why are former ministers of the Crown supplied with drivers or automobiles at all on a regular basis?

**Mr. Lewis:** I thought for the Prime Minister automobiles did not have drivers! I thought it was people, not automobiles.

**Hon. Mr. Davis:** Mr. Speaker, I really did not quite get the import of the leader of the NDP's suggestion that automobiles do not have drivers. Obviously they do.

**Mr. Lewis:** Do not worry about it.

**Hon. Mr. Davis:** As I say, Mr. Speaker, the policy of the government is that there have been former ministers who, for matters of government responsibility, have utilized government automobiles which in turn have been driven by drivers.

**Mr Shulman:** As a final supplementary, if I may, Mr. Speaker: Do these responsibilities which the government gives to these former

ministers include driving them to the Parliament Buildings and driving them home again in the evenings at 10:30?

**Mr. Lewis:** Is that a government?

**Hon. Mr. Davis:** Mr. Speaker, I do not know of any who are driven home again in the evening.

**Mr. Shulman:** I can give the Prime Minister some examples.

**Hon. Mr. Davis:** If the hon. member would like to give me some examples, I will look into it.

**Mr. Shulman:** Ottawa South—the Prime Minister can start there.

**Mr. Speaker:** The member for Ottawa Centre.

## DEATHS ON HIGHWAY

**Mr. H. MacKenzie** (Ottawa Centre): I have a question of the Premier of the province. Is the Premier aware of the large number of accidental deaths on the killer strip section of Highway 17 east of Ottawa? Is the Premier aware of another accidental death last Friday, and would the Premier have the construction programme for Highway 417 reviewed, with, hopefully, the possibility of upgrading the completion date?

**Hon. Mr. Davis:** Mr. Speaker, I am quite interested in Highway 17 in the eastern part of the Province of Ontario, having visited there very recently, like last week. This matter was brought to my attention rather forcibly, by two of the local members in that area and I shall be discussing this particular problem with the Minister of Transportation and Communications (Mr. MacNaughton).

**Mr. W. Ferrier** (Cochrane South): The Premier should have done that before.

**Mr. Speaker:** The member for Brantford.

## ALLEGED ASSAULT OF WOMAN AT TEXPACK LIMITED

**Mr. M. Makarchuk** (Brantford): Mr. Speaker, I have a question for the Minister of Justice. Can the Minister of Justice describe the quality of justice that exists in Ontario and which permits an employer or an individual of management at Texpack Limited in Brantford to slug a woman in the face, blacken her eye, hit her on the body when she is knocked down, and then not be charged by the police? In the meantime, picketers who are taking part in picket line activity are arrested and locked up in jail.

**Hon. A. F. Lawrence:** I would be glad to ask for a report on that and I will do so.

**Mr. Lewis:** By way of supplementary, would the minister like to look into the whole behaviour pattern of Texpack in the use of bandages and of packaging in a way which may be contrary to the law, in their violations of The Ontario Labour Relations Act, in their whole behaviour contrary to the administration of justice in the province?

**Hon. A. F. Lawrence:** I think that should be more properly directed, as I believe it was yesterday to the Minister of Labour.

**Mr. Speaker:** The member for York Centre.

## LACK OF JUDGES IN MUNICIPALITY OF YORK

**Mr. D. M. Deacon** (York Centre): Mr. Speaker, a question of the Attorney General. Since the formation of the region of York at the beginning of January and the formation of a judicial district of York, and the fact that it is the only district in the province that does not have its own judge but uses judges on a rotating basis from Metro, does the minister plan to appoint a judge or judges to serve that new judicial district in the near future?

**Hon. A. F. Lawrence:** That matter is receiving my consideration at the moment.

**Mr. Deacon:** A supplementary: Would the minister expect to make such appointments in the near future?

**Hon. A. F. Lawrence:** The decision has not yet been finalized as to whether or not there should be provincial judges appointed for the regional municipality of York. If the hon. member has some views on that specifically, I would like to hear from him.

**Mr. Deacon:** A supplementary: Is the minister aware of the conditions that now prevail as a result of the three-month rotation and the disorganization in the courts that results thereby? Has he been made aware of this by the legal profession or others in the area?

**Hon. A. F. Lawrence:** No, I have not had any specific complaints directed to that particular area in respect of it. The statistics that are available to me indicate there is no backlog of cases. As far as public outcry regarding any maladministration of justice in the area I have not heard of that.

**Mr. Speaker:** The member for Wentworth.

## DOMINION GLASS STRIKE

**Mr. Deans:** Yes, Mr. Speaker, a question of the Minister of Labour. Could the Minister of Labour inform the House of the involvement of his department's conciliation branch in the dispute between Dominion Glass and the Glassworkers' Union in Hamilton?

**Hon. Mr. Carton:** Mr. Speaker, the department has been involved with this particular company in connection with the Wallaceburg situation. They were down at Wallaceburg; they were brought in last week. No progress was made at that time. They brought in the plant that operates at Bramalea on Monday of this week and they are still meeting, in fact, today.

This is a rather complicated strike because of the fact that they are trying to get a multi-bargaining unit. It also relates to the strike that is taking place in Montreal, and my deparment is in touch with the situation there as well.

**Mr. Deans:** A supplementary question: The minister will recall, I am sure, indicating in the House about a week ago that he was prepared to investigate the causes of the disturbances. Has that investigation been completed?

**Hon. Mr. Carton:** Mr. Speaker, I spoke to the officials in my department and I have not got back to them on that specific question. But in view of the fact they have been talking to them, I will get back to them on it.

**Mr. Speaker:** The member for Niagara Falls.

## POLLUTION OF NIAGARA PENINSULA

**Mr. G. Bukator** (Niagara Falls): A question of the Minister of Energy and Resources Management. Is the minister aware of the many square miles of Niagara peninsula being polluted from a fire in the Humberstone marsh in the Niagara peninsula last weekend, and also that it polluted a large section of New York State? Is he acquainted with that fire they had there?

**Hon. Mr. Kerr:** I was not aware of that.

**Mr. Bukator:** If there is a recurrence of a similar situation, I wonder if the minister would be in a position to tell us whether water bombers will be available to extinguish a fire such as the one they had in that area?

**Hon. Mr. Kerr:** Mr. Speaker, if I could have some idea of how the fire started and general facts behind this incident I would be happy to answer the hon. member's question.

**Mr. Bukator:** Thank you, Mr. Speaker, I will take it up with the minister afterwards.

**Mr. Speaker:** The member for Scarborough West.

## PRIME MINISTER'S DESIGNATION

**Mr. Lewis:** A question of the Premier: Is it true that the Premier has hired an historian to decide whether the Premier's designation should be Premier or Prime Minister, and that he is examining the historical usage of these terms in the preparation of a report for the Prime Minister?

**Hon. Mr. Davis:** Mr. Speaker, I think some few weeks ago a request was made of, I believe, Professor Careless, in that there had been some discussion as to which, historically, was the appropriate designation. Professor Careless—I believe it was he, I will check and make sure—indicated that perhaps it could be argued both ways, which is something that we have discussed on previous occasions.

**Mr. T. P. Reid:** That would appeal to the Prime Minister.

**Hon. Mr. Davis:** Well, why not?

**Mr. Lewis:** If I may ask, was that just an informal question, or was there a requisitioning of a particular submission on the matter?

**Hon. Mr. Davis:** I do not know if there was a requisition of a particular submission, but Professor Careless was asked to make an assessment and submit his, shall we say, findings or his research to the government. As I say, this is what was concluded.

**Mr. Lewis:** I see. Was there an emolument for this? Was there some exchange

of tender for this job to decide what we should call the Prime Minister? We have many names on this side of the House.

**Mr. Speaker:** Order!

**Hon. Mr. Davis:** Mr. Speaker, I am sure that, knowing the long-term interest of the leader of the New Democratic Party in the history of this province—

**Mr. Stokes:** He wants to know what it cost.

**Mr. Lewis:** I just want to know, did the Prime Minister pay for it?

**Hon. Mr. Davis:** —and his great interest in the Canadian input into situations, he would obviously approve of Professor Careless as being one of the leading Canadian historians in this kind of discussion. I am sure he would be the first one to say that it would be most important for any person who rendered service to this government to be paid for that service.

**Mr. Lewis:** How much?

**Hon. Mr. Davis:** Mr. Speaker, I am not sure whether he was, in fact, and I will find out.

**Mr. Lewis:** In other words, I gather, by way of supplementary, that there is a good possibility that Professor Jim Careless was paid a sum of money to decide that the Prime Minister could be given either title.

Interjections by hon. members.

**Mr. Speaker:** Order, the hon. member has asked his question.

**Mr. Lewis:** And public funds at that.

**Hon. Mr. Davis:** No, no, I thought really, in a matter of this kind, that the leader of the New Democratic Party himself would be anxious for some determination.

**Mr. Lewis:** No, I am not at all anxious about it.

**Hon. Mr. Davis:** Well, this leaves matters to history, and as I say—

**Mr. Lewis:** I will settle for either, without historical rectitude.

Interjections by hon. members.

**Mr. J. Renwick:** As long as he has the job, he will not care.

Interjections by hon. members.

**Hon. Mr. Davis:** Mr. Speaker, in that the leader of the New Democratic Party will not—

**Mr. Lewis:** The Premier should have asked Ken MacNaughton.

**Hon. Mr. Davis:** —be in a position where he will ever have to make this determination, of course, I can recognize now his lack of interest. However, I will find out if any legal tender was, in fact, paid.

**Mr. Speaker:** The member for Oxford.

There will be no more supplementaries on this one. The member for Oxford has the floor.

**Mr. G. W. Innes** (Oxford): In the absence of the minister—

**Mr. Lewis:** He feels insecure.

**Hon. Mr. Davis:** No.

**Mr. Speaker:** The former matter is not one of urgent public importance and we are wasting our time.

Interjections by hon. members.

**Mr. Speaker:** The member for Oxford has the floor.

**Mr. Lewis:** It may not be important to you, Mr. Speaker, but—

**Hon. A. F. Lawrence:** Pay attention, will you? This is the first question he has asked all year.

## FARM PRODUCTS MARKETING LEGISLATION

**Mr. Innes:** In the absence of the Minister of Agriculture of Food (Mr. Stewart), I will direct this to the Prime Minister.

By reason of the deterioration that is taking effect in the egg and chicken producers' market throughout the province, does this government plan any emergency assistance to cope with this situation?

I want to let him know that it is very critical. Last week people were selling eggs for 16 cents per dozen, and it cost 18 cents just for feed to put into the birds. I think it is very urgent, and the Minister of Agriculture and Food has been out of this House for three or four days.

**Hon. Mr. Davis:** Mr. Speaker, I recognize this is really in the form of a non-question. I would say to the member for Oxford that the

government realizes the urgency of the matter and I think I am correct in stating to you, Mr. Speaker, that the Minister of Agriculture at this precise moment is probably considering that, along with a number of other problems related to it.

**Mr. Innes:** Is the Prime Minister aware that there have been many producers who have asked for an audience, should I say, with the Minister of Agriculture and Food and have not had any reply?

**Mr. Speaker:** The member for Middlesex South.

**Mr. K. C. Bolton** (Middlesex South): Supplementary question, Mr. Speaker: May I ask the Prime Minister what he means by "a non-question" in referring to an urgent problem of our agricultural people?

**Hon. Mr. Davis:** Mr. Speaker, I really thought the member for Middlesex South would understand the kind of question that the member for Oxford was asking.

**Mr. R. F. Ruston** (Essex-Kent): A very good one.

**Hon. Mr. Davis:** If one listened very carefully to what he said, he referred this to me to bring it to the attention of the minister or, in the absence of the minister, it was really a statement of the urgency of the problem, not a question to me personally. That is what I observed, and I think—

**Mr. Singer:** Oh, come on.

**Hon. Mr. Davis:** —Mr. Speaker, this is a very fair assessment of the statement made by the member for Oxford.

**Mr. Lewis:** The Premier is nothing if not fair.

**Hon. Mr. Davis:** Right. I always try to be fair.

**Mr. Speaker:** The member for Waterloo North.

## SALES TAX ON COTTAGE RENTALS

**Mr. E. R. Good** (Waterloo North): Mr. Speaker, I have a question of the Minister of Revenue. Would the minister inform the House under what circumstances cottage rentals are subject to sales tax?

**Mr. Singer:** They try, they just do not make it.

**Hon. E. A. Winkler** (Minister of Revenue): Mr. Speaker, I would ask the hon. member to repeat that question.

**Mr. Good:** A question of the Minister of Revenue. Would the minister inform the House under what circumstances cottage rentals are subject to sales tax?

**Hon. Mr. Winkler:** I am not aware that this is being done. I will investigate and give the hon. member an answer.

**Mr. Good:** Well, I am aware that it is being done, Mr. Speaker. I am just wondering whether it should be done.

**Mr. Speaker:** The member for High Park.

## OVERCROWDING ALLEGED AT AURORA HOSPITAL

**Mr. Shulman:** A question of the Minister of Health, Mr. Speaker. Can something be done about the situation in the hospital for the retarded at Aurora, where the beds are now crowded so close together that there is no space to walk between them?

**Hon. A. B. R. Lawrence:** Mr. Speaker, I have seen some correspondence and some departmental reports, but I have not studied them in relation to Aurora. Let me do so and give the hon. member a reply.

**Mr. Speaker:** The hon. member for Renfrew South.

## INDUSTRIAL MILK QUOTA FOR CHEESE PLANTS

**Mr. P. J. Yakabuski** (Renfrew South): Mr. Speaker, I have a question of the Prime Minister. Does the government plan to take action to increase the quota of industrial milk to the cheddar cheese plants in this province? Some of them have had their quotas lowered to as low as 67 per cent and this is presenting great difficulties to these plants.

**Mr. Innes:** They are not going to vote for it.

**Mr. Lewis:** What a revelation!

**Hon. Mr. Davis:** Mr. Speaker, the Minister of Agriculture discussed this matter with me as recently as yesterday and I believe it is one of those items, along with eggs, that is being deliberated this afternoon.

**Mr. Bullbrook:** At precisely this moment?

**Mr. Speaker:** The oral question period has expired.

**Hon. Mr. Davis:** Yes, precisely this moment.

**An hon. member:** They are not going to vote for you people.

**Mr: Speaker:** Petitions.

**Mr. Peacock:** Now try to save Ontario from socialism.

**Mr. Speaker:** Presenting reports.

Motions.

Hon. Mr. Wishart moves that until further order this House will sit beyond the normal adjournment of 10:30 each night.

**Mr. Peacock:** Until when? What time?

**Mr. Singer:** Until 10 o'clock the following morning and then we can start over again.

**Hon. A. F. Lawrence:** That is the way the Leader of the Opposition would do it.

**Mr. Lewis:** May I ask of the House leader a word of clarification before this is subject to debate, if any? When he says, "beyond the adjournment hour of 10:30," what, pray tell, does he have in his mind?

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): I have in mind, Mr. Speaker, affording to members the opportunity to consider and debate the material on the order paper, with more time than the present hours give us.

**Mr. Lewis:** I know. They are not extended sufficiently yet.

**Hon. Mr. Wishart:** I think as the debate moves along in the course of the evening we will be able to conclude it, if we make progress, at a reasonable hour.

**Mr. Lewis:** By way of—well, not by supplementary, I am not in the question period now, am I? I am entitled to speak, in fact. But not wishing to presume on that entitlement, may I ask the House leader if he is talking of 11, 11:30, midnight, 1, 2, 3? What does he regard as a reasonable hour?

**Hon. W. D. McKeough** (Treasurer): You are right! That is what he is talking about.

**Mr. Lewis:** Are we back to the days of attrition, the old Robarts days of working around the clock? The old regime again, is that it?

**Hon. A. F. Lawrence:** No, the member was never here.

**Mr. Stokes:** It took a whole hour to round you people up.

**Mr. Lewis:** The old wave is coming up on the beaches.

**Hon. J. Yaremko** (Provincial Secretary): He was never here then.

**Mr. Lewis:** I was here most of the time.

**An hon. member:** No, he was not.

**Mr. Lewis:** I could only leave when the minister was around.

**Hon. Mr. Yaremko:** That means the member would never be here.

**Hon. Mr. Wishart:** Mr. Speaker, I have confidence that the members of the House will make such progress and—

**Mr. Lewis:** Now, the minister's announcement.

**Hon. Mr. Wishart:** —govern themselves in the debate in such a way that we will be able to adjourn at a reasonable hour.

**Mr. Pitman:** Govern themselves in the debate. That is the key phrase.

**Mr. Lewis:** If I may, Mr. Speaker, I would now like—

**Hon. Mr. Wishart:** If the member is continuing his—

**Mr. Lewis:** I am continuing my submission which was interrupted twice by the House leader.

**Hon. Mr. Wishart:** I only got up when the member sat down, Mr. Speaker. I hope I was not interrupting him that much.

**Mr. Lewis:** Not at all, not really, and therefore I will continue.

Mr. Speaker, we will oppose this motion as we opposed the motion last week because we intend to continue to put to the minister and to the gentleman, whatever his designation, who sits immediately to his left that this is a preposterous way to conduct the business of the province and that just as last week he was hurtling frantically toward Friday as a tie-up and that receded beyond the horizon, now he is trying desperately to sort

it out by this Friday and in the process he is abusing his own legislation. He is obviously making it very difficult for the House to debate matters as they should be debated.

**Hon. A. F. Lawrence:** Why does the member want to delay things?

**Mr. Lewis:** As a matter of fact, nothing is better than the humiliation felt by the Minister of the Environment who, because of the abrupt eleventh hour nature of what he is throwing into the hopper now, has to submit at least four major amendments on principle to the bill on environment. We do not know how many to the clauses. We know the major amendment that will yet come on pits and quarries. He has given his legislation no considered analysis at all.

The Minister of Health had to introduce amendments to his legislation yesterday.

**Hon. Mr. Winkler:** There is a little bit of pollution around here, too.

**Mr. Lewis:** So it is, day after day, in this House. The government is ill-prepared; it is pushing the business too quickly; it has deadlines which are artificial and irrelevant. This is not the way it should conduct the business of the Province of Ontario.

It seems to us, Mr. Speaker, that if you are sitting from 10 o'clock in the morning until 10:30 in the evening—

**Hon. Mr. Winkler:** Oh, yes, they are all in the press gallery seats.

**Mr. Lewis:** —and the committee on estimates discussing The Department of Education is sitting simultaneously, that is both wrong and foolish. It is just juvenile. It is the sign of an adolescent government that it starts this business of—

**Mr. Yakabuski:** The member had better study up—look at Ottawa.

**Mr. Lewis:** —sitting into the early hours of the morning in the hope that it can somehow compress everything, telescope everything, to adjourn by Friday.

The member for Downsview, I guess it was, or the Leader of the Opposition, last week pointed out that the government had 48 or 50 bills brought in within 10 days. We will give those bills considered hearings but this is no way to run the business of the province.

Mr. Speaker, I want to make it clear to the Premier, because obviously this consideration has not happened, that by and large in public terms this is understood; by and large, in public terms, there is an increased feeling outside the Legislature that there is something wrong about a government which is so desperate to pack everything into the last few days, without giving it the kind of measured consideration which it deserves.

Interjections by hon. members.

**Mr. Lewis:** It is getting through; the sense of a fragile defensive government is getting through; the sense of an ad hoc kind of cabinet is getting through.

**Hon. Mr. Davis:** The member knows what is getting through; it is the sense of inadequacy of the opposition, that is what is getting through.

**An hon. member:** Otherwise the member would not be complaining.

**Mr. Lewis:** As a matter of fact, I am complaining.

**An hon. member:** Very good.

**Another hon. member:** No, there were only three of you in the House yesterday, two members yesterday.

Interjections by hon. members.

**Mr. Lewis:** No, no, I will take my summer holiday when the time comes.

**An hon. member:** The member is doing well, he is doing very well.

**Mr. Lewis:** That is true.

Mr. Speaker, the last point that I want to make simply to the House leader is that he knows from long experience in this House that the hours after 10:30 p.m. in a day which begins at 10 in the morning are counter-productive. You consciously extend the hours of the House in self-defeating debate; inevitably legislation is not well enough considered after those hours; there is no reason, except the most abject self-serving Toryism, for you to prolong the sitting. All you do is add hours after 10:30. You are not going to finish anyway; you are going to be driven into next week anyway by the sheer weight of the legislation and there is no reason in the world why you should not do it in an orderly fashion.

You have already abused the hours of the House by extending them this way. You can be civilized. You can be mature about the

way in which you present bills. You can be far more reputable in the way in which you run the affairs of this House. And what occurs between 10:30 and 2 or 3 or 4 in the morning? All of us know; we have participated in it before. There have been some—

**Hon. Mr. Davis:** We will not be here at 4:30 a.m.; we will not even be here at 3.

**Mr. Lewis:** We will not even be here at 3?

Interjections by hon. members.

**Mr. Lewis:** We are beginning to whittle it down.

**Hon. Mr. Davis:** The member is the one who is putting the time.

**Mr. Lewis:** I am putting the time because the motion is open-ended and it is as irresponsible as can be.

**Hon. Mr. Davis:** It is not! It is the member's argument—

**Mr. Lewis:** Of course it is. You are sitting here for 8½ hours of discussion.

**Mr. Stokes:** We changed the rules of this House so it would be civilized.

Interjections by hon. members.

**Mr. Lewis:** You make a shambles of the House in the last days of the session because, for whatever political artifacts you may have, whatever your designs may be, you have to compress it and get it over with.

**Hon. A. F. Lawrence:** It will not hurt the member.

**Mr. Lewis:** Well, so be it. The Attorney General always gets a little exercised at these points and says it will not hurt. It will not. Everybody in this House will survive it but it is yet another indication to the public at large just how puerile, vulnerable, defensive and irrelevant you are.

**Mr. Speaker:** The hon. minister should wait until the member for Downsview has debated the motion.

**Mr. Singer:** Mr. Speaker, we have had this debate several times, there is nothing very new in it. "Wise Willy" sits grinning like a Cheshire cat saying, "What a smart boy am I"—

**Mr. T. Reid:** Miaow! Miaow!

**Mr. Singer:** —I am going to wear them out. He knows, and the people of Ontario know, Mr. Speaker, the record of this government. We came in on March 30 and for the first eight weeks we had no legislation before us because his front bench is incompetent to deal with it.

Suddenly, he has decided he has a fixed date in his mind—he will not tell us—in due course I suppose it will be revealed when we are going to get out of here; when there is going to be an election. All of these bills have to come forward—all of the new wave—including the revisions to The Election Act. The new wave moving backwards!

Mr. Speaker, in good conscience the Premier of the Province of Ontario is saying that the 117 members, all of whom have an equal responsibility—we in opposition have a responsibility to understand the bills that are here and to intelligently debate them—are supposed to be able to carry out those responsibilities working 14, 15, 17 hours a day. I say that makes no sense at all, Mr. Speaker.

The government by their majority can impose their will and undoubtedly that is what they are going to do, but they are doing no service to anyone, least of all the political image of the so-called new wave.

**Mr. Speaker:** The member for York South.

**Mr. D. C. MacDonald** (York South): I want to add just a brief word. I think it is interesting for the House to be reminded that we at this stage are moving into the first week of the fourth month—only the fourth month—of sitting. When you take into account the Easter recess we are just moving into the first week of the fourth month in a Legislature which tries to present an image to the public of sitting the year round to look after the business of the people.

You simply cannot look after the business of the people in this rushed fashion. I have never in any Legislature that I have had the privilege or the pain of sitting, seen so consistently bills that could not stand up to examination, whether it be the Throne Speech or whether it be the budget or whether it be most or many of your pieces of legislation. This is true, indeed, of the legislation introduced now, that it is being rushed in in the last few moments. Obviously, the government knows at this stage, from the record of the last four months, that its legislation will not stand careful scrutiny and therefore it is trying to rush it through, to drive it through in the early hours of the morning.

**Some hon. members:** Hear, hear!

**Mr. MacDonald:** Not only are we being abused but it is correct that the public are becoming alerted to what the government is up to and, more important, the public interest is being abused. That point is going to register and the government will suffer for the consequences.

**Mr. Speaker:** The member for Niagara Falls.

**Mr. Bukator:** Mr. Speaker, I have got involved in this debate before. I have been here for a few years also; I have said before, and I say again to this House, that no man would run his affairs or his business in the manner that the government is running the affairs of the province.

It is utterly impossible for a member to sit in this House this afternoon to consider the bills that are before us and sit in committee dealing with the estimates of The Department of Education of $1.1 billion. No man can physically cope with the problem in this House.

I have made the statement before, and I say it to you again: If the business of the province requires our time, then let us make it a daytime proposition by coming in even at 8 o'clock in the morning, if need be, and let us sit until 6. Evening meetings are no good for anyone. Yes, 10:30 is bad enough, but if we are going to sit beyond that point—and I have sat here until 2:40 in the morning, debating issues and bills, in this particular Legislature.

It does happen—it happened back throughout history—that the government brings in important bills that require much attention, such as this one on the environment, and intends to deal with this in a matter of an hour or two to get on with the business of the province. They are short-changing the people of this province, and let the record show that.

**Mr. Peacock:** Mr. Speaker, the House leader says that ostensibly the extra time is required for consideration of major legislation. Yesterday afternoon in this House, during the normal hours of sitting, there was ample time. The provincial Treasurer yells across at us today that we are wasting the time of the House in discussing this motion. Let me remind the provincial Treasurer, since he was not here yesterday afternoon—

**Mr. Stokes:** And he is leaving now, he is leaving.

**Mr. Peacock:** —that when we were giving second reading to The Ontario Development Corporation Act and The Northern Ontario Development Corporation Act, and the debate concluded with the remarks of the Minister of Trade and Development, the Speaker rose in his place and called for the "ayes" and "nays." He got no reply whatsoever from the "ayes." A second time he put the question, Mr. Speaker, and again got no reply from the "ayes." The "nays" on this side of the House numbered about 13 or 14 members. They were here to give consideration to the legislation that was before us. Do you know why the Speaker got no response from the government side? Because there were three members in their places.

**Hon. Mr. Yaremko:** That is wrong!

**Mr. Lewis:** It is true, and the Provincial Secretary was not one of them!

**Mr. Stokes:** That is absolutely right!

**Mr. Lewis:** And if the Provincial Secretary says it is wrong, then it has to be right.

**Hon. Mr. Yaremko:** On a point of order. The leader of the NDP is noted for his hyperbole. I call it lying; he calls it hyperbole. There were five members sitting in their seats and there were two sitting elsewhere in the House.

**Mr. Deans:** There were only three members present—three members.

**Mr. Lewis:** On a point of privilege, Mr. Speaker. I would not ask the member to withdraw, if my life depended on it, except to withdraw himself physically from the Legislature. I am noted for hyperbole, and I thank him for taking it into account.

**Hon. Mr. Yaremko:** He is. Other people call it lying.

**Mr. Speaker:** Order. The member for Windsor West has the floor.

**Mr. MacDonald:** If the minister has nothing to say, it would be better to say nothing.

**Mr. Peacock:** Mr. Speaker, to resume the explanation as to why there was no response from the government side, the three members were joined by the Minister of Municipal Affairs (Mr. Bales), who was sitting under the gallery and one other member, the member for Victoria-Haliburton—

**Mr. Stokes:** Who was not in his seat!

**Mr. Peacock:** —reached his seat, at which point there were five or six members on the government side, which would have provided the government entitlement to call for a division had the Speaker not already given the division on the voice vote to the government side.

So all of what we hear from the government House leader, the Prime Minister and his Treasurer is just a lot of emptiness. Just a lot of emptiness, that we should be here to consider the business of this government, when this government—

**Hon. Mr. Davis:** The member has not heard anything from me. Try to be factual.

**Mr. Singer:** The Premier dissociates himself from this, does he?

**Hon. Mr. Davis:** I have said nothing about it.

**Mr. Singer:** It is the Premier's policy, it is his government. It is inept.

**Mr. Peacock:** When this government, Mr. Speaker, has to rely on your office, as the rules indicate, at this point in time, at this length in this session, it has to rely on the indication in the rules that the Speaker has to rule on a division on a voice vote according to the probability of the result in a formal division. That is what it has come to in the operation of this Legislature by this government, that it must rely on the office of the Speaker—

**Mr. Speaker:** Perhaps the member would come back to the matter under debate, which is the adjournment hour.

**Mr. Pilkey:** That is it.

**Mr. Bullbrook:** Right on.

**Mr. Lewis:** The Speaker has become a member of the government.

**Mr. MacDonald:** Right. Right.

**Mr. Lewis:** That is what has happened because of these hours to sustain him in office.

**Mr. Peacock:** Mr. Speaker—

**Mr. Lewis:** Not this Speaker, a substitute Speaker.

**Mr. Peacock:** Mr. Speaker, I put it in my own terms as to the role of your office in this particular point in the life of this session, that this government has given up even that routine essential job of having the chief government whip in his place to have in this House at all times a sufficient number of government members to maintain control of the business of this House. I say to the Prime Minister and his House leader that over the next hours and days, if this motion passes, we will seek every opportunity to wrest control of the business of this House from his government.

**Mr. Lewis:** We will call quorum calls and we will have divisions and we will see how long you enjoy it.

**Mr. Speaker:** Is there any other member who wishes to speak to the motion before the minister? he hon. member for Scarborough East.

**Mr. MacDonald:** What are you dealing in—obstruction?

**An hon. member:** Get your members together.

**Mr. Lewis:** If you want to consider the business, you be here to consider it.

**Mr. Speaker:** Order. The hon. member for Scarborough East.

**Mr. T. Reid:** Mr. Speaker, I have a question that I would like the House leader to answer. In view of the Prime Minister's view that we should all be taking public transportation, will the House leader ensure the GO train schedule to Scarborough after midnight has an extra train on it, so I do not have to drive my car home tonight?

**Hon. Mr. Davis:** The member needs a whole train.

**Hon. A. F. Lawrence:** If you can miaow like that, you can prowl at night.

**Mr. Speaker:** The House leader has the floor to close the debate.

**Mr. T. Reid:** At least my hair can rise.

**Mr. Singer:** He might get hit by the watering can.

**Hon. Mr. Wishart:** When I introduced the motion a few days ago that this House sit in the mornings, starting at 10 o'clock, we spent almost two hours debating the wisdom of spending that extra time.

**Mr. MacDonald:** That is right.

**Mr. J. Renwick:** That is just as wrong now as it was then.

**Hon. Mr. Wishart:** Now, I would point out to the hon. members—

**Mr. MacDonald:** They are not worthy of government.

**Mr. Lewis:** We have spent 15 minutes, Mr. Minister, 15 minutes out of your life.

**Hon. Mr. Wishart:** —that the hours we were sitting in the House were 8.5 hours per day for three days a week and three hours on Friday. Even with that motion that was two hours in the morning from 10 until 12, from 2 until 6 in the afternoon—four hours making six; and from 8 until 10:30 in the evening making 8.5 hours. That now is for four days a week and three hours on Friday up until this moment.

We spent two hours, the opposition spent two hours, saying we cannot work those extra hours, those extra two hours.

**Mr. Peacock:** Not at all.

**An hon. member:** We said there was not time to do the constituency work.

**Mr. Lewis:** We said there were other things to do.

**Mr. MacDonald:** We have to take a look at this late legislation of yours you know.

**Hon. Mr. Wishart:** Now in that debate the hon. member for Scarborough West had some dream in his mind that we were trying to close the House business on Friday last.

**Mr. Deans:** You were trying.

**Hon. Mr. Wishart:** That was something he dreamed up. Now he has dreamed up today that we are trying to close the House this Friday, and he spends time arguing about that.

**Mr. Stokes:** You ask the Hansard staff if we are sitting too long. You go up and see what is going on up there.

**Mr. Lewis:** If you do not want to close this Friday, why are you changing the hours?

**Hon. Mr. Wishart:** He says his mind and the minds of members in this House will not work after 10:30 at night.

**Mr. Lewis:** I did not say that.

**Hon. Mr. Wishart:** He says you cannot achieve anything. I find myself doing a great deal of work which I think is reasonably productive in the reading of reports and studying. And I think in fact my mind works very well—

**Mr. Lewis:** Always.

**Hon. Mr. Wishart:** —from 10:30 until some hours in the morning.

**Mr. Lewis:** Dusk until dawn.

**Hon. Mr. Wishart:** Now the next point I want to make is that I have no thought in mind—

**Mr. T. Reid:** You have no thought?

**Hon. Mr. Wishart:** —of keeping the hon. member for Scarborough West—or the member who interrupts me, from the other Scarborough, Scarborough East—I have no thought of keeping you here until 4 o'clock in the morning, or 3 o'clock or even 2 o'clock. But I do suggest in all reason that the members could devote an extra hour of the evening.

**Mr. Lewis:** Well, that is all we ask, make it 11:30.

**Hon. Mr. Davis:** Why pin yourself down to 10 or 15 minutes?

**Mr. Bullbrook:** Put a terminal point in the motion. That is all you have to do.

What is the dreamer doing? Are you playing games with the House? Say 11:30.

**Hon. Mr. Davis:** Why not 11:35, 11:25, whatever is reasonable at the time?

**Hon. Mr. Wishart:** I suggest we will achieve a good deal if we work an extra hour, or maybe an hour and a half.

**Mr. Bullbrook:** Or maybe two.

**An hon. member:** Or maybe three, or maybe four, or maybe five, or maybe six.

**Mr. T. Reid:** The last GO train goes at 15 minutes past midnight.

**Hon. Mr. Wishart:** I think we can achieve a good deal, Mr. Speaker, by working a little extra time in those very productive hours which come along in the evening, and again—

**Mr. Bullbrook:** Does the minister remember 1968 at 20 minutes to 4?

**Hon. Mr. Wishart:** —I ask all members to support this motion.

**Mr. Speaker:** The debate is closed.

**Mr. Deacon:** Mr. Speaker, is this not a motion?

**Mr. Speaker:** Yes, it is a motion.

**Mr. Deacon:** Therefore is it not possible for a member—

**Mr. Bullbrook:** Nobody necessarily winds up, this is not second reading.

**Hon. Mr. Wishart:** A government motion.

**An hon. member:** Just another delay introduced by the minister.

**Mr. Bullbrook:** We all have the right to speak.

**Mr. Speaker:** Well I am advised by the Clerk—that was my impression and why I was about to put the motion—that when a minister introduces either a bill or a motion with any words—in other words if he speaks as he introduces it—when he replies that completes the debate. Now I inquired if there was any other member who wished to speak and the only member who rose at that time was the hon. member for Scarborough East, therefore I then called on the minister to close the debate.

In my opinion the debate is closed. But since there seems to be some misunderstanding I have no objection if the members wish to spend their time debating this motion. It is quite satisfactory to me. So the member for York Centre has the floor.

**Mr. Deacon:** Thank you, Mr. Speaker, I want to clarify a point that the hon. House leader brought up about the debate, on the extension of the hours. I think we made it abundantly clear on this side of the House that we were not objecting to the extra hours of sitting.

**Hon. Mr. Wishart:** The member's party voted against it.

**Mr. Deacon:** What we were objecting to was the fact that legislation was being considered in this House concurrently with estimates, where our time and our obligations were also required. In our view, it is important that the House business be so ordered that with the extension of hours we would not have to be considering our estimates downstairs at the same time as legislation here.

We wanted to be here for the important job of considering legislation presented by this government, and the amendment by the hon. member for Riverdale made that abundantly clear. I think the House leader should not imply, as he has done on other occasions, that we are objecting to the extra hours of work.

**Mr. Bullbrook:** Mr. Speaker, I would like to join in the debate just for a moment if I might because I think this record should advise the public of Ontario as to the factual background in this situation. A week ago, prior to last week, I was involved in a debate for four hours in connection with the estimates of The Department of Transportation and Communications.

During the course of those estimates we saw government members come in and go out and not participate once, not one tittle of active participation in the debates, those significant debates. The fact is, Mr. Speaker, they had ample opportunity to do their constituency work, as they can. That is one of the prime responsibilities that we have here. Last week the member for Windsor West and myself carried a debate for at least three or four hours in connection with housing in this province. We could not do our constituency work. That is a point that must be recorded.

You see we have a difficulty that you do not have on that side, we have a difficulty of preparing and carrying on, not only the debates in connection with the legislation, but the debates relative to the estimates of this government, and as a result our constituency work does suffer, and that is the advantage that you gain through this type of chicanery and this type of activity.

But the fact of the matter is this boils down to this, we have now spent three-quarters of an hour and all that the Prime Minister or his House leader has to do is reply to the—

**Hon. T. L. Wells** (Minister of Social and Family Services): They have 28 members over there.

**Mr. Bullbrook:** —leader of the new Democratic Party and reply to my deputy leader by putting a terminal position on. All you have to do is give us an opportunity of evaluating whether—

**Hon. Mr. Davis:** The member spent 26 minutes.

**Mr. Bullbrook:** —11:30 on balance was too late.

**Hon. Mr. Davis:** Twenty-six minutes.

**Mr Bullbrook:** But you see we had an historical involvement with this government

and with this House leader. He well recalls in July of 1968 that we sat in this House until 1:30 in the morning, 20 to 3 in the morning and 20 to 4 in the morning and you will recall that. And you know how that significant debate on The Police Act was resolved? Do you want to know how it was resolved after literally days of debate? I will tell you.

The Leader of the Opposition came to me and said—and these are his words—"Robarts will go for the works, subject to the approval of the Attorney General." That is in point of fact the monumental waste of time that took place then and what we see as the monumental waste of time that will take place again.

**Hon. Mr. Davis:** It is only 26 minutes.

**Mr. Speaker:** Are there any other members who wish to speak?

**Mr. Singer:** The whole debate—that is typical. Some leadership!

**Mr. Speaker:** Hon. Mr. Wishart moves that until further order the House shall sit beyond the—

Interjections by hon. members.

**Mr. Speaker:** Perhaps now that the members have all had an opportunity to speak, they will allow the motion to be put.

Hon. Mr. Wishart moves that until further order the House will sit beyond the normal adjournment hour of 10:30 each night.

The House divided on Mr. Wishart's motion which was approved on the following vote:

| Ayes | Nays |
|---|---|
| Allan | Ben |
| Apps | Bolton |
| Auld | Braithwaite |
| Bales | Bukator |
| Belanger | Bullbrook |
| Bernier | Burr |
| Carruthers | Davison |
| Carton | Deacon |
| Connell | Deans |
| Davis | Edighoffer |
| Downer | Ferrier |
| Dunlop | Gaunt |
| Dymond | Gisborn |
| Evans | Good |
| Gilbertson | Haggerty |
| Gomme | Innes |
| Guindon | Jackson |
| Hamilton | Lawlor |
| Haskett | Lewis |
| Hodgson (Victoria-Haliburton) | MacDonald |
| Hodgson (York North) | MacKenzie |
| Jessiman | Makarchuk |
| Johnston (St. Catharines) | Martel |
| Kennedy | Newman (Windsor-Walkerville) |
| Kerr | Nixon |
| Lawrence (Carleton East) | Peacock |
| Lawrence (St. George) | Pilkey |
| MacNaughton | Pitman |
| Meen | Reid (Rainy River) |
| Morin | Reid (Scarborough East) |
| Morningstar | Renwick (Riverdale) |
| Morrow | Ruston |
| McKeough | Singer |
| McNeil | Spence |
| Newman (Ontario South) | Stokes |
| Potter | Trotter |
| Price | Worton—37. |
| Randall | |
| Reilly | |
| Reuter | |
| Robarts | |
| Rollins | |
| Root | |
| Rowe | |
| Rowntree | |
| Simonett | |
| Smith (Simcoe East) | |
| Smith (Hamilton Mountain) | |
| Snow | |
| Villeneuve | |
| Welch | |
| Wells | |
| White | |
| Whitney | |
| Winkler | |
| Wishart | |
| Yakabuski | |
| Yaremko—58. | |

**Clerk of the House:** Mr. Speaker, the "ayes" are 58, the "nays" 37.

**Mr. Speaker:** I declare the motion carried.

Motion agreed to.

**Mr. Martel:** You always have bills over there. Have you not a bill?

**Mr. Speaker:** Introduction of bills.

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Efficiency.

**Mr. Stokes:** He will say it is housekeeping.

**Mr. Singer:** At 3 a.m., two days later.

Interjections by hon. members.

**Mr. J. Renwick:** Mr. Speaker, An Act to amend The Municipal Act—

Mr. Speaker: Order, order.

## MUNICIPAL ACT

Hon. Mr. Bales moves first reading of bill intituled, An Act to amend The Municipal Act.

**Mr. Singer:** The housekeeping bill.

**Hon. A. F. Lawrence:** A tight revision.

**An hon. member:** Rewriting the signs.

**Another hon. member:** Four hundred and seventy-two pages.

**Mr. Speaker:** Order.

**Mr. Singer:** It does away with Metropolitan Toronto.

**Mr. Speaker:** Order.

**An hon. member:** No, just down to Bridgeview.

Motion agreed to; first reading of the bill.

**Mr. Yakabuski:** Hang around.

**Mr. Lewis:** How many amendments does the minister intend to introduce on second reading?

**Hon. D. A. Bales** (Minister of Municipal Affairs): None.

**Mr. Pilkey:** Explain first. You are doing your best to amend The Municipal Act.

**Hon. Mr. Bales:** Mr. Speaker, this bill makes provision for municipalities to tax colleges of applied arts and technology, as well as universities, on the basis of $25 a year for each full-time student. This, of course, was first announced by the Treasurer when he made his budget speech.

**Mr. Bullbrook:** It was made some time ago as a matter of fact.

**Hon. A. F. Lawrence:** This is not the big one yet. I am sorry.

**Mr. Lewis:** On April 26 to be exact and the minister just got around to the amendment.

**Mr. Bullbrook:** Is he sure he has made up his mind?

**Hon. Mr. Bales:** Mr. Speaker, provision is also made in this bill for an increase in the tax to $35 for each full-time student at a university and college where the enrolment of full-time students exceeds five per cent of the population of the local municipality.

**Mr. Lewis:** Not at election time. You would not want to do it then.

**Hon. Mr. Bales:** The definition of employee has been amended to clarify the position of police officers insofar as provision of pensions and fringe benefits are concerned. The authority of the municipalities to license tourist camps and, in addition, the authority to charge up to $20 a month licence fee for individual lots within the trailer camp is restricted, so that the licence fee shall henceforth be charged only for lots where there are mobile homes for permanent residents.

I would mention, finally, Mr. Speaker—

**An hon. member:** It is about time.

**Mr. Good:** Two years we have been asking for that.

**Hon. Mr. Bales:** —special provisions relating to the city of Sault Ste. Marie and the city of Toronto are included to enable them to deal with matters that they look upon as being urgent.

Interjections by hon. members.

**Mr. Lewis:** In that order? Is this your legacy to the Soo's sole sustenance? That is quite something.

**Mr. Speaker:** Before the orders of the day, I am sure that the members will have noticed that they are still, despite the school holiday season, being well served by boys and girls on duty as legislative pages. This has been made possible by 13 of our last group of pages remaining on duty, augmented by several boys from the previous group, three of the four of our first girl pages who have returned, and two new boys. These latter are Brian Paul of Willowdale, from the riding of York Mills; Scott Payne of

Iroquois, from the riding of Grenville-Dundas; Kent Sheridan of Scarborough, from the riding of Scarborough North, and Annette Hoekstra of Bethany, Diana Tax of Pontypool, Christine Tukendorf of Port Hope, all from the riding of Durham, and Jeffrey Cass of Belleville, from the riding of Quinte, and Gerald Vecchiola of Toronto, from the riding of St. Andrew-St. Patrick.

**Mr. Lewis:** Mr. Speaker, how many was that from the riding of Durham?

**Mr. Speaker:** The first four girls were from the riding of Durham. Three of them have returned and they still reside in the riding of Durham.

**Mr. Lewis:** I am delighted because the NDP candidate, Mr. Douglas Moffat, is in the cabinet—in the gallery, Mr. Speaker.

**Mr. J. P. Spence** (Kent): Before the orders of the day, Mr. Speaker—

**Hon. Mr. McKeough:** He will never get any closer than the galleries.

**Mr. MacDonald:** Do not get so uptight over there.

**Mr. Speaker:** Order.

**Mr. Spence:** Before the orders of the day, Mr. Speaker, on behalf of his worship Mayor Ross MacDonald of Ridgetown and the council and the chamber of commerce, I would like to ask you to accept a brochure on the town of Ridgetown.

Ridgetown is known as one of the friendliest towns across the Province of Ontario and this brochure outlines the opportunities for industries and business and the possibilities for tourists across the Province of Ontario.

I ask you to accept this brochure, Mr. Speaker, and I have a copy for all the hon. members of this Legislature which I will place in the mail, in the legislative post office, and with this brochure comes an invitation to you, Mr. Speaker, and your lovely wife, and to all the members and their wives and families to visit Ridgetown. I know if you visit this town you will come away saying: "It is one of the friendliest towns in the Province of Ontario."

**Mr. Pilkey:** Any chance of getting a brochure made up on St. George?

Interjections by hon. members.

**An hon. member:** Is that right, Darcy?

**Hon. Mr. McKeough:** Not at election time, please.

**Mr. Speaker:** Orders of the day.

## HOMES FOR THE AGED AND REST HOMES ACT

Hon. Mr. Wells moves second reading of Bill 124, An Act to amend The Homes for the Aged and Rest Homes Act.

**Mr. M. Gaunt** (Huron-Bruce): Mr. Speaker, I just want to make a few brief comments with respect to the bill.

We certainly support the bill. I understand what the minister is doing here. He is actually embedding by way of legislation what has been a practice since 1969.

As I understand it, there are 10 steps of procedure involved in determining whether in fact a home for the aged should be located in one location or another. It really boils down to a case of its convenience and necessity which means that one has to demonstrate the need for the home and it also means that it has to be in a very advantageous location.

Now, I do not have very much more to say other than the fact that I just want to ask the minister whether he intends to actually include all of the so-called 10 steps of procedure in the legislation. In other words, is the legislation going to conform to the 10 steps of procedure which have been used over the past two years to actually point up the convenience and necessity aspects as to where and how best to locate homes for the aged in any particular locale? Frankly I think this is a good idea.

I think what the minister is doing here is he is actually binding himself as well as the department staff and to that extent I think the legislation which is under discussion at the moment is perhaps better than the legislation which was introduced by the Minister of Health (Mr. A. B. R. Lawrence) having to do with nursing homes. It is much looser and much more flexible. This legislation ties the minister down in many respects, and to that extent everyone knows where they stand. I think it will make it better all the way around both for the minister and for the department people and for the people in the various areas who are thinking about either adding additions to their county homes for the aged or undertaking an entirely new programme for a county home for the aged. I would like the minister's comment. Does he intend to make this legislation actually conform in all

respects to the 10 steps which have been used since 1969 and, I believe, were amended in 1970?

**Mr. Speaker:** The member for Riverdale.

**Mr. J. Renwick** (Riverdale): Mr. Speaker, we were going to ask the same question as the one asked by the member for Huron-Bruce. The other matters we can deal with in committee.

**Mr. Speaker:** Is there any other member who wishes to speak to this before the minister? The hon. minister.

**Hon. T. L. Wells** (Minister and Social and Family Services): Mr. Speaker, under the regulation section of this bill we intend to spell out most of those 10 steps that would apply in the evaluation of a site and the establishing of a necessity for a home for the aged. The idea here is to put this into legislative form, so that I will have to abide by it and people wishing to locate a municipal home will have to adhere to this before approval can be given for their home and for their site.

This is, of course, doubly necessary now because certain beds in homes for the aged will be recognized as extended care facilities under the new nursing home plan that is coming in. So there will have to be establishment of, not only the total need for a home, but the kind of beds that are going to be in that home. Then they will have to be meshed with the extended care facilities that my colleague, the Minister of Health, will have under his purview.

I would say the answer is yes and, if members would like to get into a more detailed discussion of the 10 steps, I would be happy to do it in committee.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

**Mr. J. Renwick:** Committee of the Whole House.

**Mr. Speaker:** Committee of the Whole House.

Agreed.

**Hon. Mr. Wells:** Fine.

**Hon. E. A. Winkler** (Minister of Revenue): Mr. Speaker, I have arranged to call item 10 and have sent for the Minister of Financial and Commercial Affairs.

**Mr. Speaker:** Perhaps the House leader might arrange to have the ministers present who are going to deal with business.

Interjections by hon. members.

**Mr. Speaker:** If the House leader wishes to move the second reading of the bill he may do so. Perhaps, in the meantime, the minister will be here and the hon. House leader might ensure that whoever is going to deal with the next bill is present.

## PAPERBACK AND PERIODICAL DISTRIBUTORS ACT

Hon. Mr. Winkler, in the absence of hon. Mr. Wishart, moves second reading of Bill 64, An Act to provide for the Registration of Businesses engaged in the Distribution of Paperback and Periodical Publications.

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker, on a point of order, surely it is highly unusual that you be asked to listen to debate on a bill when the minister sponsoring the bill is not present. We appreciate the fact, sir, that you pay attention to points put before you, but the main purpose of the debate is that the responsible minister be here and to hear criticism when it is directed toward the legislation. I really cannot see the point of continuing with the debate when the responsible minister is not in attendance.

**Mr. J. E. Stokes** (Thunder Bay): They do not want to hear.

**Mr. H. Peacock** (Windsor West): Mr. Speaker, would you accept a motion that the order for second reading of this bill be discharged?

**Mr. I. Deans** (Wentworth): You have moved it.

**Mr. Peacock:** Mr. Speaker, I believe that such a motion is in order and since the minister is not here to speak to the bill, I would move it.

**Mr. Speaker:** Of course, I would deal with any such motion as that in the same manner as, I think, the Leader of the Opposition has quite rightly set out that I should deal with the debate on the bill, unless there is another member of the government who has been designated to deal with this bill on behalf of the absent minister. This could happen.

**Mr. Nixon:** They are not ready to do business. There is nobody there.

**Hon. Mr. Winkler:** I am prepared to listen, Mr. Speaker, on behalf of the Minister of Financial and Commercial Affairs—

**Mr. J. E. Bullbrook** (Sarnia): The minister does not know his own department.

**Hon. Mr. Winkler:** —who is attending a meeting concerning his own department and will be here in a moment. I will transfer the criticisms, if such there be in this regard. I suggest that we proceed.

**Mr. Nixon:** Mr. Speaker, if you will permit me, obviously after the debate that we have been treated to for the hour after the question period, it is really patently ridiculous that the government would attempt to go forward with the business this way with only the Minister of Revenue sitting there as House leader.

I would say to you, Mr. Speaker, that we have no alternative but to follow the suggestion that has come from the member for Riverdale and move the adjournment of this debate.

**Mr. Speaker:** I think that is quite a proper proceeding and I not only think but I say that it is very, very unfortunate that the government should not have the minister here whose bills are being called.

**Mr. Stokes:** Very irresponsible too.

**Mr. Speaker:** It is unfortunate.

Interjection by an hon. member.

**Mr. Speaker:** Mr. Nixon has moved the adjournment of the debate. Is there any debate? It is not debatable but the House leader is entitled to speak on behalf of the government.

**Mr. Nixon:** Mr. Speaker, on a point of order, I do not know why you would say the House leader is entitled to speak. It is a procedural motion and it should be put.

**Hon. Mr. Winkler:** Mr. Speaker, it may be a procedural motion, but I think that the hon.—

**Mr. Nixon:** The minister is out of order; he is out of order.

**Mr. Speaker:** Order! It so happens very often that the opposition, when we have cases such as this, wish to make comments with respect to motions and motions which are non-debatable—

**Mr. Nixon:** Do we really want to listen?

**Mr. Speaker:** —and, of course, I try to be fair to both sides, but as far as I am concerned the motion is not debatable and, of course, I shall put the motion and the motion is for adjournment.

The vote is on a motion by Mr. Nixon to adjourn the debate on second reading of Bill 64. I would advise the members that since this is a vote on a motion to adjourn the debate, numbers only are counted and the members will please remain standing in each case until the Clerk has completed the count.

The House divided on Mr. Nixon's motion which was negatived on the following vote:

**Clerk of the House:** Mr. Speaker, the "ayes" are 35 and the "nays" 79.

**Mr. Speaker:** I declare the motion lost. The debate will resume.

The Minister of Financial and Commercial Affairs, who has carriage of the bill, may make the remarks on the introduction, if he wishes, and also speak to close the debate. If not, the Leader of the Opposition has the floor.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, I would like to make a few brief remarks. Bill 65—

**Mr. E. W. Martel** (Sudbury East): We are delighted the minister could drop in.

**Mr. J. Renwick:** I guess he will be glad to be away from here.

**Mr. S. Lewis** (Scarborough West): Would he not rather be fishing?

**Mr. Stokes:** Any other place he would rather be?

**An hon. member:** Puttering.

**Mr. J. Renwick:** Does the minister like puttering around in his garden?

Interjections by hon. members.

**Hon. Mr. Wishart:** Mr. Speaker, I am going to miss these fellows.

**Hon. W. D. McKeough** (Treasurer): We are all going to miss them.

**Mr. S. J. Randall** (Don Mills): Like the seven-year itch.

**Mr. Stokes:** They are going to miss the member for Don Mills over there.

**Hon. W. G. Davis** (Prime Minister): What did the member say?

**Mr. Stokes:** They are going to miss the member for Don Mills over there.

**Hon. Mr. Wishart:** Mr. Speaker, as the hon. members know, this legislation arose from the recommendations of the royal commission on publications or publishers, and those recommendations—

**Mr. Gaunt:** There they go again.

**Mr. Deans:** Hurry up and look after your constituent calls.

**Mr. C. G. Pilkey** (Oshawa): They are leaving at the rate of three for every word.

**Hon. Mr. Wishart:** I believe it has presented members of the opposition with evidence which has been heard by the commission within the last few days on the extent to which control of the distribution of paperbacks particularly and periodicals has been enlarged by way of purchase or takeover of distributors in this Province of Ontario by foreign-owned distributors.

The situation is such that, to a large extent, the distribution was in the hands of foreign-owned distributors. The commission's recommendation was that some control for the sake of our culture in this respect—in respect of the paperback, which is a very numerous sort of publication, and the periodical—there should be some extent of control by this government in that distribution and that any further usurpation or takeover of this industry by a foreign corporation would not be a good thing.

So the bill is simply designed by way of licence to ascertain who is in charge of the industry, who has the distributing industry now, and to provide for a disclosure of those persons. The bill, as you are aware, will be effective, when passed, as of the day it was introduced in this House, namely June 14. It is not retroactive and that is not in our thinking and our proposals.

I will have, I may say to the members, when I come to committee stage, I believe two amendments to offer: one having to do with a more careful definition of what is a distributor and delineating that more clearly; and an amendment which will give to the registrar some territorial jurisdiction to limit or define the area in which a particular distributor may be licensed to operate. Those are the two amendments which I will be offering at the committee stage, but I simply mention them now so that hon. members may be aware.

This bill, as I say, is simply a matter of licensing, a poll by licensing, and does require that those who are in the distribution business now will be licensed, that a year from June 14, 1971—that is on June 14, 1972—those corporations which are foreign controlled may continue to carry on as distributors provided there is an incorporation in Ontario of a Canadian corporation.

**Mr. V. M. Singer** (Downsview): Does it say that now or is that an amendment?

**Hon. Mr. Wishart:** That will be an amendment.

**Mr. Singer:** Oh, so the minister has changed the principle?

**Hon. Mr. Wishart:** Very slightly. That will be an amendment I might further indicate to section 8, subsection 2(b), where it now requires a corporation under an Act of Ontario, of Canada, or a province of Canada, before June 14, 1972.

**Mr. Singer:** Could we see the text of the amendments?

**Hon. Mr. Wishart:** I think we can deal with that in the committee stage.

**Mr. Singer:** But the minister changed the principle.

**Hon. Mr. Wishart:** No.

**Mr. Speaker:** The hon. Leader of the Opposition.

**Mr. Nixon:** Thank you, Mr. Speaker. I am glad the minister had an opportunity before we got into this discussion to indicate that he has some changes that he will put forward in committee stage.

The genesis of this bill is an interesting one. I recall the evening when the former Premier (Mr. Robarts) announced that a royal commission would be established to look into the problems of the publishing industry in this province. It was on the very evening that the sale of Ryerson Press to McGraw-Hill was finalized and I think at the time, Mr. Speaker, even the former Premier had felt and realized that the government had not acted with strength and efficacy to assist the publishing industry of the province.

However, his alternative was to establish a royal commission admitting, at least for himself and the former administration, that

nothing could be done. Well, this has been an interesting royal commission.

Mr. Rohmer is not well known to me but certainly I am familiar with his presence because he has often visited the House under many circumstances. There were many weeks when he used to attend under the press gallery to wait to speak to the former Prime Minister on items of business. A very competent person, I believe.

Mr. Camp is well known through his reputation. I have read his recent book with a great deal of interest. It might even bring a smile to the face of the former Treasurer (Mr. MacNaughton) who looks as if he needs amusing from time to time.

Mr. Jeanneret is not well known to me but the other two are and I see them in the halls here.

I have a feeling that the advice they offer the administration from time to time extends beyond what the government should do on publishing matters; that Mr. Camp is not normally associated with a political enterprise unless it is in a fairly forward position and it appears that his advice—

**Hon. Mr. Davis:** Political enterprises.

**Mr. Nixon:** Yes, he has even been associated with some disasters in his day and he is associated with one now.

But the royal commission seems to hold a couple of afternoon hearings and there is a week of silence and then a piece of legislation, as the commissioners go in and talk to the Premier or whoever it is on that side who formulates these interesting manifestations of policy—and it is always on an emergency basis—and the bill has come forward forthwith.

There have been two major announcements, the one dealing with McClelland and Stewart and this one. The Premier is quite right, we intend to support the legislation. But there are a good many things that must be said about it.

The Minister of Financial and Commercial Affairs has brought the operative date, June 14, specifically to our attention and he has added that there is no intention that there be any retroactivity as far as an amendment to this bill. He knows why that statement is such an important one and it is because of facts that have been revealed through the hearings of the royal commission, I believe, but certainly these facts have been available publicly since that time, and have indicated that at least two of the major distributing companies for periodicals were purchased by American interests in the three to four days immediately preceding this cut-off date. The royal commissioners were interested in this and questioned those people who act in this province as agents for the American purchasers as to the possibility of any foreknowledge of the legislation that was coming forward. They protested, of course, that there was no foreknowledge.

I would make no allegations about this, Mr. Speaker. I believe that it was a coincidence, an unfortunate coincidence that lies well within the control of the minister and the government in setting the operative date of this statute, that that purchase could certainly be stopped with ease and with fairness, and there would be no one in this jurisdiction, no one adopting a reasonable stance, who would criticize the government for making the statute—if it becomes one, and I presume it will become a statute—retroactive by another six or seven days to accomplish this.

Frankly, I have been horrified at some of the information that has become public in association with some of the negotiations on this purchase. It amounts practically, if not to blackmail then certainly to punishment of those firms who did not co-operate according to the best interests, the financial interests, of those American interests which are centred in—

**Mr. Singer:** St. Louis.

**Mr. Nixon:** —St. Louis; and we were treated to a report of an exchange of a conversation in this morning's Globe and Mail in which one magazine distributor was punished by the American distributors by having the TV Guide removed from his list of magazines.

As a footnote to this, I was interested, in fact I was appalled, to read that TV Guide was the magazine with the largest distribution in Ontario. I was most surprised at that. I thought surely it would be Hansard, but that is not the case.

**Mr. J. R. Simonett** (Frontenac-Addington): Who would read Hansard?

**Mr. Nixon:** Mr. Speaker, there have been other areas of some concern, associated I would say, with the strange relationship that the royal commission has with the government. There is this personal relationship, a political relationship, that has existed between at least two of the commissioners and

the government in the historic basis of the Conservative Party. I am not too concerned about that because the bona fides of both the men I referred to are well established and they are men whose interests in the community are beyond reproach.

But I am concerned about the method of doing business. A day or two of hearings, a gap of four or five days for some kind of cogitation and meetings with the powers-that-be, followed by rush legislation that would put some sort of a repair on the deteriorating situation as it pertains to the Canadian publishing industry in this province.

There have also been some strange insinuations that this statute might, in fact, be protecting us from something more than the intrusions of American financial interests. There have been insinuations that perhaps underworld interests associated with the distribution of magazines of all types were associated with this as well.

Being absent from the House at the Victoria conference at the time the legislation was introduced, I was not able to hear the remarks made by the representatives of the government in this connection but I have read them very carefully, and it seems to me, having some appreciation for the care with which the hon. minister, who has the carriage of this legislation, forms his words, that he was loath to say that this underworld infiltration was, at least, not a matter of some concern to him. In this regard I believe that he should be much franker with the House and with the people of Ontario than he has been.

We believe that the information available to the government from the reports of the royal commission would justify the legislation. There are weaknesses in it that can be improved, which will be referred to later in the debate.

We on this side believe that the operative date should be set ahead one week to compensate for the two purchases that were undertaken within three days of the date on which this legislation will become effective. We feel that the government has the responsibility, if they feel that action is necessary and we agree that it is, that the action be tough enough to meet the problem as it is and as they know it exists.

I personally feel that neither the royal commission nor the government has been completely frank with the public in the information that bolsters this legislation. I believe that there are other facts that should be revealed to the Legislature during this debate and I hope that we can count on the manifest honesty and good motivation of the minister in this connection.

The bill itself has, as I say, some confusions, particularly in its definitions and the way the operative sections are designed to control the American infiltration of our distribution industry. I would say again, Mr. Speaker, that if the government is going to take this action which is, while not unprecedented, substantial action, that it should be strong enough to accomplish the aim and purpose for which it would gain support on all sides of this House and in the community.

**Mr. Speaker:** The hon. member for Riverdale.

**Mr. J. Renwick:** Mr. Speaker, we will support the bill, although we do not profess to understand either all of the background of it or the implications of the bill that the minister has put before us. The only information basically that we have is the interim report of the royal commission on book publishing. The interim report which precipitated the introduction into this Legislature of the bill which is presently up for second reading.

The report appears to deal with a number of reasons why legislation such as this would be introduced into the Legislature. The questions which I have are ones which relate to whether or not the bill deals with the concerns which the royal commission had indicated were of interest to them.

I think, first of all—and I think this is a very important point and in order to clarify it I think in committee we will introduce a minor amendment to make absolutely certain that we understand what the bill is about.

The bill is not designed in any way to deal with the Canadianization of the content of any publications which would be covered under the definition of periodical or under the definition of paperback. Not from the point of view of Canadianization of the content, but from the point of view of concern which I would certainly express about any degree of censorship being inherent in the bill in any way, the bill, I am delighted to see, contains a provision that nothing in the bill will be construed to have the effect of controlling, influencing or otherwise affecting the content of any paperback or periodical.

I do not think that that wording is all that apt, but in committee we can make certain that we are not disguising in this bill some form of censorship of what is in paperbacks

or periodicals. If that were to be the case, then that would be a matter of substantial debate in the Legislature on its own.

So that to the extent that the interim report of the royal commission appears to deal with the Canadian content of periodicals and paperbacks, I take it that the bill has no reference whatsoever to that aspect of the matters which are before the royal commission.

It is interesting that in the interim report the committee cites as the reasons for its recommendation the second part or one of the parts of its very terms of reference—which has to do with the economic, cultural, social or other consequences of the substantial foreign ownership of the publishing business. Again, I emphasize and I would like the minister to assure me that there is no intention in this bill in any way, shape or form to affect the content of paperbacks or periodicals.

The report goes on to indicate quite clearly that they are concerned with first of all monopoly in the regional news company distribution service. They are concerned about a monopoly because it may be foreign-owned or foreign-controlled, but they separate very clearly their concerns and they are concerned about a monopoly. Again, the point that I draw here is that there is nothing in this bill which would prevent a monopolization of the industry so long as the industry, when monopolized, met the tests of the degree of Canadian ownership which is set out in the bill.

Therefore, realizing as I do that the interim report of the commission referred to this as a precautionary step and realizing in a sense that it is a first step, I would however also ask the minister to let us know what his intentions are to make certain that, even if he achieves the degree of Canadian ownership which the bill provides for regional news companies, he is equally concerned that there be no monopolization of those companies by amalgamation or merger or otherwise.

If I read the interim report correctly they are concerned not only with the foreign ownership of a monopoly but with any monopoly in itself. Their concern is expressed by stating that to the extent that you have a monopoly, you restrict the availability to the public through retail outlets of the range of periodicals and paperbacks which might otherwise be available. That appears to me to make very good sense.

I would suggest that a monopoly in this industry, in this area of the distribution business, be it Canadian-owned or foreign-owned, is equally bad. The bill makes no effort whatsoever to deal with that aspect of the interim committee's report.

The third matter is that all that we have available to us—and I really fail to understand why the royal commission is treating this industry so tenderly—that is, in those aspects of the interim report where they are now going to proceed to substantiate the fears which engendered this interim report by the public hearings which I understand are under way, where there is great effort—I do not even know whether they are public hearings—by hearings, to look into all the ramifications of the paperback and periodical industry.

It is very interesting that the royal commission's report states that some Canadian publishers and retailers may be very reluctant to give information about this growing and powerful intrusion, and that they fear they may be refused publications. For one reason or another, they are to be given very kid-glove treatment with respect to the degree of confidentiality about the information which they disclose to the commission in public inquiry to find out what is going on in that industry.

Mr. Speaker, I draw to the attention of the minister a matter which came up in the Legislature on two or three other occasions. That is that if the minister will look at the laws of the State of New York, for example, there is a requirement that periodically in every periodical—not in paperbacks, but in periodicals—a disclosure statement be published which discloses in precise detail the ownership, directly or indirectly, and the control of the publication which is being made. I think all of us who have occasion to read the United States periodicals of one kind or another such as Commentary, or such as any of the well known ones—Harper's, Atlantic, and so on—will periodically find in those magazines a statement, which is required by statute, indicating who, in fact, has the substantial control of the publication of that particular periodical.

It seems to me, I suppose, in a sense, this is a criticism of the royal commission. It is under The Public Inquiries Act, as far as I know, and I am somewhat concerned about the secrecy which has surrounded the information which was available to the royal commission on the basis of which this bill was introduced, and the continuing secrecy which

appears to me to be inherent in the concerns in the interim report. I say to the minister that as usual, when business is subject to public hearings and public disclosure, and I suggest that the disclosure of the ramifications of this business are an essential ingredient in the public interest and for the public good.

Mr. Speaker, I am not going to deal at this particular point in time with the transitional provisions, that it, to move from a non-licensed situation into a licensed situation, nor am I going to deal with, what sound to be, the stringent provisions about compliance and enforcement and policing, and the penalty provisions that are in the bill. Those can be dealt with in committee.

I want to come, however, to the fundamentals, as I understand it. I want to find out again from the minister just exactly what their intention is, and what the guts of the bill is with respect to the application for registration which must be made before October 1, 1971.

The bill says that every person who is a distributor, as that terms is defined in the bill, must before October 1, 1971, make an application for registration. Again, as I say I am not dealing with the transitional provisions. There are provisions that sort of say everybody is deemed to be registered as of June 14, but they must make an application by October 1 in order to have their application dealt with in a formal sense under regulations to be promulgated under the statute. Those are the regulations which we do not know; we do not know what the conditions are going to be that those regulations will impose. We know one thing, that by a year from now any company or corporation which is engaged in the business will have to at that time be a Canadian corporation, and that seems to be pretty clearly established that by June 14, 1972, any corporation must become a Canadian corporation.

But, apart from that, we have no indication in the bill as to whether or not by regulation a lesser degree of Canadian control will continue to be permitted for a longer period of time than October 1. In other words, it does not say that by October 1, the degree of Canadian ownership which the bill is supposed to bring about will, in fact, be provided for in the regulations, because a careful reading of the bill will see that the prohibition against a corporation in carrying on business in Ontario as a distributor, or the prohibition against a person who is not a corporation carrying on business as a distributor in Ontario, is subject to a further subsection. And the subsection of course does not provide that they have to attain the standards of Canadian ownership that are required. Because all it says is that so long as there are no transfers, they can continue in their business subject to whatever the regulations may say, and they can make such transfers as do not infringe or bring them closer to being within the terms of the Canadian content required.

But, as I read it, it would appear that the regulations are not going to require compliance by October 1, 1972, with the provisions with respect to the degree of Canadian ownership. The bill is wide enough to provide a period of time beyond that before such a degree of Canadian ownership is attained, or indeed is broadly enough drawn, to provide that the regulations may permit indefinitely distributors to be registered who do not attain the degree of Canadian ownership which is forecast in the bill, just so long as the existing structure of their business is not changed and no other transfers take place.

It seems to me that is the substantial intention of the bill, and as usual what the bill says will be determined a great deal in its implementation by the exact wording of the regulations and the requirements that will be put out in the regulations. I think it is therefore very important when the minister speaks on second reading of this bill to close the debate, that he will be absolutely certain to explain to us as to what the regulations are that are required in the clause incorporating the principle of the bill, namely subsection 2 of section 4, and the permission being given to the government to make regulations providing for the registration of distributors.

It may be that there is a simple answer and that the regulations will say that by October 1 any distributor will be required to have the degree of Canadian ownership forecast in the bill. But certainly we will need the minister's assurance, if that is going to be the case, because the bill itself does not make such a statement.

I would make the passing remark, of course, that the bill does not apply to distributors whose business consists of the distribution of paperbacks and periodicals that are published, printed and distributed entirely in Canada. I cannot understand why there is not some saving provision that perhaps in those cases the distributor should have a

degree of Canadian ownership which is required. If in fact the capital needs of the distribution business are such that capital is difficult to obtain, it may well be that a degree of Canadian ownership is sufficient to permit Canadian distributors to obtain some funds from abroad or from foreign sources, or to have a participation in such a way that they are required to have that degree of Canadian ownership but that they do not need to be fully and totally Canadian-owned.

And I would certainly appreciate it if the minister would comment about that because the bill, as presently drawn, would indicate in theory—and I emphasize in theory—that we presumably could have a foreign corporation, which was engaged in publishing in Canada, publishing, printing and distributing paperbacks and periodicals in Canada. I do not think that is likely, but at the same time, if there is such a distributor I think that such a distributor should only be subjected to the degree of Canadian ownership which is required for paperbacks and periodicals published abroad or published in other countries.

The other matter which concerns me, Mr. Speaker, and on which I would wish the minister to comment, is that the bill uses the criteria of residency for the purpose of meeting or setting up the tests which are to be applied, and residency is a difficult legal concept to determine. I am not quite certain why it would not have been possible in a bill such as this to have it state that the degree of Canadian ownership which is required should rest upon the question of Canadian citizenship, rather than simply on the question of residency.

It seems to me that it would be possible for business interests to so organize their affairs that a person could be a resident and yet not be a Canadian citizen; and in conjunction with others, so work out an arrangement for the carrying on of the business in Canada in such a way that, in fact, the Canadian interest which is to be served could be, in a sense, thwarted. We all know very well that it is extremely difficult for persons who are in business and who have a responsibility about looking after the profit-making aspects of a business, to ask them to be placed in conflict with their interest as Canadian citizens. I think, however, it would be possible to have a legitimate Canadian interest expressed where the degree of Canadian ownership is to reflect in the ownership and the control of the business.

It would appear to me, on balance, that the purpose which we want to achieve is best achieved by using and substituting in the bill the criteria of Canadian citizenship for the criteria of residency which is throughout the bill.

We make these comments, Mr. Speaker, because this is an initial venture by the government into this field and we applaud it. We do not purport to understand what all the ramifications of this will be, or the extent to which it will achieve the objective that we all wish to achieve and which will be more clearly defined, undoubtedly, when the royal commission makes its final report.

I do believe that the points which I have raised are matters of some substance within the framework of the bill. I would ask if the minister would be good enough in his reply on second reading to deal with the particular points which I raised, both for the purpose of clarification and for the purpose of allaying certain concerns which I have expressed about the bill and the way it is expressed. Thank you, Mr. Speaker.

**Mr. Speaker:** The hon. member for Downsview.

**Mr. Singer:** Mr. Speaker, the debate on this bill up to this point has been most interesting and I think most valuable. My curiosity about this bill is quite aroused. When I noted the appointment of the royal commission and particularly its very broad terms of reference, I anticipated that Messrs. Rohmer and Camp and Jeanneret would be some considerable time about their labours, and they would bring in an all-embracing report with a number of recommendations, and these matters would be considered in the manner that such matters have been considered before and in due course, we would see legislation covering the broad field.

However, uniquely, we began to get interim reports—we have had two, I think. Most unusual—nary a picture of the minister or any of the commissioners on them. Karsh, I guess, was busy at the time and was not available to get these pictures.

**Hon. Mr. Wishart:** Does the member want me to get pictures?

**Mr. Singer:** Pardon?

**Hon. Mr. Wishart:** Does the member want pictures?

**Mr. Singer:** No. I applaud that kind of royal commission reporting. It is a welcome change and it has an eye to conserving the

taxpayers' money, which I think is a good thing and it came out with positive recommendations. But this is what whetted my curiosity, Mr. Speaker. Why, suddenly, the rush? We are talking about a comparatively small industry. I followed very closely not only the recommendations but the newspaper reports of the public hearings. In fact, I have had access to some of the transcripts of the public hearing.

**Hon. Mr. Wishart:** Then the member knows the reason for the rush.

**Mr. Singer:** All right. Now this is what I want to get at. None of this really explains why the government and why the commissioners have suddenly zeroed in, on the broad aspect, on a comparatively small industry. The people affected, the number of agencies affected, could perhaps be counted on the fingers of two hands. Twelve perhaps is a large number; perhaps it is less than 12. I have never bothered to count the various centres, the various people involved, the various organizations involved.

What seems to have concerned both the government and the commissioners is that the efforts of a St. Louis-based group to take over all of the existing outlets by spending a lot of money, by flexing their muscles rather strongly, by pushing other people out of the way, none of which things appeared to be illegal, as I reckon. Maybe they were sharp business practices, that this is something the commissioners and the government feel should be avoided.

As my leader said, the idea of preventing American ownership and control of a monopoly is a good one, and we applaud the general principle; therefore, we are going to support the bill.

But that is not sufficient, Mr. Speaker, to satisfy my curiosity. There must be something more in this than meets the eye. Surely this is not just a case of an aggressive and successful American entrepreneur coming in and taking over an established business because this business by itself, the distribution of paperbacks in Ontario, is really not that vital in the broad picture to the welfare of Ontario.

The whole printing industry is much more vital to be concerned about. Ryerson, McClelland and Stewart and all these other publishers have much more effect on our way of life, and I would think would be of far greater concern than whether X in St. Louis, Y in Kitchener or Z in Toronto in fact establishes a monopoly of a distribution industry that presently involves 10 or 12 different agencies.

When this was first announced, my curiosity was sufficient, you will remember, Mr. Speaker, that I addressed a series of questions to this minister and later to his colleague, the Attorney General (Mr. A. F. Lawrence) in an effort to find out what more lay behind the thinking in this bill. And I have not yet found out.

I have never been able to get the Minister of Financial and Commercial Affairs to admit that there was a real concern about the infiltration of criminal element into the industry, if that was the concern, although he has never in fact denied it. He skated around the problem. The new Attorney General, in his way that we have become used to over the past few months, never faces any question head on, and he too dances around all the subjects.

In fact, Mr. Speaker, the two of them danced so successfully one day that in answer to the same question this minister was on his feet saying, "Yes," and the Attorney General was on his feet saying, "No." So we are not any further ahead.

**Hon. Mr. Wishart:** That was a double negative.

**Mr. Singer:** What I would like to hear from the minister, and/or from the commissioners—and we asked if we could get the commissioners before a committee of the House to ask them these questions. Apparently that is not to be, so I think we are entitled to hear from the minister what more lies behind it.

The motive is a good one, but it is not quite clear as to why, in a small industry, affecting a small number of people—by and large by itself it does not have that great an effect on the Ontario way of life, or on the Canadian way of life—why that should be a sort of shining example of how we start to ensure Canadian ownership in things substantially Canadian. I do not know that we get any great pride out of who distributes our magazines. I suppose it is relatively important in the broad scheme of things.

I believe we could get much more concerned about who controls our printing industry, who decides whether Canadian authors be recognized and their works published. That is not what is at stake here. What is at stake here is who should make

some money. Should it be made by Canadians or by Americans, and in a comparatively small industry? At least that is all we are told, Mr. Speaker.

And so I say to the minister, I think he has a responsibility during this debate to come clean with the people of Ontario and tell us what really is behind it. As I say, I have had a chance to refer to some of the transcripts, and the minister said if I did that I would know what lies behind it. What I have seen in the transcripts is substantially the evidence of a young and obviously very wealthy man who has come into Ontario, armed with all sorts of dollars and all sorts of credit, and he has been able to go to a variety of people and offer them prices that were sufficiently attractive to them that they accepted his offer.

Occasionally, when he ran into a reluctant vendor, he was in the position, because of other connections that he appeared to have in the United States, to say "All right, if you will not sell to us, we could, by certain influences we can bring to bear, perhaps deny you the right to distribute TV Guide"—that big seller, TV Guide. Threatened with this sort of thing he was able to bring certain other people to heel.

Well, Mr. Speaker, as much as we may not like that kind of big business manipulation, so far as I am aware it is not an illegal practice. I would suspect it is a practice that we see in other avenues of business, carried on in a variety of ways almost every day throughout the Province of Ontario.

I do not know that this is what the Minister of Financial and Commercial Affairs is getting at. So, let us go back to where we started. There must be something more in this than meets the eye, and while the bill in itself contains a principle that we are not going to object to, I think before the bill moves very much further through the legislative process we have to have the kind of answers that we have been looking for. I think we have to be told quite honestly and frankly whether there is a real fear of the invasion of elements of organized crime, or of people who have in the past broken the law, into this kind of an industry.

If that is really what the approach is, then Mr. Speaker, if the government and/or the royal commission has been able to move that far, then I think we have to draw the Attorney General into this debate and find out if this is the worry; what in fact the Attorney General has been doing about it to enforce the laws of this country and of this province. I think this is a very, very important feature of this bill, and we should, in fact, get those answers.

Well, with those remarks, Mr. Speaker, I am going to conclude, and I am going to look forward with some very substantial interest to the Attorney General's reply. I had a call a while ago, after I had started to ask questions about this, from a lawyer who represents the people who acquired some of these businesses three days before the effective day of the statute, three days before the statute's effective date. He was complaining quite violently that this legislation was going to affect his clients retroactively. They had acted in good faith. They were honest businessmen and carried on business according to the rules of whatever country they were carrying on business in, and he thought this was grossly unfair. I note that he has been appearing before the royal commission with his clients, or his associates have been, and evidence is being given and certain presentations are being made by Mr. Sedgewick and others on behalf of these people.

Now, I think it might be of very substantial interest to the members of this Legislature to hear from Mr. Sedgewick before the bill finally becomes law, because, as we know Mr. Rohmer and as we know Mr. Camp and as we know Mr. Jeanneret, many of us also know Mr. Sedgewick. If Mr. Sedgewick believes that there is a case to present in relation to this bill as it affects his clients, and as I understood, or have been led to understand, he thinks it might affect his clients unfairly, I would think that the members of the Legislature should have an opportunity to hear Mr. Sedgewick's representation.

Therefore, I would suggest, even after the Minister of Financial and Commercial Affairs has made his contribution to this debate on second reading, I would like to see this bill go to the committee, to the appropriate committee, so that we could invite both the commissioners and Mr. Sedgewick, and anyone else who might be interested, to come before the committee and to make whatever representations they deem fit. I think we should get the whole story. With that, I conclude.

I think we are entitled to know far more than we do, and the government has a duty and a responsibility, not only to reply to us in the House, but to provide the avenue in the committee so that we can hear from those persons who are not members of this

House who have an interest in the passage of this bill just what it is all about, and who might or might not be hurt.

**Mr. Speaker:** The hon. member for Lakeshore.

**Mr. P. D. Lawlor** (Lakeshore): There are several points I want to make about the bill, the first one being that I think the bill perhaps is drawn too broadly as to what it is seeking to attack, or the harm or the evil it is seeking to cure. It seems to me on reading the second interim report of the royal commission on book publishing that its thrust was directed toward paperback book publishing and what is called periodicals, and not toward, for instance, newspapers or tabloids emanating from another source. If you read your definition carefully, as set out in this bill as to what a periodical supposedly is—and I will take this opportunity to read it into the record—under 1 (i) you say periodical means any printed matter that is published for general distribution to the public, and that purports to be a copy of one publication in a series of publications at regular intervals, and that is not bound in a hard cover.

I would like the Attorney General, in this second reading, to assure us, and to make very sure indeed, that newspapers are not encompassed within the terms of that definition, as I very well believe they are and, therefore, there may be some question as to amending that particular section, to exclude deliberately and explicitly—

**Hon. Mr. Wishart:** Mr. Speaker, perhaps I could save the hon. member some time on that point. The point is well taken and I appreciate it. It is one of the amendments in definition that I propose to deal with in committee which will make it entirely clear that newspapers are not covered by this bill.

**Mr. Lawlor:** Very good. You see the opposition does perform a useful function.

**Hon. Mr. Wishart:** I was ahead of the opposition on this Act.

**Mr. Lawlor:** That is very kind of you, Mr. Minister.

**Mr. D. C. MacDonald** (York South): But behind in the original drafting.

**Hon. Mr. Wishart:** Well, I wish some of the members opposite had sat with me in those strenuous hours and helped work this out in the short time we had to work on it. I will invite them next time.

**Mr. Lawlor:** It was the contention of the member from Scarborough East (Mr. T. Reid) that of Canadian authorship, less than seven per cent of the printed matter contained anything to do with, peculiarly or explicitly, Canadian matter. In reviewing certain things said by Mr. Romanez, the agent in Canada for Pierce News Company of St. Louis, Missouri, he says less than two per cent, and that taken with the monopolistic, or certainly tending toward monopolistic conditions, that exist in this industry, or are coming increasingly to exist here, is precisely the reason that the strength is directed toward this kind of publication. I would just like to quote one clause, at page 2 of this report:

> Indeed the Canadian aspects of book publisinhg would appear to be poorly served by the news distribution channels just referred to.

Under that particular head, one of the faults at the moment would be due to the excessive rush that occurs in the Legislature since we are all very anxious to get out on to the hustings—except the minister involved in this particular bill, and he is going to—

**Mr. Stokes:** He is going fishing.

**Mr. Lawlor:** —he is going to putter around, as he says, and God bless him for it. But the trick, of course is solely to exhaust us here so that we will not be able to rise to the challenge, I suppose. But we have internal sources of strength, spiritual and otherwise—physical legwork, you know—that would offset any intention of that kind.

**Hon. Mr. Wishart:** It seems, Mr. Speaker, we are off the principle of this bill.

**Mr. Lawlor:** Surely Mr. Speaker is sufficiently aware of when I am off the track. We have exhausted him, and that was the first major move in this debate.

As I say, one of the faults is that in the rush these matters are not properly reviewed.

This bill should be taken to one of the committees downstairs; it really should get a working over. The Committee of the Whole House is not adequate for that function. I would abjure and try to seek to prevail upon the minister precisely to do that in the case of this kind of legislation where the full background should be revealed.

There is a good deal of talk about criminal elements and whatnot operative in the field. From what I have seen thus far of the royal commission, or the commission of inquiry on this matter, it would be very

difficult to stigmatize the individuals involved, they appear simply to be quite reputable American citizens engaged in this enterprise. We would like to know a little bit more about the background.

In any case, the terms of analysis can only be done properly in such a committee and we in the New Democratic Party would seek to prevail upon the minister so to regard this matter and to move in that direction.

**Mr. E. R. Good** (Waterloo North): Mr. Speaker—

**Mr. Speaker:** I understood the hon. member for Parkdale was next.

**Mr. J. B. Trotter** (Parkdale): Let him go ahead.

**Mr. Speaker:** The hon. member may carry on.

**Mr. Good:** Mr. Speaker, there are just two short aspects of the bill I would like to refer to.

First of all, we agree with the principle of it, that the foreign control and ownership of book publishing and the distribution of paperbacks and periodicals should be controlled and limited to 25 per cent. But I would like the minister to consider, first of all, the aspects of the present foreign control and ownership of our periodical and paperback distributors in the province, the effect that they have; and, secondly, the retaliation that has been taken against some of our Canadian-owned book distributing companies by American and foreign-owned distributors here in the province.

I think most of us are aware of the fact that Metro Toronto News Company is a wholly owned American firm with the distributing rights for periodicals and paperbacks right through most of southern Ontario and up as far as Parry Sound, and that this firm is 50 per cent owned by Pierce News Company of St. Louis, Missouri, and the other 50 per cent is owned, I believe, by the Rottman family of Bridgeport, Connecticut. Now, the president of Pierce News, Mr. Mark Molasky, has stated before the royal commission on book publishing and publishers that it is not his intention to control and monopolize the distributing of books and paperbacks. Yet in the June 4 issue of Lookout, which is an American newsletter in the industry, he is quoted as saying that he intends to become the largest distributor in Canada.

I presume it is partly on the strength of his words in that newsletter to the industry that the government feared it was his intention to put himself in a monopoly position in southern Ontario especially. So he then added to his Metro-Toronto News Distributing Company, firms in Belleville, the Western Ontario Distributing Limited in London, and the Lambton News Company of Sarnia. The latter two purchases are the two referred to which were made only three days prior to the cutoff date. Mr. Molasky denies the fact that he had any prior knowledge this legislation was coming, and to quote him as reported in one of the newspapers, he said he just, "happened to be in Canada a few weeks earlier than he had intended to be."

The original date for completion of sales for those two companies was supposed to have been June 30. It was quite a coincidence, I would say, that he happened to be in town soon enough to close the deal on June 11, three days before the cutoff date, at which time he would have been excluded from purchasing those two firms.

I would like to speak for a moment about the Kitchener News Company, a news company which has operated for many years in the twin cities, one for which I sold magazines as a boy from door to door, McCall's and Ladies' Home Journal I believe it was. Well, that firm—

**Mr. Trotter:** Liberty was better. Liberty was better.

**Mr. Good:** —had grown and had become a family concern. They were in the process, Mr. Speaker, of selling out this Kitchener News Company to a group of five Canadian citizens. While this deal was being processed, there were telephone calls from Pierce News Company and from the circulation director of TV Guide.

TV Guide is controlled by two American firms, McFadden Bertolli Corporation of New York and Triangle Publishing, of Radnor, Pennsylvania. In the process of their negotiations, it is alleged that threats were made: "If you sell out to those Canadian boys and do not sell out to Pierce News Company, we will cut off the lucrative distributing rights for TV Guide." The sale was completed to the Canadian people, who still own it.

**Mr. Nixon:** Blackmail.

**Mr. Good:** The next day notice was given that TV Guide would no longer be supplied to Kitchener News Company. There must surely be some kind of what would one say—collusion?—somewhere between St. Louis and New York to cause this to happen in such quick time after the deal had been completed to the Canadian citizens.

The cancellation of the distributing rights for TV Guide has cost Kitchener News Company about $43,000. Since that time an additional 80 paperbacks and periodicals have been denied the Kitchener News Company for distribution.

I want to point out here, Mr. Speaker, the squeeze being put on existing legitimate Canadian-owned distributors by this American-owned corporation which wholly owns Metro Toronto News Distributors. They can use it then as their vehicle for distributing any paperbacks and periodicals they can persuade their American friends to divert from the existing Canadian companies to Metro News.

Personally, I do not think this is a healthy situation. The moneys involved, I believe, were something around $2 million when Pierce bought their share of Metro News, and something over $1.1 million when the two news companies were bought in Western Ontario.

Perhaps the Ontario government has made inquiries as to the source of funds. How far can you go? You can look at it to check and see if it was drawn on a bank in St. Louis or New York, and I do not suppose one can go any further than that.

It has been suggested there are other reasons besides the monopolistic aspect of it for this legislation. Perhaps those things are best not made public at the present time, but certainly when these things happen we cannot help but think about the source of funds and the element of undesirable activity that might be involved with this type of operation.

Primarily, Mr. Speaker, I am concerned about the decision that manipulations and decisions made outside the country are affecting the distributing rights of our Canadian corporations, and these Canadian-owned distributing companies cannot exist if one periodical after another is going to be transferred away and their distributing rights handed over to Metro Toronto News for all of Southern Ontario. I am sure the minister must be wrestling very seriously with making this legislation affect all companies, whether they were registered prior to the cutoff date or not.

It has been done. The Minister of Financial and Commercial Affairs previously had to enter into legislation which did affect contractual obligations made prior to a certain date.

I think the minister, Mr. Speaker, should look very seriously at what is happening when we have large American corporations of this nature affecting the livelihood of our Canadian businesses, and if legislation can, over a period of years, be brought in to reduce this control so that business can be put back in the hands of Canadians and Canadian boards of directors who do business our way, I think it would be most advantageous.

**Mr. Speaker:** The hon. member for Windsor-Walkerville.

**Mr. B. Newman** (Windsor-Walkerville): Thank you very much, Mr. Speaker. I do not intend to be too lengthy, but I would like to bring to the attention of the minister the situation in the City of Windsor where the Windsor News Company was operated by one Jake Geller for maybe 35 or 40 years.

The owner of the Windsor News Company found himself, approximately two years ago, in failing health and as a result had to sell his establishment.

To sell an establishment like that, a news distributing company, was a little difficult at the time. However, being in an association where you mix and discuss mutual problems he sold to an old family friend. The friend happened to be an American. The transaction was completed in February, if I am not mistaken, of 1970.

The concern today is that the retroactivity of this legislation may adversely affect the company.

I would sincerely wish the minister in his comments to state specifically whether a corporation that had been in the distributing business for some 16 to 18 months prior to the introduction of this bill would be affected by this legislation, and also, if they would have to divest the ownership by October 1, 1971, in order to reduce the foreign ownership to the limitations as set forth by the Act.

I would appreciate it very much if the minister, in his reply, would make that point fairly clear. Thank you.

**Mr. Speaker:** Does the member for Parkdale wish to go on now?

**Mr. Trotter:** Yes, Mr. Speaker, I support this bill in principle and I am glad that in almost any of our industries, the government is now taking some action in order to protect the interest of this country, particularly the people who live in the Province of Ontario.

There is one thing I am always concerned with in principle, Mr. Speaker, in one of these bills, and that is you always see the right to issue search warrants, the removal of books and this type of thing which I suppose is necessary to enforce the law, but which I think will concern many of us unless the matter is properly handled.

On previous remarks in this debate, much has been alluded to the fact that we think there is more behind this bill than meets the eye. In other words, why pick on paperbacks?

I realize one of the reasons is that the paperback industry is growing and I imagine more money is made in paperbacks than in selling the hardcover books, but there is a great concern—in part admitted by the Attorney General and suspected by many of us—that the Mafia or some type of organized crime is moving in on this type of industry, and probably this may be one of the main reasons why this particular legislation has been rushed before the House.

If it is organized crime that we are mainly concerned about, I hope that the government gets really tough. If this is the main reason for the bill, it is about time that government sat down on organized crime in the Province of Ontario.

If this is what is needed and what is wanted, I for one would certainly support it. If this bill is another excuse for going after some of these weird stores on Yonge Street, then I would say it is rather a silly way of doing it.

I have objected, Mr. Speaker, for the last year and a half over the raids on these stores that are selling pornography. I have often thought the means of doing it, and carrying out the arrests of people, was rather useless, because in many cases the subject of this legislation, the paperbacks, are imported from the United States, they are approved by the federal government, and then local police from various sections of Ontario, mainly the Metropolitan Toronto police, carry out raids.

There is no doubt that they are raiding stores for most part owned and run by Americans, and also the books and the paperbacks which are approved by the federal government are from the Americans. For the most part, they are.

I understand, Mr. Speaker, from the way the Minister of Financial and Commercial Affairs is nodding his head in the negative manner, that there is no intention to use this bill for that purpose of more or less having one more excuse, perhaps a more legitimate excuse, to raid these stores.

In many respects, I do not approve of the stuff that is in these paperbacks. I realize it is a lot of junk. I also think you will never suppress it to any great degree. As long as there is a market for it, the market might as well be legitimate and out in the open. The more extreme paperbacks, quite frankly, just do not find a commercial market. This has been proved, and it has been found out in the last year and half, that for these paperbacks that are 'way-out in material, which is really in many respects utter junk and perhaps very shocking, basically there is no market.

But there is no question though that the paperbacks, whether they have been dealing with sex subjects or otherwise, are finding a tremendous market. It is a type of thing in which organized crime can find a legitimate way of using dirty money. They may even, many times, be using dirty subjects in their book, but they have found a legitimate way of using money that has been gotten by them in an unlawful manner.

Now, I hope that when we approve the principle of the bill and this becomes the law of the province, that if it is just used for attacking crime then I want to say this to the hon. minister through you, Mr. Speaker, it will not be effective. You are going to have to get far tougher with organized crime than with this bill. You are trying to climb through the transom of the back door with this legislation if that is what you have in mind.

But if it is a sincere desire for what it is supposed to be—to control and protect Canadian interests in this industry—then I hope it is the begining of a lot of legislation that will preserve the Canadian content in our industry. And if that is the real intent in the principle of this bill, then the paperback industry is a good place to start, because hundreds of thousands of people read the paperbacks.

In fact, if you are on the subway, people are not reading the hard cover books, they are reading the paperbacks. They are easy to carry. There is no question that if there is anything that is going to effect Canadian culture, then it is through literature, whether it is good, bad, indifferent. It is just as well that Canadians have a more than very considerable say in what our own people are going to read. Therefore I support the bill and hope that in seeing to it that it is enforced the minister does not carry this business of search warrants and removal of books too far. In a democratic society, even though we are dealing with Americans and protecting Canadian interests, that is always a danger.

Mr. Speaker: The member for Sarnia.

Mr. Bullbrook: Thank you Mr. Speaker, you will be pleased to know that I am going to be quite brief in my remarks.

I am concerned with three aspects of the bill, three aspects of principle. First of all, as raised by my leader, I would hope that the Minister of Financial and Commercial Affairs will respond directly to the question of retroactivity. It is not my intention to elaborate, but I would say that I have information that there was a great deal of activity by accountants, lawyers, inventory takers and others immediately prior to the effective date, I think June 14, in connection with the acquisition of at least two corporations here in this province in this industry.

I see no reason as a matter of principle that you should not support the principle, the prime principle of the bill, the question of retroactivity. It has been done before. I would not accept your concept that as a matter of principle the government will not legislate a law that is retroactive in its nature. I hesitate to support retroactivity in legislation for one does not want to interfere with the contractural rights of people, be they citizens of this or any other province or nation. But frankly if we are going to carry forward the principle as espoused here, I would like some positive response as to the reason for the effective date of June 14.

Now more importantly, I think the member for Riverdale did hit the nail on the head in connection with the definition of non-resident rather than Canadian citizen used throughout the bill. For the life of me, it seems so obvious that I do not think it requires any further word on my part, except it does require, most respectfully, Mr. Speaker, through you to the minister, an adequate and consistent explanation of the points made by the member for Riverdale.

Finally Mr. Speaker, with your permission I would like to refer to section 8, subsection 1, and the definition section of equity share. As so many members have said during the course of the debate, one hopes this legislation is perhaps a precursor of other statutes to come, and that therefore we might be regarding the 10-and-25 principle as enunciated in section 8, subsection 1, as the governing principle upon which the government of this province will found its attitude relative to Canadian ownership.

Now it would seem to me, frankly, with the little knowledge of corporate law that I have, that it would not require a lawyer of very significant talents to obviate the intent of the government in connection with Canadian control. That to me is the essential aspect. It is really not a question of investment because there is nothing inherently wrong with outside investment, but it is a natural desire that we want to ensure that that investment is not control investment.

I wonder when you say, as you do on section 8, subsection 1:

> —No corporation shall carry on business in Ontario as a distributor if, (a) the total number of equity shares of the corporation beneficially owned, directly or indirectly by non-residents over which non-residents exercise control or direction exceeds 25 per cent of the total number of issued and outstanding equity shares of the corporation.

Hon. Mr. Wishart: Where is the hon. member reading that?

Mr. Bullbrook: I thought I was reading from section 8, subsection 1(a).

Hon. Mr. Wishart: Oh yes. Right.

Mr. Bullbrook: It might stand us in good stead if you would permit me to read the definition of equity share. Equity share, Mr. Speaker, as defined, in section 1, subsection 1(e):

> Equity share means any share of any class of shares of a corporation carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing.

The member for Lakeshore truly and rightfully directs us in this House from time to time on our significant propensity for using words to sometimes mystify the public, and in point of fact, sometimes mystify the legal profession. It certainly mystifies me on many occasions as a member of such profession.

Basically what the government is intending to do is to assure the public of Ontario that non-Canadian citizens will not control the book distribution industry, and I see no reason why they do not say that. In point of fact, as the minister is aware, Power Corporation, I think it is, with an equity participation of about $2.5 million, through the issuance of certain methods, a certain type of voting preference stock which accrues to each share 100 votes, can close a half billion dollar enterprise. They do not come anywhere near to either 10 or 25 per cent in connection with the shareholdings themselves.

And that is exactly the point that I wish to raise. Why do we not in section 81 talk about control? There is no reason to talk about participation in equity shares, because what you do there is invite the very thing that Power Corporation has undertaken—to control a significant enterprise with a comparatively small investment.

I am very interested in that respect. I hope the minister would explain to me where I am wrong, because it seems so patently obvious that I have to be wrong. I am sure that any corporation lawyer worth his salt would be very pleased, on behalf of American participants, to issue voting preference shares to which accrue, say, 100, 500 votes per share, and avoid the intention of the government in this connection. Thank you, sir.

**Mr. W. G. Pitman** (Peterborough): Mr. Speaker, I would like to say just a few words about this bill, and perhaps take a slightly different attack than other members have attempted to do on it. I think perhaps we should take a look at what the end product is that we are trying to secure through legislation of this kind. Obviously this legislation came down directly from the commission, which was looking into the whole question of publishing. I am wondering whether the minister has seen the possibilities which this legislation really leaves open to him; what could have been the possibilities.

As the end, the goal, one would hope surely that the people of this province should be able to go into book stores and other distributing centres across this province and be able to find on the shelves books about Canada, books by Canadian authors, quality publications, which would allow people to know something of the land in which they live, and about the people in that land. It seems to me that at this time particularly, when we are speaking of a paperback revolution, when we are talking about education as something which takes place outside the schools and rather in the community, that a paperback library is perhaps every man's opportunity to educate himself.

That is why what we are talking about here today has very, very substantial importance in in terms of the kind of society we are going to have in this province in the years to come.

So, in a very real way, this legislation does not solve the problem. This province still has not solved the problem of real, substantial and continuing and widely disbursed support for Canadian publishers, for Canadian authors, some way of impelling, you might say, more of these books on the shelves of the dealers across this province. This is not solved by this legislation.

All it does really, is state that at least in Ontario a monopoly controlled by an American distributor is not going to be the reason why there are no Canadian books by Canadian authors on Canadian subjects in the book stores, in the drug stores and in the corner grocery stores across this province. Really, that is all this legislation does.

One cannot help hoping and wishing that the minister might have gone a bit further in recognizing what possibilities there were. In terms of looking at the whole monopoly position of these distributors—after all, this legislation is under his division of consumer protection, under his Department of Financial and Commercial Affairs—one would think that he might well be concerned about this whole distribution process, the method by which this is carried on, which comes out of the testimony of the commission as one reads it, the degree to which these monopolies control what really the individual can read, and particularly, in the smaller communities of this province where there may be only one bookstore. And yet these individuals are able virtually to decide what is being read in that community, what is going to go on the bookshelves. In fact, the local retailer has virtually no control over this particular kind of commodity, unlike many other commodities where he can pick and choose and make some decision about

what the people in his area might like to read, and indeed can in some cases respond to the desires and demands of the people in that community. The distributor of paperbacks in the province of Ontario is completely in the hands, of monopoly control of one particular retail distributor. Now this is what I think is inherently wrong with this system.

As the minister knows, they come in and they simply decide what books are going to be put on the shelf. They decide on the basis of how many books will be distributed and what those book titles will be, because the main reason is they are prepared to take back the books that are not sold.

One might even suggest there is some degree of basic injustice about our so-called free enterprise system which allows that kind of monopoly. One might even suggest there is something basically wrong with a system in which the books never become worth less money, where you never pay less than 75 cents or $1 or $1.25, where there is no possibility of change in the marketing system whereby paperback books of some quality cannot be secured for a much lower price except if you happen to be in a very large city where you can go to places such as Coles or A&M. It is funny I should mention A&M, of course, because it has just been sold to an American firm.

**Mr. Nixon:** That was A&W.

**Mr. Pitman:** A&W is it? They sell I think another commodity. But the point I am referring to is the monopoly situation which I think is desperately wrong. For example, I think it was in a Toronto newspaper this morning in regard to TV Guide. Now, here is a periodical which apparently, from the statements in the newspaper, is one of the most lucrative forms of publication you can sell. Of course you can find it in every supermarket, every drugstore, virtually every kind of store imaginable and I wonder if the minister has ever read TV Guide as to what kinds of programmes it proposes we in Canada should be seeing on Sunday nights.

Try and see what is on W-5, or try on the basis of the descriptions in TV Guide to see what is to be found on the public affairs programme of the CBC—what is that?—at 10 o'clock on Sunday night.

You will not find a single word of description of what the major public affairs programmes of the two major Canadian networks are in this country. Now, it seems to me, it is totally irresponsible that we should have that kind of a publication being the only available one and essentially it is because of the system of monopoly which is controlled by the distributors of these kinds of periodicals and books.

Now, I simply say to the minister, it is high time he looked at far more than just the Americanization. We will support this legislation. Obviously we are going to support this legislation because it is the first step. But I would hope that when the minister reads very carefully and has an opportunity to talk to those commissions and takes a look at all that is being done in this very important area—the paperback and periodical industry—that he might very well take cognizance of other areas in which his consumer protection division might well destroy this kind of monopoly which effectively inhibits the reading, indeed the study of people in the communities across the province.

Mr. Speaker, would you like me to call it 6 o'clock?

**Mr. Speaker:** If the hon. member has very much more—

**Mr. Pitman:** Well, I do have a little more perhaps.

**Mr. Speaker:** It being 6 of the clock, I do now leave the chair. We will resume at 8.

It being 6 o'clock, p.m., the House took recess.

# CONTENTS

Tuesday, July 20, 1971


**Alleged mistreatment of prisoner in Don Jail, questions to Mr. A. F. Lawrence,** Mr. Singer ..... 4267

**Tent city for youth on Mercer grounds, questions to Mr. Potter,** Mr. Singer, Mr. Trotter, Mr. Lewis, Mr. Pitman ..... 4267

**Strike at Inn on the Park building on Queen Street, question to Mr. Carton,** Mr. Singer 4269

**Extension of expressways within Metro boundaries, questions to Mr. Davis,** Mr. Singer 4270

**Policy on extension of aid to separate schools, question to Mr. Davis,** Mr. Lewis ..... 4271

**Second reading of Bill 94 without government amendment, questions to Mr. Kerr,** Mr. Lewis ..... 4272

**Intervention in dispute between Texpack and textile union in Brantford, questions to Mr. Carton,** Mr. Lewis ..... 4273

**Threat to OHSIP plan by doctors, questions to Mr. A. B. R. Lawrence,** Mr. Lewis ..... 4273

**Strikebreaking activities at Johns-Manville plant in West Hill, questions to Mr. Carton,** Mr. T. Reid ..... 4273

**Former ministers of Crown supplied with chauffeured limousines, questions to Mr. Davis,** Mr. Shulman ..... 4274

**Large number of accidental deaths on killer strip section of highway 17, question to Mr. Davis,** Mr. MacKenzie ..... 4275

**Alleged assault of woman at Texpack in Brantford, questions to Mr. A. F. Lawrence,** Mr. Makarchuk, Mr. Lewis ..... 4275

**Lack of judges in judicial district of York, questions to Mr. A. F. Lawrence,** Mr. Deacon 4275

**Conciliation in dispute between Dominion Glass and glassworkers in Hamilton, questions to Mr. Carton,** Mr. Deans ..... 4276

**Many square miles of Niagara peninsula polluted from marsh fire, questions to Mr. Kerr,** Mr. Bukator ..... 4276

**Historical uses of terms Prime Minister and Premier, questions to Mr. Davis,** Mr. Lewis 4276

**Emergency assistance re farm products marketing legislation, questions to Mr. Davis,** Mr. Innes, Mr. Bolton ..... 4277

**Circumstances under which cottage rentals subject to sales tax, question to Mr. Winkler,** Mr. Good ..... 4278

**Overcrowding situation at hospital for retarded in Aurora, question to Mr. A. B. R. Lawrence,** Mr. Shulman ..... 4278

**Action to increase quota of industrial milk to cheddar cheese plants, question to Mr. Davis,** Mr. Yakabuski ..... 4278

**Municipal Act,** bill to amend, Mr. Bales, first reading ..... 4287

**Homes for the Aged and Rest Homes Act,** bill to amend, Mr. Wells, second reading .... 4288

**Registration of businesses engaged in the distribution of paperback and periodical publications,** bill to provide for, Mr. Wishart, on second reading ..... 4289

**Recess,** 6 o'clock p.m. ..... 4305

# Legislature of Ontario Debates

No. 106

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Tuesday, July 20, 1971

**Evening Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO



The House resumed at 8 o'clock, p.m.

## PAPERBACK AND PERIODICAL DISTRIBUTORS ACT
*(concluded)*

**Mr. Speaker:** Order.

**Mr. W. G. Pitman** (Peterborough): Perhaps the Provincial Secretary would like to make a count of the government members who are present in the chamber at the present time, in view of his refusal to accept our facts as to the number who are present.

**Hon. J. Yaremko** (Provincial Secretary): I will do better. I will measure up the opposition members with our attendance for the last five years. How about that?

**Mr. Pitman:** Any time, any time at all, I say to the Provincial Secretary.

**Hon. Mr. Yaremko:** He should speak to the man behind him. Whatever is his name?

**Mr. J. L. Brown** (Beaches-Woodbine): Why does the Provincial Secretary not do it?

**Hon. Mr. Yaremko:** Is there a stranger in the House there?

**Mr. Brown:** He has a nice bunch supporting him out there tonight.

**Mr. Pitman:** The Prime Minister has come in now, to make five members.

Interjections by hon. members.

**Mr. Speaker:** The hon. member for Peterborough has the floor at the moment.

**Mr. Pitman:** I am not going to spend a great deal of time on this bill. I think I have said really most of what I wished to say before the dinner hour, and I am called to another part of this chamber's activities. One thing I do want to talk about for a moment is the nature of the whole paperback industry, and the whole dispensation of paperbacks in our province.

Really I have only three areas that I want to reiterate. I think that this bill deals with the problem of the foreign control of these wholesalers, of these distributors to the individual retail outlets. It does not really have any influence on the quality of the paperbacks, simply because in the whole system of monopoly control by these companies over sections of Ontario—mapping out these sections, cutting them apart, taking them virtually as feudal feifs in terms of the retailing of these paperbacks—this is not in the best interests of Ontario citizens and the minister knows it.

Now, in this particular piece of legislation, the minister has a great deal of power in terms of investigation, in terms of really understanding what is going on in this industry. The officials that he will be appointing, and indeed his entire consumer protection section, will have a great deal of power. One would hope that very soon there might be an opportunity for the real free enterprise system to enter into this particular area.

One would hope that we might get decent bookstores as a result, that a retailer would not be in the position, essentially, of being put upon by one single monopoly and being told that he accept these books, and these books alone, whether there are any Canadian authors or any Canadian books at all, or he gets nothing. He will not be in the position of being virtually imposed upon by a monopoly which, I suggest, in many small communities seriously distorts and inhibits the cultural life of that community.

As well, as I have said already, this legislation will not in any way affect the Canadian content of these paperbacks, any more than any piece of legislation that we have already seen passed here. It can, of course, stop what could have happened in the sense of the American control of all of these wholesalers who would have been able virtually to drive all of the Canadian books off the paperback bookshelves in this province. But to a large extent it does nothing to encourage the flowering, the explosion, of a Canadian culture in the paperback industry.

Finally, there is nothing here which ensures service to people. There is nothing here which ensures any kind of competitive cost

in paperbacks. As the minister well knows, the book industry in this country is one of the least attractive aspects of our Canadian culture. It costs more to buy hardcover books in Canada than perhaps any other country I know of in the English-speaking world. People come from England and bring back books. They go to the United States and bring back books, because our hardcover books are so expensive.

What I am saying simply is this, that the soft cover, the paperback, is an opportunity to secure culture at a low cost in a country where the hardcover book is extremely expensive. So, I simply say, that here is an area where there should be competition. One would hope that after a year of this legislation—

**Mr. P. J. Yakabuski** (Renfrew South): What is that word?

**Mr. Pitman:** —the minister would be bringing in legislation under his consumer protection division which would encourage the development of a real Canadian paperback industry in this country.

**Mr. J. E Bullbrook** (Sarnia): The member is a free enterpriser at heart. He really is.

**Mr. Pitman:** I am very pleased to hear that, very pleased.

**Hon. W. G. Davis** (Prime Minister): That became very obvious during the convention.

**Mr. Pitman:** I want to suggest to the Prime Minister and to the member for Sarnia—

**Mr. Bullbrook:** He might deflect to the right.

**Mr. Pitman:** —that I do not know what this has to do with free enterprise.

**Hon. Mr. Davis:** The member was talking about free enterprise earlier.

**Mr. Pitman:** What I call free enterprise in this country is not very free and not very enterprising.

**Mr. Yakabuski:** Oh, come now.

**Mr. Pitman:** That is the problem. This is a perfect example of it. What kind of free enterprise do we have here? There is no freedom for the retailer in the paperback industry. It is not very enterprising.

**Mr. Bullbrook:** No, but the member wants it. He wants free enterprise.

**Mr. Pitman:** If the government means by free enterprise, Americanizing, this, of course, is the problem that it has dealt with in this particular piece of legislation.

**Hon. Mr. Davis:** Oh no, the member wants free enterprise.

**Mr. Pitman:** Mr. Speaker, I am not going to go any further with this. This has been dealt with by a number of others who have spoken on this bill in terms of the various individual sections of this piece of legislation. All I can say is that it is only a very, first small step toward what, I hope, will be a very real opportunity to do something effective about one area of Canadian culture which is important and extremely significant.

**Mr. Speaker:** Is there any other member who wishes to speak on this bill before the minister?

The minister has the floor to close the debate.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, all the members from the opposition who have spoken with respect to this bill have indicated that they will support the legislation as proposed, and yet the debate about the legislation has ranged quite wide in a far-reaching way—

**Mr. Bullbrook:** It shows how bad the bill really is.

**Hon. Mr. Wishart:** —with the various questions, suggestions and recommendations with respect to it.

I would like to deal with the comments in order—

**An hon. member:** All set?

**Hon. Mr. Wishart:** —and I have made notes as the debate went along.

The Leader of the Opposition, the member for Brant, spoke about the retroactivity, particularly of this legislation, about what he felt should be retroactive legislation. I am interested in that approach and in that attitude because this legislation is not retroactive. I must be very clear about that. The legislation was brought in quickly, very rapidly, after the recommendations of the royal commission on publishing came to our attention and in two or three days we prepared

legislation to implement those recommendations and those recommendations only.

As everybody is aware, the commission is still sitting. It is holding further hearings. It is hearing further evidence. It may be that, and I would not be surprised if further recommendations did not come forward. It might very well be necessary to consider those recommendations and implement them. It might very well be necessary to produce further legislation or to amend or add to this legislation.

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker, would the minister permit a question on the retroactivity? Would the minister consider the retroactivity to the extent of the purchases that were finalized two or three days before the operative date of the bill?

**An hon. member:** A good point.

**Hon. Mr. Wishart:** Yes, Mr. Speaker, I was coming to that. I said, in my remarks today on moving second reading, I thought it was proper to advise the House that this bill did not contain the principle of retroactivity and was not retroactive. This legislation does not do that. I was hoping for some comment from the speakers in this debate. As I say, the Leader of the Opposition felt, I thought, very strongly, in urging that the legislation be retroactive, particularly with respect to those purchases which occurred within a very few days prior to June 14 when this legislation was introduced. I do not know. I am open to considering the possibility of making the legislation retroactive, but I picked the point out and I opened my remarks tonight to say that it does not do so and I will come to that, and touch on that, as I go along in my remarks.

The aim of the legislation, as I understood it and as the recommendations seem to indicate, was to prevent an expansion of the foreign control into the distribution in Canada, in Ontario—

**Mr. E. Sargent** (Grey-Bruce): After it is too late.

**Hon. Mr. Wishart:** —in Ontario of paperbacks and periodicals. Now, the hon. member for Grey-Bruce says it is too late. Well, I would have to say that there were two or three purchases of distributing concerns just within a few days prior to the introduction of this legislation.

To that extent, one could say—yes, it is too late. But I think if you examine the legislation introduced by way of licensing concerns, corporations, individuals, to give control, to afford disclosure—and the amendment I will offer when we go into committee, to limit territory of the licensee—quite effectively limit, to a very extensive degree, at least control.

Now, there was no intent and there is no proposal in this legislation to roll back American ownership or foreign ownership. There is nothing in the bill like that.

One of the speakers spoke about the 25 per cent of equity ownership. I think it was the member for Sarnia. That is in section 8 but then you will note the escape clause, if I may call it that, the exception at least to that requirement and if the concern is doing business as of June 14 in Ontario, they are licensed automatically and all that is required—

**Mr. Sargent:** Why does not the minister tell the House how bad it really is?

**Hon. Mr. Wishart:** —and all that is required after that is—

**Hon. E. A. Winkler** (Minister of Revenue): When did he show up?

**Mr. J. Jessiman** (Fort William): He comes around once in a while.

**Mr. Sargent:** I have been checking up on the hon. member.

**Mr. Jessiman:** On Tuesdays and Fridays.

**Hon. Mr. Wishart:** —all that is required after that licence is granted, pursuant to section 3 of the bill, is that by section 4 on the first day of October of this year, 1971, the distributor shall make application—that original registration expires—and he must make application and then produce such information and meet such requirements as the registrar, appointed pursuant to this Act, may require.

Then a year from June 14, 1971, a year from that date on which this legislation was introduced, that licence will not be effective unless the concern has been incorporated under some law of Ontario or Canada.

I have an amendment to offer to that, to tighten that control. I shall offer it in committee, but I would like to indicate to the members that it will require that the persons acquiring equity ownership in that concern, as of June 14, 1971, shall create no difference in its ratio of ownership.

That will prevent some foreign concern from acquiring a larger share of ownership, not by necessarily buying Canadian locations

but by buying up other foreign owners because that would change the equity relationship of the shares of the local distributor, so that will be a further control.

I grant that this legislation was produced in haste, but I think it was a very thorough piece of work nonetheless and is designed to achieve—and I think it does achieve—the objects which the royal commission set forth in their recommendations.

We may need to go further, and it is not the final word necessarily, although at the moment I do not know that we are seeking to do what we have done with respect to some of our financial institutions, that is require a certain Canadian content. That is not in this bill. We have used the principle in other legislation—some of our trust companies' and other financial institutions' legislation—25 per cent is the maximum which we would allow for foreign ownership and 10 per cent for any single individual or corporation. That is—

**Mr. D. M. Deacon** (York Centre): A question of control!

**Hon. Mr. Wishart:** That is not in this bill. There is no rollback to achieve that in this legislation. That is not contemplated; that is not intended, certainly not at this time.

I am not sure that that is of great moment either—or great importance. One must face the facts, I think, in this continent—and in this province, in this country in which we live—that we are 20-odd million people—22 million or thereabouts. We live on a continent where we are neighbours to a country with approximately 10 times that population. Approximately 220 million, all speaking and using the same language generally, with the exception of our friends in the Province of Quebec who, to some extent, also speak English but are largely trying to maintain their culture.

Now we are concerned with our culture—not with a language problem—and the problem which, I think, the royal commission saw was that by controlling the distribution of paperbacks and periodicals, a great mass of reading material of all sorts, every kind you can think of, was coming into this country. Those persons who control distribution control the reading habits and the contents of our reading—

**Mr. Nixon:** Will the TV Guide still not be the biggest seller?

**Mr. Bullbrook:** That is a good point my leader makes. A good point there.

**Hon. Mr. Wishart:** You must—

**Mr. Bullbrook:** One can only distribute what one is given to distribute.

**Hon. Mr. Wishart:** Let me bring to the members' minds this—

**Hon. Mr. Winkler:** If the member wants us to listen to his leader now give us the time, even if he is putting in—

**Mr. Bullbrook:** You know, Mr. Speaker, the Minister of Revenue—

**Mr. Speaker:** Order! If the hon. member for Sarnia wishes the floor he will obtain it in the proper manner.

**Mr. Bullbrook:** On a point of order, then. I did not see him once get off his backside—

**Mr. Speaker:** Is the hon. member for Sarnia making a point of order?

**Hon. Mr. Winkler:** Who is out of order tonight first? The member for Sarnia—he does it all the time.

**Mr. Speaker:** Order! Order!

**Mr. Bullbrook:** He never continues anything—

**Mr. Speaker:** Order! Order!

**Hon. Mr. Winkler:** He has no respect for this House whatsoever. He had better go home.

**Mr. Bullbrook:** —all he is good at—

**Mr. Speaker:** Order! Order

**An hon. member:** Sit down.

**Mr. Bullbrook:** He does not even know his own department—

**Mr. Speaker:** Perhaps we would let the minister continue.

**Mr. Bullbrook:** Certainly, sir.

**Mr. Sargent:** Let the Minister of Revenue speak.

**Hon. Mr. Winkler:** We could give the member a chance. He only shows up once a week.

**Mr. Speaker:** Order! The Minister of Revenue is out of order.

**Mr. Bullbrook:** Absolutely!

Interjections by hon members.

**Mr. Bullbrook:** Would the minister listen and pay attention to the Speaker for a change, please?

**Hon. Mr. Winkler:** That applies to the member first.

**Hon. Mr. Wishart:** Mr. Speaker, no matter who controls the distribution of—

**Mr. Sargent:** Keep on talking! Through you, Mr. Speaker, to the Minister of Revenue; he is great.

**Hon. Mr. Wishart:** No matter who controls the distribution of paperbacks, periodicals or books generally, you are going to find that the great part of the work of authors, the great bulk of publications is going to be coming—and quite rightly so; I think one cannot quarrel with this—from Britain and the United States, where English is used, written and spoken. We are going to buy still, no matter who distributes it, a great bulk of our material from our neighbours to the south. Even if you put the distribution in Ontario entirely in the hands of Ontario distributors—

**Mr. Sargent:** Now.

**Hon. Mr. Wishart** —now, this—

**Mr. Sargent:** Now; The minister is still only talking about five per cent of the market.

**Hon. Mr. Wishart:** Yes. You would only still—

**Mr. Sargent:** —95 per cent of it has gone.

**Hon. Mr. Wishart:** Right. Let me pursue it. We would still be talking about only five per cent, at best, of the market. This, I think, we must realize, but—

**Mr. Sargent:** This legislation covers five per cent of the market.

**Hon. Mr. Wishart:** Yes, but let me say this. The danger is this.

If you have a foreign distributor who is disinterested in our Canadian content; who is concerned with, as I think the evidence before the royal commission said, with the buck—with money only—with getting what he can by way of return; if he is not concerned with the content and he does not care about the Ontario publisher or the Canadian publisher, then he really has a control of what we read, what we consume in the way of publications. This is where the danger lies. And I think there was some of the evidence before the commission very recently, in the last few days, where by purchasing a location and by denying certain publications to certain people to whom the American distributor was not sympathetic, he could say, "You are not going get a number of other publications."

**Mr. Sargent:** It is a lever.

**Hon. Mr. Wishart:** And he could say, even though he was on the friendliest terms, to all his retailers, to all the persons who put the publications in the hands of the individual: "I am not interested in Maclean's Magazine. We are not interested in that. It does not make the bucks." And it is no use talking, as someone did, about protecting the publisher, giving the publisher a chance.

We could publish all the books we like in Canada, but if we cannot get them distributed into the hands of the customers—

**Mr. Sargent:** Right.

**Mr. T. P. Reid** (Rainy River): Right. We agree with that.

**Hon. Mr. Wishart:** This is the crux. If you do not have someone sympathetic or interested and if he is not interested or sympathetic, then you have to have the control and say that unless he will give a fair shake to the Canadian publishers—this is where our registrar can lay down certain requirements —then he does not get a licence.

**Mr. Sargent:** Mr. Minister, does this legislation give that leverage?

**Hon. Mr. Wishart:** Pardon?

**Mr. Sargent:** Does this legislation give that leverage?

**Hon. Mr. Wishart:** Yes, I think it does. Now, the hon. member has not seen—

**Mr. Sargent:** I congratulate the minister. He is right on target with what he is talking about now.

**Mr. Speaker:** Order.

**Hon. Mr. Wishart:** This is what the legislation aims at. Granted, none of the hon. members have seen the regulations, nor have I, because they are not yet prepared. But the legislation does provide—

**Mr. T. P. Reid:** That is hardly uncommon these days.

**Hon. Mr. Wishart:** No, that is not uncommon, is it? Sometimes it is a good way to go.

We have to have some way to implement—I think it is the principle which we pursue on this one. I have heard a lot of talk about this with respect to various legislation in the House. The principle we pursue is that we put in the bill, in the legislation, in the Act the principles that must be followed. And it is quite proper, quite reasonable and quite necessary to follow those legislative enactments with the mechanics, by way of regulations, through which we carry them out.

**Mr. T. P. Reid:** By way of regulations!

**Hon. Mr. Wishart:** By way of regulations—

**Mr. T. P. Reid:** That is right. The minister said legislation.

**Hon. Mr. Wishart:** That is the mechanics—

**Hon. E. Dunlop** (Minister without Portfolio): Regulations are legislation.

**Mr. J. Renwick** (Riverdale): Oh, come on!

**Mr. J. B. Trotter** (Parkdale): Come now!

**Mr. Bullbrook:** It was a slip of the tongue.

Interjections by hon. members.

**Mr. T. P. Reid:** The minister is expressing his own principles in these his last days.

Interjections by hon. members.

**Hon. Mr. Wishart:** Oh no, I have always been of this mind.

**Hon. Mr. Dunlop:** The hon. member is mixed up between statutes and regulations, both of which are legislation.

**Mr. T. P. Reid:** We never heard this kind of talk from the minister before.

**Hon. Mr. Wishart:** The hon. member seldom listens to me

**Mr. T. P. Reid:** Maybe that is why.

**Mr. Bullbrook:** As of last Friday, I became very attentive.

**Hon. Mr. Winkler:** We all know that.

**Mr Trotter:** He is going puttering.

**Hon. Mr. Wishart:** Last year, if I may remind the hon. members, I brought in an Act—I think it was last year or the year before—The Regulations Act, which required all regulations to be reviewed by a standing committee of this Legislature—

**Mr. Trotter:** Right. Good Liberal advice.

**Hon. Mr. Wishart:** So that I think my friend the Minister of Revenue, is quite right when he says regulations are legislation.

**Mr. H. Worton** (Wellington South) That was not his statement.

**Mr. Nixon:** It was not the Minister of Revenue.

**Mr. Trotter:** It was the member for Forest Hill.

**Mr. Sargent:** Do not quote the Minister of Revenue, you are dead right then.

**Mr. Trotter:** "Wrong-way Dunlop," the papers call him.

**Mr. Sargent:** He is persona non grata up our way, I will tell you.

**Hon. Mr. Winkler:** Speak for yourself.

**Mr. Sargent:** The minister is dead.

**Hon. Mr. Winkler:** Not as dead as the hon. member.

**Mr. Sargent:** Oh boy! The minister had better stay right down here. Big black limousine—stay right down here!

**Mr. Nixon:** He really does not need that big car, whether he is in this ministry or not.

**Mr. Sargent:** He had better take a trip down south. It is his last chance.

Interjections by hon. members.

**Mr. Speaker:** I realize the member for Grey-Bruce has to make up for lost time—

**Mr. J. E. Stokes** (Thunder Bay): Touché.

**Mr. Sargent:** I know, but we cannot resist that guy. That guy is our special.

Interjections by hon. members.

**Mr. Sargent:** Thank you very much, sir.

**Mr. T. P. Reid:** This may be his swan song. We want him to enjoy it.

**Hon. Mr. Davis:** Who, the hon. member for Grey-Bruce?

**An hon. member:** Oh, no.

**Mr. Sargent:** They are all running scared, even the Prime Minister.

**Hon. Mr. Davis:** I always wish him enjoyment.

**Hon. Mr. Wishart:** Mr. Speaker, that remark that regulations are legislation, I should have given—

**Hon. Mr. Davis:** I was going to say he would be a great improvement to me over some, but I will not—

**Hon. Mr. Wishart:** —credit to the member for Forest Hill.

**Mr. Nixon:** Dalton Camp is around here all the time. That must be what he is talking about.

**Hon. Mr. Wishart:** So, having said that we sought to carry out the recommendations of the commission, I rather anticipate that we could bring some more forward as a result of the commission hearings.

Interjection by an hon. member.

**Hon. Mr. Wishart:** There was a comment by, I think, the Leader of the Opposition and by the member for Downsview. I think the member for Downsview said the minister should "come clean" and the hon. Leader of the Opposition said there seemed to be some information that "you have not told us."

**Mr. Bullbrook:** Right.

**Hon. Mr. Wishart:** As for the evidence before the commission of the last few days, I know, at least some of it, had been placed immediately in the hands of members of all opposition parties, both oppositions. The member for Downsview has it, I am quite sure. He has a transcript of evidence.

**An hon. member:** He is a softie and that is good.

**Hon. Mr. Davis:** He did not tell his leader? He did not tell him?

**Hon. Mr. Wishart:** I am sure he has them.

**Mr. Nixon:** Has what?

**Hon. Mr. Wishart:** He has evidence that was given before the commission.

**Mr. Nixon:** I thought it was something more serious. I am sorry.

**Hon. Mr. Wishart:** And I find, one must be fair.

**Mr. Sargent:** If the member for Don Mills (Mr. Randall) wants a draft—

**Hon. Mr. Wishart:** I am not going to stand up in this House and pretend that I have knowledge that there is criminal personnel behind these companies or that there is money derived from criminal sources in this business. I do not know that. There has been no evidence given to me to that effect.

**Mr. T. P. Reid:** That has been indicated.

**Hon. Mr. Wishart:** It has not been indicated, and I have read all the background and all the evidence that came before the commission. That is not apparent. It may be a fact. How does one trace the source of money?

**Mr. Sargent:** What is the minister's motivation for the legislation then? What is his motivation for it?

**Mr. J. Renwick:** Oh, come on.

**Hon. Mr. Wishart:** But, in saying that, I want to be very clear. I think, even though one has a great privilege in this House to stand up and say something and express a view, he must adhere to proof of what he knows. If there is, I have no knowledge. Of all the names which have come before the commission, there is no evidence that any money from criminal sources is in the business of distributing these publications. So, I am not withholding or hiding from the members of this House any knowledge that I have. As I say, there may be; this may be a fact. If it is so, there has been no evidence of it, and I do not know.

One other thing, Mr. Speaker, about this bill—I have before me notes as to who raised these points—there is no censorship in this legislation. There is no suggestion that there shall be any censorship. With great respect to the member for Parkdale, I was almost on the point of interrupting his comments, because he talked almost entirely about that point with respect to this legislation, about the police raiding stores, and about our kind of control of pornography.

This bill has no approach to that at all. There is nothing in this bill that would do anything like that or give any powers of that kind. It is merely to control and to obtain disclosure with respect to who distributes these publiactions. There is nothing—

**Mr. Trotter:** The government could put an operation out of business by seizing its books of accounts. It is very easy.

**Hon. Mr. Wishart:** Yes; but it is very explicit in the bill. If I must quote the section, I believe it is right in section 1, the last subsection. It is on page 3 of the bill, subsection 3 of section 1:

> Nothing in this Act shall be construed to have the effect of controlling, influencing, or otherwise affecting the content of any paperback or periodical.

We are not concerned with the content. If books are obscene, if they are so pornographic that they should not be in the hands of the reading public, it is under some other legislation that they shall be pursued. If they should not be imported, that is a matter for federal control. I only refer to this because the member for Parkdale raised it. It is not on the principle of this bill at all, that has nothing to do with this legislation. I simply want to disabuse everybody's mind of that.

Now, the definition of nonresident in this legislation was raised as one of the points. Perhaps I might be prepared to agree that possibly there is some better way of defining that term and of relating it to the matter of Canadian citizenship, but we took it in our haste—and I am not going to apologize for it, we can look at it again in committee—we took it, I think you will find, exactly in the language which we used in The Securities Act. I believe that whole definition section.

**Mr. Bullbrook:** Will the minister recall that we raised the very same argument in The Securities Act?

**Hon. Mr. Wishart:** Yes, and I am prepared to consider it again. But we gave it a great deal of study, I know, in other legislation. I only cite The Securities Act because that is one place where the language is, word for word, comma for comma, period for period, the same as this definition contained in this Act. I know it received a great deal of study there, not only by the members of this Legislature, but by the committee, the very capable committee, which studied that legislation before it was produced.

**Mr. Bullbrook:** Well, the minister has an open mind?

**Hon. Mr. Wishart:** I have an open mind upon it and we shall come to it.

The hon. member for Downsview (Mr. Singer) is not here, but he started off his remarks by saying "Why the rush?" Now, he knew very well, and I told him at the time I interjected, that he knew perfectly well if he read the report which I tabled in this House that there was a great urgency. But he on the one hand says, "You missed the boat because you did not catch those two or three purchases", then he says "Why the rush?" Well I think that scarcely calls for an answer. If he does not know I will be glad to inform him, or I will let him read that report again.

**Mr. Bullbrook:** What about 25-10 formula under section 8? What about the equity share situation?

**Hon. Mr. Wishart:** The member for Lakeshore (Mr. Lawlor), who is not here either—

**Mr. Stokes:** He is in committee.

**Mr. A. K. Meen** (York East): How does the hon. member know?

**Hon. Mr. Wishart:** He does not belong to that committee.

**Mr. Stokes:** He is in there participating.

**Hon. Mr. Wishart:** He does not belong to it. His place is here in the House.

**Mr. Stokes:** The minister is unreal.

Interjections by hon. members.

**Hon. Mr. Wishart:** He is not a member of that committee. His place is here. The hon. member for Oshawa (Mr. Pilkey)—

**Mr. Bullbrook:** Education is the greatest licence to steal that there is.

**Hon. Mr. Wishart:** The member for Oshawa held the whole House up for a day to get him back here one day when he said he was down in committee, and he was not a member of the committee at all.

Interjections by hon. members.

**Mr. I. Deans** (Wentworth): Maybe the minister would like to tell us where he was when the bill was called? His own bill?

**Mr. J. Renwick:** The minister is very vulnerable tonight.

**Hon. Mr. Wishart:** No, I am not. Not a bit.

**Mr. Bullbrook:** He should never have raised that subject.

**Hon. Mr. Wishart:** I am going to raise it. I am going to pursue it. I will agree with the member for Thunder Bay that the member

for Lakeshore is one of the hardest-working members of the House.

**Mr. Deans:** Agreed.

**Hon. Mr. Wishart:** I know that if he is down watching the proceedings of the committee on education, or the human resources committee, that he is serving a good purpose.

**Mr. Stokes:** Right.

**Hon. Mr. Wishart:** I merely point out that he could be here because he spoke on this legislation, and he does not have to attend that committee, he is not a member of it. But I agree that he is one of the most capable and hard-working members in the House.

**Mr. R. Gisborn** (Hamilton East): That is irrelevant to the bill.

**Mr. C. G. Pilkey** (Oshawa): Right. And we will relay it to him.

**Mr. Stokes:** We will express your sentiments.

**Mr. Bullbrook:** Listen, if I leave now and go downstairs will the minister say that?

**Hon. Mr. Wishart:** I would be delighted.

**Mr. Meen:** Try it.

Interjections by hon. members.

**Hon. Mr. Wishart:** Mr. Speaker, I digress a moment to answer the member for Wentworth. I was two steps from the door when the bill was called. I had been down in cabinet, a special meeting of cabinet, attending to business of my department and policy.

**Mr. Deans:** It is no excuse.

**Mr. Nixon:** His place is here.

**Mr. T. P. Reid:** The minister's place is here. It is his bill.

**Mr. Deans:** And we cannot disprove that. We are not allowed in cabinet.

**Hon. Mr. Wishart:** The members can take my word for it.

**Mr. J. Renwick:** We are glad to see the minister come back.

**Hon. Mr. Wishart:** Thank you. I was only going to say about the member for Lakeshore that his comments were complete generalities. He said they were defects—

**Mr. Bullbrook:** This is something new?

**Hon. Mr. Wishart:** That is right, that is all he said. He said there are defects in this bill and he would not say what a single one of them was. He said we should go to committee, not Committee of the Whole but a special committee—I suppose he meant the legal bills committee—to study this legislation.

But he made no comment whatsoever on any specific defect he could find. It was a purely generalized comment and I know not how to answer it except to say that is what it was.

**Mr. Deacon:** Are you going to answer the defects mentioned by my colleague from Sarnia?

**Hon. Mr. Wishart:** Well, I have already touched on that.

**Mr. Bullbrook:** I wonder if the minister would permit a question? Would he say that the peripheral remarks he made about 10 minutes ago are the answer to the criticisms I gave in connection with the 10-25 formula? He is going to dwell on it, I trust. I am sorry.

**Hon. Mr. Wishart:** I am not going to dwell on it very long, Mr. Speaker, but I am going to touch it—

**Mr. Bullbrook:** I wish I did not like him as much. Really, he is tough.

**Hon. Mr. Wishart:** I am going to touch upon it. I said, and I hope this got through, particularly to the member for Sarnia, that there is no rollback in this legislation, no requirement of any Canadian content whatsoever and to talk about 25 and 10 is irrelevant to this bill.

In section 8 it says you must not have more than 25 per cent foreign control and not more than 10 per cent in one individual foreign owner, and then if you read the rest of the section there is a complete escape from that. Whatever they are today, that they remain.

Now we may need to one day come to the question of Canadian content of equity ownership in this legislation, as we have done in some of our financial bills dealing with financial institutions, but there is nothing in this bill requiring any Canadian content, and I have to say that.

The committee did not recommend it. We did not see that was the essential point. The thing was to have some control so that we could say—I would think it would go this far:

"You treat Canadian distributors in this manner under our regulations or you will not hold your licence. Do not reach out and try to get a monopoly of all of Ontario or any great section of Ontario. We will limit you territorially to a certain area. That is in one of the amendments I have to offer to committee.

**Mr. Bullbrook:** Would the minister permit an additional question? Does the minister not agree, notwithstanding the territorial restrictions he anticipates bringing in by way of amendment—for example in Metropolitan Toronto, notwithstanding the provision of section 8(1), an American can take over complete control of all distribution in Metropolitan Toronto?

**Hon. Mr. Wishart:** An American already has, I think. One would have to admit complete control, or so close a fraction of complete control that it amounts to complete control today. We are not interfering with that by this legislation at this moment.

**Mr. Bullbrook:** That is what my leader asked the minister to do.

**Hon. Mr. Wishart:** That is a fact. The committee did not recommend that. It did recommend that we take action to prevent a widening of that control and we acted with great haste, great speed, but as the member is aware, an American was moving very quickly to grab some extra territory. We may find some way—

**Mr. Sargent:** I have heard they control the whole thing now all over the province.

**Hon. Mr. Wishart:** We may find some way to roll that back. The Leader of the Opposition says "make this bill retroactive." I do not know whether that is the way to do it.

**Mr. Sargent:** Why the exercise then?

**Hon. Mr. Wishart:** We still have a lot of territory to cover.

**Mr. Sargent:** Pardon?

**Hon. Mr. Wishart:** There is still a lot of territory to deal with and to cover.

**Mr. Bullbrook:** What about if this is a precursor of other legislation in connection with foreign control?

**Mr. Speaker:** Order. The hon. member for Sarnia has had his opportunity to participate in the debate—

**Mr. Sargent:** He is right, though, he is right.

**Mr. Speaker:** —and I will not allow further questions.

**Mr. Sargent:** Saving the government again.

**Hon. Mr. Wishart:** I was dealing with the comments of the member for Lakeshore and he suggested this bill go to standing committee. I will suggest that it go to the Committee of the Whole House. That is my answer to him, and I think we can deal with this legislation clause by clause there.

The member for Waterloo North reviewed the situation of the takeovers or the purchases, particularly of the Kitchener situation, and what he called the "squeeze" which I think was very evident in the evidence that came out before the royal commission.

And as I have to admit that now this evidence is before the commission—and it was not before them when they made the second report which I tabled here—I think they may very well make some further recommendations, I do not know. But I am quick to point out to you that this legislation is not retroactive, it does not deal with that situation. We may find a way under this legislation to curtail the operation of those American distributors.

And I agree with the member for Waterloo North that the list, as the member for Peterborough drew to our attention also, the list of what books—what publications get into the hands of our readers—is made up and largely controlled by the distributor. It becomes quite apparent as we go through the evidence which has been presented so far, that list is made up by the distributor, not by the dealer. The dealer has a very small voice or very small choice in what books he gets on his shelves to sell.

The distributor says, "Take this or else," "Take these or else," "Take these or we are not interested in that one" and that is where the danger, that is where the control lies. And we can control that by the provisions of this legislation.

We can say to a dealer; "Under this legislation you are not behaving properly, not the way we want you to behave to protect our citizens in their reading material which is available to them. You are not offering Canadian publications." This legislation can do a great deal to control that.

I think with regards to the member for Windsor-Walkerville (Mr. B. Newman) I

have covered his commentary. He spoke on the retroactivity of this legislation and I have to say to him again and reiterate this is not retroactive.

We may find it necessary to do something further in that respect, but I believe this legislation by the powers that are set forth limit territorial acquisitions which may have taken place prior to the introduction of this bill.

The member for Sarnia has gone—

**Mr. Sargent:** May I ask a question?

**Mr. Speaker:** There will be no more questions, the minister has the floor.

**Mr. Sargent:** You cannot make a ruling like that; you have had questions all along here. Why do you single me out and say I caannot ask a question?

**Mr. Speaker:** The hon. minister has the floor.

**Mr. Sargent:** How can you make a ruling like that when everybody else asks questions?

Interjections by hon. members.

**Mr. Sargent:** Mr. Speaker, I will ask the question anyway.

**Mr. Speaker:** No, the—

**Mr. Sargent:** The minister is going to accept the question.

**Mr. Speaker:** Yes, but the minister must be able to complete his remarks. After he has completed his remarks, if there are questions—

**Mr. Sargent:** Where do you get off? You allow 10 questions and the member for Grey-Bruce gets up and you say "no questions."

**Mr. Speaker:** It is quite obvious that we would never get through this if we do not limit the asking of questions until the minister has completed his remarks. I will be glad to allow any member—

**Mr. Sargent:** Are you in a hurry, sir?

**Mr. Speaker:** I am not in a hurry, but I would like to see the minister able to answer the various remarks which have been made, mostly this afternoon.

**Mr. Sargent:** You are true to form! You are great.

**Mr. Speaker:** If the minister would carry on, when he has completed, any member who wishes to ask him a question, if the minister will answer, has the right to do so.

**Mr. Sargent:** You should take your seat over there and be one of the boys.

**Mr. S. J. Randall (Don Mills):** Back to Dry Gulch with the member.

**Hon. Mr. Wishart:** Mr. Speaker, I am practically through with my remarks. I have one comment—

**Mr. Sargent:** That is right, and that is why the member is sitting back there?

**Hon. Mr. Wishart:** I found the comments of the member for Peterborough very interesting. I know he was most sincere when he urged that this legislation does not touch our real problem—that is, how do we encourage, how do we maintain, how do we make available in our province publications that are Canadian and the type of thing we should get which we are not getting under the present system?

He says we should have really free enterprise here. I suppose there is nothing more free than this enterprise that we are seeking to curtail, but it is not the objective of this legislation to achieve that, I think a very worthy objective, something to which we could well devote some thought to, is how that objective is to be achieved in the situation in which we find ourselves, a small country, population-wise, against a great country, with respect to population, which floods our market with its publications.

**Mr. Sargent:** Will the minister answer a question?

**Hon. Mr. Wishart:** I do not know how one achieves that in a free enterprise system except by what might almost be regarded as perhaps repulsive legislation by way of a tariff on what is a cultural flow of literature. We have always, I think, tried to keep open the lines which allow art and science and literature to flow across our borders. To me this would be a very difficult thing to do, to require a certain content, Canadian or in any language, arbitrarily and measure it against the total. It is something that bears thought, that this legislation is not designed to do it, and yet I recognize the sincerity and the concern of the member for Peterborough.

Mr. Speaker, I would hope this bill might receive second reading now and go to Committee of the Whole House for enactment promptly in this House.

**Mr. Speaker:** If the member for Grey-Bruce or any member wishes to ask the minister a question that he will accept, it will be quite in order.

**Mr. Sargent:** The minister can answer me very briefly, if 99 per cent of our economy now is an American-controlled branch-plant economy, why single out this one single industry to bring in this legislation for it? I am in favour of the legislation, but why this single industry? Why not across the board with the same type of operation?

**Mr. Meen:** The member did not read the report.

**Mr. G. E. Smith** (Simcoe East): Read the report, read the report.

**Mr. Sargent:** Why single them out?

**Hon. Mr. Wishart:** Mr. Speaker, this is really quite irrelevant to this bill. I do not think it is 99 per cent. Where the member got that figure I do not know.

**An hon. member:** Right out of his head.

**Mr. Sargent:** Let the minister name the figure.

**Hon. Mr. Wishart:** Certainly our economy is not 99 per cent controlled abroad in dollar figures, if that is what he is talking about.

**Mr. G. E. Smith:** Not much there either.

**Hon. Mr. Wishart:** That is perhaps one step among others which have been taken by our government and the federal authorities. Our banks, our trust companies, our financial institutions we retain in our hands. Our mining industry, in one part of it at least, the federal government acted to prevent control of uranium going into foreign hands by way of sale.

This is perhaps—call it nationalistic if you like, or call it an attempt to preserve in our hands those things which we deem important to our life and our culture. This is culture. This is what we will be reading. This will affect the minds of the people, our children, who live in this province. The hon. member said he was for this legislation. It is a step, perhaps a small step, in the right direction.

**Mr. Sargent:** Very small, five per cent of the market.

**Mr. Trotter:** A mincing step.

**Mr. Speaker:** The motion is for second reading of bill—

**Mr. Brown:** Mr. Speaker, may I ask a question please?

**Mr. Speaker:** If the minister will accept it, yes.

**Mr. Brown:** Yes, I would like to know who is the specific individual that he is referring to who controls so much of this industry?

**Hon. Mr. Wishart:** The evidence before the royal commission—which the hon. member perhaps may have seen reported in the newspapers—the Metro News Company Limited. I believe it is named, is one of the distributors here controlled by two American corporations.

One of the principals, the name is Molansky—there is no secret about this, it was given in the newspapers—and Pierce I believe is the other name; the name of Rottman—there were several names mentioned of various distributors, all of them foreign in the sense that they are American and are controlling to a very large degree the distribution of paperbacks and periodicals in Ontario. These names have been given and witnesses of the name Molansky gave evidence for a day or more before the royal commission. These are the people who control the distributing industry of paperbacks and periodicals in Ontario.

**Mr. Brown:** It is intended then to stop these individuals?

**Hon. Mr. Wishart:** No, not these individuals alone. It is intended to place in the hands of this government, of the government of Ontario, the government of this province, powers which will enable that government to control to a degree the distribution of paperbacks and periodicals in this province.

As I say, the bill contains powers to license, which is one way of exercising control, to require disclosure as a prerequisite of getting the licence and to give to the registrar some territorial power, some power to limit or define the territory in which a distributor shall operate so that he cannot spread his tentacles, or his distribution, all across this province. Those are the

things. Now it may not be just those alone that I mentioned; anyone who is outside this province, from any area, who seeks to get a share of the distribution of paperback periodicals.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** I believe it is agreed it shall go to Committee of the Whole House?

**Hon. Mr. Wishart:** Yes, Mr. Speaker.

Agreed.

## INSURANCE ACT

Hon. Mr. Wishart moves second reading of Bill 81, an Act to amend The Insurance Act.

**Mr. Nixon:** Mr. Speaker, I do not think any discussion of amendments to The Insurance Act, particularly those which purport to implement no-fault insurance, should take place without a reference to Dr. Allan Linden, presently dean of the Osgoode Law School, who has been probably Ontario's authority on the research and advocacy of no-fault insurance.

**Hon. Mr. Winkler:** He is a Liberal.

**Mr. Nixon:** Being a competent, professional lawyer himself and also a teacher and researcher, I would say that his articles and writings on the principle of no-fault insurance has been widely read here in Ontario and in many other jurisdictions.

Perhaps as much as any other source of advocacy, his views have led our party to accept the no-fault concept in insurance as our policy since 1967, and we have advocated it in this House consistently since that time.

Since this bill deals, to some extent, with no-fault insurance I should make it clear, Mr. Speaker, that we approve of that concept and that principle insofar as it is brought forward in Bill 81.

We feel, however, that the attempt put forward by the administration in this amendment is a weak one indeed. It is half-hearted. It is an attempt on the part of the Conservative government to offset what they consider to be a political threat coming from the NDP which advocates, as we all know, the nationalization of the insurance industry, the automobile insurance industry. This is their effort, in my view, to take some of the action and spike the guns of the Socialists.

The point that they are making in trying to get into this particular argument is that while they are prepared to talk about no-fault insurance—

**Mr. Stokes:** Try to keep a straight face over there.

**Mr. J. Renwick:** The government is spiking the guns of the citizens of the province, that is the problem.

**Mr. Nixon:** —when they talk about bringing forward no-fault insurance, it is only in part, and it is inadequate in the part that is brought forward.

We believe, in the Liberal Party, that no-fault insurance, the no-fault concept, should go much further than simply as it applies to personal injury and as it is put forward in this bill.

**Mr. Pilkey:** How much further?

**Mr. Stokes:** The Leader of the Opposition is a real Ross Thatcher, he is.

**Mr. Pilkey:** How much further?

**Mr. Nixon:** It does not deal with property damage, and in statements made by the responsible minister, in repeated questions before the orders of the day relating to this bill, Mr. Speaker, he has said that he feels that deductible collision insurance has enough to do with the property damage aspects insofar as these payments are made without regard to fault.

Well, this obviously is inadequate. I feel that this bill is a half-baked one that has come forward without the appropriate development and research that would have made it an effective instrument to improve not only public policy but the insurance that is required by provincial statute in this province.

**Mr. Sargent:** Hear, hear!

**Mr. Nixon:** The no-fault concept goes not nearly far enough. We approve of it as it applies to injury, but we feel that it should go across the board including property damage.

**Mr. Sargent:** Hear, hear!

**Mr. Nixon:** The financial aspects, Mr. Speaker, are unclear.

**Mr. Sargent:** It is all politics.

**Mr. Nixon:** This has been put before the House—

**Hon. Mr. Davis:** I did not hear what the member was saying.

**Mr. Nixon:** —from more than one source, but specifically in the question period the government has not been able to satisfy the leader of the NDP, among others, as to just how the balance of the financing will in fact work out when it comes to the disposition of claims, particularly for personal injury as it involves the Ontario Hospital Services Commission and also the OHSIP Medicare insurance that we have in this province.

The real failure, we feel, as far as this legislation is concerned is that it perpetuates what has become some sort of a Tory tenet of faith and that is we must not have compulsory automobile insurance in this province.

It is interesting to look at the statistics available from the government's own sources in connection with the motor vehicle accident claims fund. It appears that in the last year for which statistics are available 58,000 vehicles were on the roads uninsured, and that is registered in this province.

We have often been told by the responsible minister that even without compulsory automobile insurance we have a percentage of insured vehicles that is as high as even those jurisdictions which do have compulsory coverage. Yet, these facts belie that claim.

The fact that 58,000 vehicles registered in the province have their licenses granted by virtue not of the minimum coverage required under law, but by payments to the Motor Vehicle Accident Claims Fund indicates this is a serious loophole in the protection we require for those people who operate motor vehicles on our provincial highways. We believe, in our party, that compulsory insurance should be a part of this bill and it is a serious inadequacy which could be and should be corrected by amendment when this bill is discussed at a further reading and in committee stage.

Private operation, Mr. Speaker, we do believe in. It is not a principle of this bill and I notice from the order paper that the recent amendment being put forward by the NDP does not make this an item of contention.

I do not know whether they feel they will argue that particular situation during the bill or simply leave it for the hustings. My own view is that the people of Ontario are not interested in a programme which in fact is directed toward the nationalization of this industry, plus the other list of industries which come under the policy pronouncements of the NDP.

The very concept of having a government employee in my community who is going to provide the services for automobile insurance that I feel are essential is an anathema and certainly not the sort of thing that should be added to this bill or even should be the policy of any reasonable party offering their services to take over the responsibility of government in this province.

We believe, however, that the public interest must be served in the control of the industry. It is not the first time I have stood in my place as a private member and as Leader of the Opposition to say that the public interest should be served by a requirement through legislation and through the proclamation of statutes already on the books, powers that are granted to the government to in fact control the premium levels in this province, that this would be arrived at through the department of insurance and the director of insurance but essentially responding to public policy made public through hearings before the appropriate standing committee of the legislature. A procedure, Mr. Speaker, which would work almost identically with that which I described for the hon. Minister of Health (Mr. A. B. R. Lawrence) yesterday during the discussion and debate on his amendments dealing with Medicare in this province.

As you know, Mr. Speaker, the former Premier of Ontario (Hon. Mr. Robarts) has objected to this sort of control and approach to control. He has said that if a standing committee were to be given the responsibility to hold hearings on such things as automobile insurance premium rates, then responsible government would go out the window because a committee cannot be empowered under our system as he understands it—and I would say, Mr. Speaker, as I understand it—to fix these rates.

The hearings would be held in public. The insurance industry and its spokesmen would have an opportunity to justify—or perhaps fail to justify—increases in premiums of the type that have been imposed so far in this province in the last few years simply announced by headline. The public interest would be served not only by the comments of the elected representatives to the committee but those individuals from the community who want to come forward and express their own views.

The recommendation of that standing committee would be made publicly to the government and the appropriate minister, in this case the Minister of Financial and Commercial Affairs. Responsible government would come into play when that individual in his ministerial capacity would make a recommendation to his colleagues in the government by which they would accept the committee's recommendation or reject it in whole or in part.

That is surely responsible government and a way in which the public interest can properly be served in bringing the kind of public control to the automobile insurance industry which I believe is consonant with our view of the philosophy of the free enterprise system and also to serve the public in the best and most effective and efficient way?

Well, Mr. Speaker, I have tried to keep my points brief. I have said that we approve of the basic concept of no-fault insurance, that this bill falls far short of that in that there is confusion in its statement, that there are inefficiences in its application—there is a serious short-fall in the breadth of the coverage—and that the government has not taken the steps that we feel are a minimum necessity; that is to require a compulsory automobile insurance in Ontario and the proclamation of those sections of The Insurance Act which have already been approved by the Legislature which would give the government the authority to fix the premium rate.

We believe that the fixing of this premium rate is by no means the kind of responsibility that a modern government should shy away from and that there are all sorts of democratic checks and balances which would permit a modern and effective government, a democratic government, to undertake this responsibility in a fair, efficient and equitable manner.

**Mr. Speaker:** The hon. member for Riverdale.

**Mr. J. Renwick:** Mr. Speaker, I always have the sensation that when the Leader of the Opposition or the deputy leader of the Opposition, the member for Downsview, talk about automobile insurance, I have heard it all before.

**Mr. Nixon:** Well let us hear the member's routine again.

**Mr. J. Renwick:** The last remarks of course that the—

**Mr. T. P. Reid:** We have heard all this before.

**Mr. J. Renwick:** —Leader of the Opposition commented about, were that the government should proclaim the section of The Insurance Act which would provide for some regulation of rates.

Well, let us get down to the nub of that problem and deal with it right away, because it is at the guts of the kind of problem that the legislation introduced by the Minister of Financial and Commercial Affairs puts before the House. Whether they declare that section of The Insurance Act or whether it remains in abeyance, as it has over the years, makes no never mind. Just so long as the business of automobile insurance in this province is in private hands you will have, by and large, about two-thirds of the moneys collected by way of premium paid out in satisfaction of claims and you will have about one-third—

**Mr. Nixon:** Seems to me we have heard that before. Is there a similarity in this speech?

**Mr. J. Renwick:** —of the expenses going towards administration—

**Mr. Stokes:** It is still a valid observation, too.

**Mr. J. Renwick:** —going toward the administration of the scheme.

**Mr. T. P. Reid:** Heard it all before.

**Mr. J. Renwick:** And therefore, whether the Leader of the Opposition likes it or not, a government such as the Tory government or a government—which God forbid we should ever have in this province—of the Liberal Party—

**Mr. T. P. Reid:** Remember that next election!

**Mr. Sargent:** Better be nice to us.

**Mr. Stokes:** Remember over there!

**Mr. J. Renwick:** —would always establish the rates at a level which would provide the continuing profit which the insurance business, both as an underwriting profit and as the revenue from the investment of the moneys which arrive by premium derives at the expense of the efficient administration of the automobile insurance industry in the Province of Ontario.

**Mr. Gisborn:** Big legal racket.

**Mr. Nixon:** Does the member believe that is true of the natural resources industry, the pharmaceutical industry, the oil industry?

**Mr. J. Renwick:** Let us lay to rest, once and for all, the simplistic view of the Liberal Party that the proclamation by the government of the Province of Ontario of that section of The Insurance Act would alter in one iota the burden cast upon the people of the Province of Ontario because of the persistence of the government in maintaining automobile insurance in the hands of the private insurance companies

I would hope, Mr. Speaker, that never again in this Legislature will we be subject to such a facetious, simplistic, naive view of the problem which we are faced with by the bill which is introduced by the Minister of Financial and Commercial Affairs.

**Mr. Nixon:** Nothing facetious about it at all.

**Mr. D. Jackson** (Timiskaming): Is the member for Rainy River speaking next?

**Mr. J. Renwick:** What I am particularly delighted about, Mr. Speaker, is the opportunity to debate in this Legislature the question of automobile insurance, not because this government introduced it but because again by the action of the New Democratic Party government of the Province of Manitoba, it has become the focus of attention of the people of Canada about a question of social insurance with which this party and only this party has ever dealt effectively

**Mr. T. P. Reid:** The member does have delusions of grandeur.

**Mr. J. Renwick:** The Manitoba government has managed finally to focus attention upon the inequities of the present automobile insurance business.

**Mr. T. P. Reid:** And it is going to cost the people of Manitoba more for their insurance and give less coverage.

**Mr. J. Renwick:** And you can be perfectly sure, Mr. Speaker—

**Mr. Jackson:** Does the member for Rainy River have a research department in his party? He should use it more often.

**Mr. J. Renwick:** —that the focusing of attention upon the automobile insurance industry is a matter which will be a focal point in the election in the Province of Ontario in the next few months. The reason it will be the focus of attention, Mr. Speaker, is quite simple—

**Mr. Nixon:** As far as anybody pays attention to the NDP.

**Mr. D. C. MacDonald** (York South): They are. The results indicate it.

**Mr. J. Renwick:** —we have been preoccupied—

**Mr. Sargent:** This is the NDP platform now, is it?

**Mr. J. Renwick:** —in the Province of Ontario since 1963 as the New Democratic Party forced the Conservative government inch by inch and step by step to adopt in the Province of Ontario something resembling the programme of Medicare that was introduced into the Province of Saskatchewan many years ago.

**Mr. T. P. Reid:** Those guys were there when Moses brought down the commandments.

**Mr. Trotter:** Balderdash!

**Mr. J. Renwick:** I may say, Mr. Speaker, that after that period of time, which is some seven years, we have finally got a Medicare scheme which protects the people of the Province of Ontario, with certain changes which we as a government would make in that scheme. But by and large through the efforts of this party, and not through the efforts of any other party, have we achieved—

**Mr. T. P. Reid:** Oh come, come!

**Mr. J. Renwick:** —universal coverage for Medicare a distribution of the supply of medical services—which still have to be extended—on a basis other than the ability to pay and on the basis of need.

**Mr. Trotter:** Mr. Speaker, the member for Riverdale has flipped his wig.

**An hon. member:** Right!

**Mr. G. Bukator** (Niagara Falls): What year would that be?

**Mr. Pilkey:** What did Thatcher do in Saskatchewan?

**Mr. J. Renwick:** There are many things, Mr. Speaker, that are still going to be done in order to improve the Medicare scheme to meet what we believe to be necessary for the adequate supply of medical services throughout the province.

**Mr. Nixon:** Is the member talking about nationalizing the drug companies?

**Mr. J. Renwick:** One of the things, Mr. Speaker, that you can count upon—

**Mr. T. P. Reid:** Where is the principle of the bill, Mr. Speaker?

**Mr. J. Renwick:** —as sure as night follows day—

**Mr. P. D. Lawlor** (Lakeshore): The member over there has a guilty conscience.

**Mr. J. Renwick:** —is that before the election is called in this province, the Conservative government—

**An hon. member:** Is the member going to support this bill?

**Mr. J. Renwick:** —will reduce the family premium of $309 for medical and hospital coverage for a year.

**Mr. Sargent:** Are you going to allow this, Mr. Speaker?

**Mr. T. P. Reid:** On a point of order, where is the principle of the bill?

**Mr. W. Ferrier** (Cochrane South): Sit down!

**Mr. J. Renwick:** We are going finally to achieve in that area, Mr. Speaker—

**Mr. T. P. Reid:** Point of order, Mr. Speaker.

**Mr. Stokes:** Oh go and sit down!

**Mr. Speaker:** A point of order?

**Mr. T. P. Reid:** Point of order, Mr. Speaker. It was my understanding—

**Mr. J. Renwick:** Mr. Speaker, you will chastise him if it is not a valid point of order.

**Mr. T. P. Reid:** I learned that from the New Democratic Party, which has no use for the rules of this House except when it suits the New Democratc Party.

**Mr. Pilkey:** And the member has learned a lot of other things too.

**Mr. Speaker:** Order please! What is the point of order?

**Mr. T. P. Reid:** Yes, Mr. Speaker. I rise, Mr. Speaker on a point of order, and that point, sir, is simply this—

**Mr. Pilkey:** And if the member will listen, he will learn some more tonight.

**Mr. T. P. Reid:** I understand that we were doing second reading of this bill and debating the principle of this bill. We are being subjected instead, Mr. Speaker, at this late hour—and this debate will go on for some time—to one of those polemics of the New Democratic Party and their perverted philosophy of what is good and what is not good—

**Mr. Stokes:** Insurance; we are talking about insurance!

**Mr. T. P. Reid:** —for the people of Ontario. I would suggest, Mr. Speaker, that you bring the member to order and have him speak on the principle of the bill.

**Mr. R. F. Ruston** (Essex-Kent): A good point of order!

**Mr. Speaker:** I accept the point as a point of order.

**Mr. Sargent:** Motion sustained.

**Mr. Speaker:** The hon. member for Riverdale was straying somewhat from the principle of this specific bill. I was waiting for him to relate his remarks to the principle of this bill. I am sure he will do so.

**Mr. Sargent:** Do not count on it!

**Mr. J. Renwick:** Thank you, Mr. Speaker. I realize that you understood exactly what I was driving at. I always have difficulty with my friends on my right. I always—

**Mr. Sargent:** Tell us something new!

**Mr. T. P. Reid:** That makes two of them.

**Mr. J. Renwick:** —have difficulty particularly with the member for Rainy River.

**Mr. Stokes:** Nice try.

**Mr. J. Renwick:** But in substance, what I was expresing to the House was the sheer delight and excitement I have that finally—

**Mr. T. P. Reid:** The member conceals it well.

**Mr. J. Renwick:** —this party, having won the Medicare fight for the people of the Province of Ontario, Mr. Speaker, is now about to—

**Mr. Ruston:** They voted against it.

**Mr. J. Renwick:** —embark again upon the winning of the fight for an adequate government insurance scheme in the automobile field for the people of the Province of Ontario.

**Mr. Trotter:** The gallery is almost empty.

**Mr. J. Renwick:** The Minister of Financial and Commercial Affairs has provided us with a very timely opportunity to pursue again in this Legislature the quest to persuade this government, so long as it remains in office, to come along with us—

**Hon. J. W. Snow** (Minister without Portfolio): That will be quite a while. In fact, it may seem like forever.

**Mr. J. Renwick:** —and to introduce to the Province of Ontario an insurance scheme adequate for the people of the province.

**Mr. Sargent:** What a bunch of garbage that is!

**Mr. Nixon:** A grant from the socialists of Ontario.

**Mr. J. Renwick:** Now Mr. Speaker, the minister has introduced an Act to amend The Insurance Act in the Legislature, which is before us.

**An hon. member:** With regulations.

**Mr. Ruston:** Where is the member's leader?

**Mr. Nixon:** He could not even be here.

**Mr. J. Renwick:** That bill deals with a number of topics of general interest to the insurance industry. It is not in any way related solely and particularly to the automobile insurance field. Only one part of it is related to that field.

We believe that part of it which relates to the question of the mutual and cash mutual insurance companies which are engaged in the Province of Ontario are matters which, after due consideration by this party, can best be dealt with when the bill comes through Committee of the Whole House.

There are very substantial provisions altering the field of mutual insurance, mutual fire and other insurance which are of immense interest to us in this party because they bear very much upon the rural communities of the Province of Ontario from which we will be deriving considerable support during the forthcoming election. We are, therefore, very interested in those sections of the bill and the amendments which the minister has introduced.

**Hon. Mr. Snow:** Who is the member's researcher?

**Mr. J. Renwick:** But it would appear that the principle of the bill hidden within the other particular amending sections is, in fact, contained in sections 5, 10 to 18, and sections 26 and 27 of the bill.

The bill is an omnibus amending bill, but I would like to concentrate for what brief time I may speak on this bill on the question of the changes which the minister proposes in the automobile insurance scheme. I would like to draw a parallel, Mr. Speaker, if I may, to the inch by inch progress which we forced upon this government in the field of Medicare insurance—

**Mr. Bukator:** The member does not know what he is talking about; he voted against it.

**Mr. J. Renwick:** —from 1963 until 1967, until 1970, and until we finally achieved the kind of result which we had hoped for, which we had urged upon the government for many years.

It was back in 1966, Mr. Speaker, that a committee of this government dealt with this question of whether or not they would bring no-fault accident insurance within the purview of the automobile insurance provisions of this province.

It is very interesting to note that in 1966 they turned down the recommendations of that committee. I happen to have before me the particulars of the debate relating to that question.

**Mr. Bullbrook:** Was this before the NDP government in Manitoba? I think it was.

**Mr. J. Renwick:** Yes this was.

**Mr. Bullbrook:** I thought it was.

**Mr. J. Renwick:** But not before the NDP government or the CCF government in the Province of Saskatchewan which introduced the first government-operated automobile insurance scheme on the North American continent—

Interjection by an hon. member.

**Mr. Speaker:** Order!

**Mr. J. Renwick:** —which has been modelled in Manitoba, and will become part of the law of the Province of Ontario in a very short time if, of course, we have our way

and the electorate return us to power in the forthcoming elections, which is undoubtedly going to be the case.

Mr. Meen: The member will not.

Mr. J. Renwick: But in 1966, Mr. Speaker, the first recommendation of that committee was that the addition, in order to have mandatory accident insurance coverage under automobile policies in force in the Province of Ontario, would cost the people of the Province of Ontario, in the case of a private passenger car, from $8 to the more preferred classes, to a maximum about $57 for those in certain other categories, the overall cost figure being some $10. It is interesting to note that the result, of course, of those recommendations was that the government was not prepared to move into the field to provide this kind of coverage.

In 1971, some five years later, the government introduces, as a solution to the problems of automobile insurance, at a premium not of $10, but, if my understanding is correct, of about $9 on a mandatory basis—the principle of accident and no-fault insurance. Well I am saying to the ministry opposite that if it was so important in 1966 to turn it down, why is it so important in 1971 to pass it into law at, for practical purposes, the identical premium?

Could it possibly be, Mr. Speaker, that there is a continuing total misunderstanding by the government of this province of the extent of the problem caused by the automobile with respect to injuries to persons and to property? Could it possibly be that this government is so wedded to the traditional scheme that an insurance policy primarily is for third party liability, that an insurance policy is primarily designed for the purpose of insuring a person against the liability imposed by law, that they cannot wrench themselves away from a basis of insurance which is designed only to provide an acceleration and a continuation of claims based upon negligence and the decisions of the courts in tort law. Is the government so wedded to that scheme that only in a very minor way can they view automobile insurance in a different perspective?

Well, Mr. Speaker, I want to put it in that perspective because what the ministry here is trying to do, in a very minor way, is what they turned down in 1966, and that is to provide only a very minor palliative to the basic problem of automobile insurance in the province.

There is just no question. The Leader of the Opposition opened his remarks by making obeisance to the report of Mr. Linden in 1965 and, Mr. Speaker, there is no other up-to-date report in the Province of Ontario, which is an objective analysis and study about the results of automobile insurance.

And I want first of all to indicate very clearly to the government that this minor amendment which they are introducing tonight does not for one single moment confuse us or confuse the people of the Province of Ontario that they have come to grips with the magnitude of the problem created by the automobile on the highways and streets of this province so far as the protection of citizens of the province from loss is concerned.

I may be so bold as to say that Mr. McRuer, to whom this government pays great tribute from time to time and to whom this party pays great tribute as well, has indicated that in his judgement the provisions of the Saskatchewan scheme are a half measure toward dealing with the problem.

I want to suggest, Mr. Speaker, to this House that when we urge upon this government the adoption by this province of the Saskatchewan scheme of automobile insurance coverage, we are endorsing it and encouraging its adoption because we know that it is for a Tory government a tremendous step forward, but we do not want this government to think—or the people of the Province of Ontario to think—that is the final answer of the New Democratic Party throughout Canada or of the New Democratic Party in the Province of Ontario to the way in which we would cope with the problem raised by automobile insurance.

And the nature of the problem and the extent of the problem, the dimensions of the problem and the failure of the automobile insurance is best set out, of course, in the one and only report which has ever been commissioned for this purpose and that is the report to which the Leader of the Opposition referred without giving any of the particulars about what that report disclosed.

The report made by Mr. Linden in 1965, to which reference has been made, was an endeavour to carry out a study on an objective basis without taking a partisan view at all about the whole question of automobile insurance. Professor Linden had this to say in the introductory portion of his report:

> This report makes no attempt to determine the causes of automobile accidents.

> This tantalizing endeavour is left to the engineers, the psychologists, the philosophers and to the lawyers and judges who try automobile accident cases. Neither will this report engage in any debate on the merits or demerits of the tort system or on the strength and defects of the trial by judge, jury or administrative tribunal. Nor will there be any consideration in this report of the comparative benefits of private or public insurance regimes, the fault system or any of the other many value issues.
>
> In order to maintain complete objectivity, the study staff divorced the statistical study being conducted from this sort of emotional discussion. Accordingly, this report will refrain from making any recommendations on a future course of action.

And that was the basis on which, Mr. Speaker, the report was conducted. They defined, for the purposes of their study, what in statistical terms is called, the universe of the study and the report says: "We have now defined what statisticians call population or universe of the study."

Only individuals injured or killed in the year 1961—and I regret as I am sure this assembly regrets that we are talking about information which is 10 years old but the substance of the case has not differed substantially in that time and we must assume that the facts would be the same today. Only individuals injured or killed in the year 1961, as the result of automobile accidents which occurred in the County of York, that is the field of discussion.

And the results, Mr. Speaker, need to be stated in this House in order that we can understand the very limited and minor degree to which the government proposal attempts to alleviate the problem caused by the automobile on the highway.

There were, during that time, 10,413 minor injuries in the Province of Ontario; 71 per cent of the damage, which totalled $4,537,000, was covered by automobile insurance as we know it; 32 per cent of the loss was covered by such schemes as the Ontario Hospital Services Commission and other non-automobile sources.

You will readily see, Mr. Speaker, that for practical purposes no one suffered any loss in these minor injuries.

But where the real problem which arose in that report was with respect to the serious and fatal injuries; the serious cases totalled 1,283, the total loss in those serious cases was $4,340,000. In that case, 45 per cent only was recoverable under automobile insurance, 28 per cent was recoverable from non-automobile insurance sources and 27 per cent was borne by the persons themselves.

In the 174 fatal cases for that year there was a total loss of $5,560,000; and in that case two per cent only of the loss was covered by automobile insurance, 11 per cent was covered by other non-automobile insurance sources and 87 per cent was borne by the dependents of the insured person who was fatally injured.

It was, Mr. Speaker, those figures that indicated that in the serious cases and in the fatal cases, the insurance coverage covered only a minor portion of the loss which was suffered and that the balance was covered by other than automobile insurance coverage or was borne by the individuals themselves.

Well Mr. Speaker, that is identically the situation at the present time as I understand it in the province and yet the government brings forward a bill which purports to indicate that in some way or other, by the introduction of this no-fault insurance, they will alter in some way the balance which requires you and I, to the extent that we carry standard automobile coverage in this province, to bear our share of the loss—a disproportionate share of the loss, an unduly large share of the loss—if you or I happen to be involved in a serious accident or in a fatal accident.

I am simply saying to the House that is why Mr. McRuer said that even the Saskatchewan scheme, a tremendous advance as it was over any existing system of liability insurance of the traditional type was but a half measure.

We are urging upon the government only to go that far, at least go as far as the government of the Province of Sackatchewan went, and it needs no comment to indicate that during the Liberal regime in Saskatchewan, that government did not do anything to alter the automobile insurance scheme originally introduced in 1948.

That the government of the Province of Manitoba has now introduced a similar scheme and we are saying to you: "Come along at least halfway to the way in which Mr. McRuer thinks that the matter should finally be dealt with."

Do not for one single moment think that by making compulsory in the Province of

Ontario the accident insurance feature which this government introduced on a voluntary basis as a component of the automobile insurance scheme on January 1, 1968, in some way or other, you have contributed in any way toward a basic solution of the problem that is posed by the automobile on the highway.

The extent of the losses indicated by the Linden report are staggering. The extent of lack of coverage is something almost impossible to communicate to the people of the Province of Ontario. The very elements of an automobile insurance policy are hedged about in such legalese and technical jargon that very few people know or understand what their automobile insurance is about.

Well, I do not think, Mr. Speaker, that it is taking an undue amount of time in the House in order to put the amendment proposed by the minister in perspective to perhaps try and explain as simply as I can what the standard automobile policy covers.

If you are the owner of an automobile or if you are a person who is not an owner but wants to have coverage if driving an automobile, what you get in substance is insurance against the liability imposed by law should you be negligent in the operation of that motor vehicle and should you not be excluded from that protection by the exclusions set out in the policy by reason of the statutory conditions.

It does not insure you, it does not insure your vehicle and it does not provide medical or accident coverage for the persons who are hurt, be it to you or the person you hit or anyone else. It does not provide at the present time for any weekly indemnity for loss of income, either to you or to the person you may hit in the course of the operation of that vehicle.

The second thing which it does by way of a minor coverage is to cover your own automobile, provided you take out that particular kind of insurance and you accept the deductible feature involved in it.

The third thing it provides up to the present time is a limited amount of medical expense coverage, which for practical purposes under an adequate Medicare scheme even the marginal coverage which is provided in addition to OHSIP would be unnessary. So that, for practical purposes those are the existing coverages under the statute.

It has been possible since January 1 of 1968 to have as an adjunct to your policy, if you wanted it on a voluntary basis, the addition of this so-called accident insurance which the minister is introducing today as a mandatory part of every policy.

Most of the people in the province did take it out, about 70 per cent, because they wanted to be free of the irritations involved in automobile insurance. They wanted to know that if they suffered in this framework of the Linden report minor injuries of one kind or another that they could get some kind of a recovery without having to go anywhere near a court of law, and most of the people took it out and 70 per cent of them are now covered by it, so the government is now making it mandatory that the other 30 per cent take out this kind of insurance.

But I re-emphasize, Mr. Speaker, the point which I have been endeavouring to make, that it does nothing really for the purpose of providing protection for people against the damage or injury to persons or property caused by the automobile on the highway.

The Linden report very clearly indicated that in the minor cases which came before it—the minor cases which they studied—that the insurance coverage, the non-insurance coverage and the two elements put together, provided in fact, about 100 per cent of the coverage. So the government then proposes to introduce into the Province of Ontario, on a mandatory basis, something called accident insurance; accident insurance which of course was available for many, many years. Anybody who wanted to carry it could have carried it.

I remember I carried, in succession to my father as a matter of fact, for about a quarter of a century, at $5 a year, coverage which provided the death and dismemberment and weekly indemnity provision not greatly different from those that are provided in the legislation which is introduced here. And it covered me not just in an automobile, but it covered me should I happen to have died or had a dismemberment or lost employment because of an accident, for a period of time, on a very low subsistence level of a minor amount of indemnity per week.

That has always been available to anybody who wanted to buy it. Now the government is making it mandatory for the 30 per cent that have not bought it, and they are providing it at a premium in excess of what you and I, for practical purposes, could carry the same insurance if we wanted to go out and buy it on the general market.

But even then, Mr. Speaker, when they introduced it, what did they introduce? They

introduced such a bastardized form of that coverage that it is almost pathetic to stand up in this House and waste what we will have to waste—and I say waste very advisedly —the number of hours which are involved in trying to draw to the attention of the House how feeble, how inadequate, how senseless is this kind of minor amendment.

In our little myopic chamber we are now going to debate this for several hours, and I would guess that perhaps sometime tomorrow morning, about 10:00 o'clock, we will have come around to the point where we will be all engrossed in the little game that is being played. We will actually have talked ourselves into the position that we really are considering matters of major import in the overall picture of automobile insurance coverage in the Province of Ontario.

We will be dealing with minor, marginal—marginal but important because of the fight which we have constantly to put up with the Tory government to extend coverage—marginal problems with respect to that coverage.

**Hon. Mr. Snow:** You have not even seen a fight yet.

**Mr. Lawlor:** What is it the member does over there?

**Mr. J. Renwick:** Let us get it clear. We put a reasoned amendment on the order paper in accordance with the rules—

**Mr. Stokes:** Is the hon. minister going to speak to this legislation?

**Mr. J. Renwick:** —we could have gone on indefinitely, and run out of letters in the alphabet, to have given the reasons why we think the scheme introduced by this government is poor, is inadequate, shows a total misconception of the extent of the problem with which we are faced.

If I had an order paper—and I believe I can possibly find one—the reasoned amendment indicates our position very clearly, and the leader of this party, in whose name it stands, will in due course introduce that reasoned amendment in the Legislature. But those of you who are interested will find it on page 5 of today's order paper and it goes down to item K.

I notice that the member for Humber (Mr. Ben) has introduced a further amendment. We, as I say, became a little bit exhausted in trying to point out the fantastic flaws which exist in even this limited area of insurance coverage with which they purport to deal with a major problem in the Province of Ontario.

What is it that is wrong with the scheme; and what is it in the government that does not allow the government to understand what is wrong? Why should we waste our time pointing out the errors and the inaccuracies and the misstatements and the inadequacies of a bill that is put forward by this government for the purpose of covering a minuscule portion of the lack of coverage under the present automobile insurance scheme? I suppose one could start right at the beginning of the bill. Members will find, for example, that the medical expense coverage and the accident benefits insurance—or what are called under this bill the medical and rehabilitation expenses—are extremely limited in the scope of their coverage.

They will find, for example, that the only benefits which are paid with respect to disability are with respect to total disability. There is no provision in the bill to provide for any coverage for partial disability should you suffer a partial disability as a result of an automobile accident. There is in the bill no provision whatsoever for coverage with respect to property damage. In other words, there is just no way in which the damage which your automobile or my automobile or someone else's property may suffer, will be covered under the provisions of the amendment introduced by the minister.

The minister knows this; the minister obviously is feeling terribly uncomfortable. He is beginning to shrug his shoulders about the inadequacies of the coverage which he has introduced.

**Hon. Mr. Wishart:** No, the hon. member, I must say, misinterprets my gestures. I was talking sign language to the member for Humber and not referring to this matter at all.

The hon. member provokes me to this interjection. I would say he has talked about Professor Linden and the Saskatchewan bill. Professor Linden was on the committee which made the report out of which this legislation arises, and signed the report as a recommendation that the benefits under this legislation exceed those provided by Saskatchewan.

**Mr. Speaker:** I think to further this debate I would ask the hon. minister to wait until the end of the remarks by other members before he interjects.

**Hon. Mr Wishart:** I was asked to interject.

**Mr. J. Renwick:** Perhaps I could deal with that interjection! Of course, the people of Saskatchewan suffered for a few years in not having a New Democratic Party government. I would suggest that we await the introduction of whatever amendments they bring in to the automobile insurance scheme.

After all, if my memory serves me correctly, it is about 27 years or more. I would not be at all surprised if even this Tory government could introduce something which could be somewhat better than the pioneering scheme the Saskatchewan government introduced in 1943 in the Province of Saskatchewan. I think even the deterioriation in the value of the dollar would indicate that perhaps there would be some additional dollar value included in even the coverage provided by a Tory government in the Province of Ontario.

Set out in our reasoned amendment are the basic considerations with which we are concerned in the bill. The first one is that the medical expense insurance and the accident benefits insurance are not first-loss insurance, and that any other insurance should be excess insurance only and not the prime insurance. We would hope that the minister would explain to us very carefully why he should provide that for practical purposes the insurance coverage which he introduces is excess insurance coverage and is not first-loss insurance coverage, unless there is a conflict between two automobile insurance coverage policies.

Why in heaven's name would the minister suggest that when you pay a premium for a specialized form of insurance covering you when you are driving your automobile why that insurance, in the event of an accident with your automobile involving persons, should be excess insurance and not first-loss insurance is a matter which defies our ability to understand.

All I can say is that in some way or other the insurance companies have indicated very clearly to him that in order to maintain the premiums at the level which the minister takes pride that they have indicated they will maintain for one year that it will be only excess insurance and not first-loss insurance.

The second question that we ask of the minister is, why is it that the insurance coverage does not provide insurance for dismemberment?

Ordinary, everyday accident insurance in the Province of Ontario if purchased by a person covers not only a death benefit but provides for dismemberment. It may be terribly inadequate; it may be terribly arbitrary as to the number of dollars to be assigned for the loss of a particular limb or a particular accessory of your body, but at least the normal accident insurance policy in the province provides for a payment in respect of dismemberment.

Yet the government when it introduces this bill considers that dismemberment is not something which happens because of automobiles. Well I would suggest that it is probably a greater cause of dismemberment than any other cause arising in the Province of Ontario.

We have queried the minister on occasions as to why this insurance coverage is not extended to cover property damage. Why is it that if I am involved in an automobile accident and cause damage to property, or damage is caused to my automobile or to the property which I own by another automobile, it is not possible to settle that question without a determination of the negligence of one person as against another or a proportion of the negligence which is involved in it?

In France they have evolved a scheme which eliminates from the court even the question with respect to the deductible coverage for collision purposes. It is possible in France that if you have a $200 deductible item and you are involved in an accident where you might be called upon to pay the $200 and the insurance company pays the excess amount, if you can show that you were not at fault, or show the degree of your fault, you can recover from your insurance company the amount which you would otherwise have to fork out from your own pocket.

The procedure has been developed that that can be established on the basis of the accident reports which are introduced and without having recourse to any courts. And we say to the minister that the coverage which he indicates he is going to provide is inadequate when it does not provide for that kind of coverage.

We ask that the insurance coverage be extended to cover partial disability as well as total disability. We cannot conceive of the situation in which the introduction of this kind of mandatory insurance should not be sufficiently adequate in its coverage to permit the payment of funds if a person is partially disabled rather than totally disabled.

As everyone in this House knows, there is at least an equal opportunity of being partially disabled as well as being totally disabled; and when one considers, Mr. Speaker, the extent of the total disability required before you can claim any coverage whatsoever, you can be certain that it would be an essential part of such an accident insurance coverage that provision be made for some kind of partial disability coverage, as well as total disability coverage.

We consider, Mr. Speaker, that in this day and age it is totally improper to indicate that as between spouses, be they male or female, that there should be a distinction based upon which one earns the most money as to how much will be paid in the event of the death of one and disregard the death of the other. And yet, this bill provides for a $5,000 payment in the one case and a $2,500 payment in the other case.

The government is fully aware, of course, that although it uses legal jargon, what it is really speaking about in most cases is that if the male member of the household is killed in the accident, $5,000 is paid; if the female member of the household is killed, $2,500 is paid. And that, of course, is dependent on whether both spouses are employed. The distinguishing feature is, of course, that if this is a normal case, the man earns more than the woman. But if the woman is employed, then you get this $2,500 differential.

I ask the Tory government to consider what could possibly be the rationale that would lead them to introduce into this Legislature in 1971 such a distinction.

**Mr. Stokes:** Making second-class citizens of our womenfolk.

**Mr. Lawlor:** They are going to have to get liberated.

**Mr. Gisborn:** No wonder insurance companies have hailed it as long overdue.

**Mr. J. Renwick:** The next item that we are concerned about is that there is no provision in the bill for the extension of benefits to dependent children over the age of 21 years who are continuing their education. There is no such provision. If one assumes the proposition that the age of majority is now to govern, and that 18 is the proper age, I assume that the government will be introducing amendments.

But if it does introduce amendments, I say to the minister, I say to the House, that as in The Income Tax Act of Canada, there certainly should be provision that extends the benefits and the protection of this insurance coverage to dependent children over the age of 21 years who are in regular attendance at an approved educational institution.

Then, Mr. Speaker, we draw to the attention of the House that the criterion as to whether or not payments will be made under this bill depends on whether or not the person falls within the definition of employment as set out in the bill. In other words, if you do not meet the criterion of being an employed person, then those benefits with respect to weekly indemnity payments under the bill are not available to you. There is a minor attempt in the bill to extend the provisions to provide for intermittent unemployment by using a six-month period, I believe, as the criterion in the last 12 months to determine whether or not you would be entitled to receive the benefits.

Well, we in this party just do not believe that in a country where the hazard of unemployment, in most cases, is a matter entirely beyond the power of the individual to control; we do not for one single moment believe that the indemnity provisions of such insurance coverage should be limited to the question of whether or not a person is employed or is not employed.

We believe that in the schedule to the bill, there is at least the indication of a way out of this particular dilemma. There is a phrase in the bill which refers to the money value of the time of the insured person, and we think it would be possible, even for a Tory government, to work out a method of calculating that value for a person, whether he is employed or unemployed, for whatever the reason, who suffers an injury and would otherwise be entitled to weekly indemnities.

What we are saying, if we pass this bill, is that if anybody who is on mother's allowance, or is a dependent father, or is a disabled person, or is not covered by The Family Benefits Act, or is on general welfare assistance, or is not covered by general welfare assistance, or is not an employed person within the concept, that we generally indicate is advisable in this economy; what this government is saying in its tremendous concern for people, is that those persons will not be entitled to any of the benefits by way of weekly indemnity provided under the coverage which has been introduced by the minister.

As I say, it is almost incomprehensible for people in this party to understand how this government in 1971 could make that kind of invidious distinction on the basis of whether or not a person is or is not employed.

Then, Mr. Speaker, we have what I would take to be the ultimate discrimination. As I understand it in the bill, and I am sure one of my colleagues will correct me if I have got the wrong figures, but I think I have found them now, there is a delightful definition of the phrase "principal unpaid housekeeper." And the principal unpaid housekeeper, I assume, in the Province of Ontario, for practical purposes, means the mother who stays at home with the children and raises the children while the husband is out earning the living.

I would assume that most of us would agree that is generally speaking the case. I have already dealt with the discrimination between the spouses depending upon the relative proportion of their income, and pointed out that even if they are both employed this government discriminates between the value of one and the value of the other. But what this government purports to introduce into this Legislature under this delightful phrase of the principal unpaid housekeeper, is to indicate that the indemnity payments paid in the case of that person who is totally disabled—not partially disabled—is the magnificent limitation of 12 weeks at a rate of $35 per week.

**Mr. Pilkey:** Incredible!

**Mr. J. Renwick:** As my colleague from Oshawa says, it is just incredible. If any member of this Legislature was to project to the Province of Ontario a man who is engaged and say is earning $100 a week or $120 a week; he is married; his wife stays at home; they have two or three small children; his wife is totally disabled in an automobile accident.

He is covered under his coverage or is entitled under the coverage of the person who hit the woman, but he has a totally disabled wife on his hands. Or, in the not unusual case, but certainly fewer in number, the reverse case, the wife has a totally disabled husband on her hands, and two or three small children at home, and the expense which is added to the burden of that household. Can one suggest for a single moment that the Premier of this province, or the members of this government; can they possibly indicate that in some way or other they have a concern for people. If they have a concern, they certainly have no basic understanding or compassion for the problem which is involved.

I am saying to the minister that it is absolutely essential that this kind of discrimination be removed, because in that case, because of the total disability of the unpaid principal housekeeper, the government is going to impose a limitation of 12 weeks at $35 a week. It does not matter whether the person is totally disabled for the 12 weeks or for the rest of the person's life.

That, to my mind, Mr. Speaker, would indicate to you why we in this party get a little bit weary of harping at the government about what they are going to do about basic social injustices. Mr. Speaker, they have a total absence of concern, let alone understanding, about what is required in the Province of Ontario to relieve social problems.

This illustrates more than anything else that we have seen in the small type of schedule E to the Insurance Act of the Province of Ontario, the reason why the Tory government is not fit to govern the Province of Ontario. I would suggest that in the perspective of history this will add to all of the reasons why, in the next election, this government will be defeated.

I suppose there is no single item that one could point to that points out in miniscule form the complete incapacity of this government to understand the scope and breadth of a social problem, when they would make this kind of discrimination in a very minor amendment to The Insurance Act which, for practical purposes, adds nothing to the basic coverage which is already available to the people in the province because of their own efforts. I ask the government to make some small recompense for the error, if error it is, by introducing the kind of amendment which will eliminate this particular restriction.

We could also not find in the bill anything under a no-fault insurance scheme which permitted an insurance company, having made a payment under an accident policy, from claiming against someone else. If it is to be no-fault insurance I would suggest in technical terms that there should be a provision in the bill prohibiting an insurance company which has paid under this particular form of insurance from making a claim by way of subrogation against someone else. So far as we could understand in a fairly minute dissection and understanding of the bill, we could not find any such provision.

Then we come to what to us is again a serious flaw in the bill. The Ontario Hospital Services Commission, or the Ontario Health Insurance Plan, or the Workmen's Compensation Board, or any other bodies which may be in a position where, under other coverage, they have to pay out funds are now precluded from recovering from the automobile insurance companies.

It is our understanding, and the member—if he is here—of the Ontario Hospital Services Commission can correct us if I am wrong, that at the present time if there is an automobile accident case it is quite usual for the Ontario Hospital Services Commission to claim against the person who is ultimately responsible for the loss and to recover for the Province of Ontario, that portion of the payment which they have paid out under the insurance coverage which most of the people in the province carry under the hospital services scheme. I believe it is equally true in connection with OHSIP and equally true under the Workmen's Compensation Board.

In order again to permit the automobile insurance companies to maintain their level of premium for the next year or so at this so-called low rate for this coverage, not only do they provide that it is excess coverage and not first-loss coverage, but they protect the insurance companies against subrogated claims by the Ontario Hospital Services Commission, or by the Ontario Health Insurance Plan, or from claims by the Workmen's Compensation Board, to be recompensed for the outlays which they have incurred because of the automobile accident in which the automobile insurance company purported to have covered the insured person for the liability which he has incurred.

This, of course, Mr. Speaker, could go on indefinitely. There are many other points in the bill which could be subject to the kind of scrutiny which I have endeavoured to give and which we in this party and in this caucus have endeavoured to apply to the bill.

There is, for example, this strange phrase in here that so far as dependents are concerned, you have got to be a person for whom the insured person is legally liable, and I would suggest that at the present time under the law of the Province of Ontario there is no legal liability with respect to dependents beyond the age of 16.

I do not know what the new bill will do to that liability, but I think if the minister were to check the appropriate statute dealing with custody of children, that he will find that a parent is not legally liable for a dependent person beyond the age of 16.

It may well be that this also, even though it refers to the age of 21, is a serious limitation, beneficial to the insurance companies as to the extent of the coverage which they are required to extend under this coverage.

Mr. Speaker, what I have endeavoured to say at some length to the House and to try and put into a very real perspective, is that the magnitude of the scope of the social problem created by the automobile on the highways and streets of the province—with respect to injuries to persons, with respect to the injuries to property, with the consequential loss which results from those injuries or from death or from dismemberment—is far and beyond the scope of even the existing automobile insurance coverage scheme as illustrated by the Linden report.

The Linden report made perfectly clear—and I have no reason to believe that the figures are substantially different—that about 37 per cent of the loss is covered by automobile insurance. Another additional percentage is covered by non-automobile insurance coverage of one kind or another and a proportion on an overall basis is borne by the individual. The exact figures as I understand them in the overall cases under the Linden report, was 37 per cent covered by automobile insurance, 23 per cent by other sources and 40 per cent by the individuals themselves, if you take the overall view of all the cases considered in the Linden report.

Using the 37 per cent, if you look at the automobile insurance coverage of the province, and then you note that the minister is now introducing on a mandatory basis what has been optional since 1968, you find that 30 per cent more of the drivers will be covered. And when you then note the extreme limitations on the coverage provided under schedule E of the bill which the minister has introduced—as I have tried to point out—you will realize what a niggardly, picayune, inadequate, insufferable, form of additional coverage this government has provided for what is, in the judgement of this party, a social problem of immense magnitude.

It is a social problem of such magnitude, a second problem requiring such an entirely different approach, that Mr. McRuer said in his statement about even the Saskatchewan scheme—and I am sure even about the new scheme which has been introduced in the Province of Manitoba—that immense though the strides are with respect to the

cost of the coverage of those schemes, they are but half measures. Because what the provinces of Saskatchewan and Manitoba endeavoured to do was to reduce the cost of the existing level of coverage by the introduction of this kind of no-fault insurance, to reduce it and take it over by government in such a way that the premium cost would be much less.

We in this party are committed, upon the election of the New Democratic Party in the Province of Ontario, to the immediate implementation of such a government-sponsored scheme. That is what we are obligated to do, but I can assure the government of the Province of Ontario at the present time, I can assure the people of the Province of Ontario, that it will be our objective to move immediately into a much more complete and fuller solution of the problems caused by the automobile on the highway with respect to injury to persons and to property. Because the magnitude of the problem is much greater than anything which has been envisaged in any study available in the Province of Ontario, other than the Linden report. Why we want to give the people of the Province of Ontario at least the benefit of a Saskatchewan scheme or a Manitoba scheme is self-evident from the figures themselves on the very present basis of the kind of coverage traditionally provided under automobile insurance. For every 66 cents that is paid out by insurance companies in the Province of Ontario for the purpose of settlement of claims under traditional policies, the government of the Province of Saskatchewan on an average over 20 years or more paid out some 86 cents of every dollar that was raised by way of premium. We, at least in this party, are committed to providing that kind of economy to the people of the province. But having said that, we will also embark, as we have endeavoured to embark in opposition upon an attempt to devise the kind of comprehensive scheme which will not be a half measure, but will be along the total solution of a social problem indicated, at least in its broad outlines by Mr. McRuer.

Mr. Speaker, we will oppose this bill on second reading. It is just impossible for a party such as ours to support it. It is not even a minor step in the solution of a social problem. It is not even, in the words of the Minister of Health, a nibble at the problem. We are not prepared to take the seven years that it took us to achieve the kind of Medicare scheme to now embark on another seven years before we have an adequate solution to this social problem. We are determined that if we can communicate to the people of the Province of Ontario on this issue, as well as on the other issues which have been before this assembly and before the people in recent months, we are convinced that we will be able adequately to express ourselves in such a way as to focus total attention insofar as this social insurance scheme is required upon the kinds of solutions that this party will provide. We intend to do no less. We think the bill is an insult. We think it is so inadequate to be not deserving of even the scrutiny of this assembly. We think that for us at this hour of the Legislature of the Province of Ontario to be engaged even in debating the minuscule inequities and injustices of the bill is an insult to all of us in the assembly.

We ask and we urge the government, in the light of the comments which have been made, in the light of the studies which are available to them, in the light of the way they have kicked around the automobile insurance business of this province for so long, in the light of the way in which they have failed to understand the problem, we ask the government, for this once, to save the time of the House, the time of the assembly, the time of the people of the province and withdraw the bill, get it off the order paper, and come back tomorrow or the next day with an adequate scheme.

We could assist the government, because we can get them a copy by airmail tonight of the government of Manitoba Automobile Insurance Act or of that of the Province of Saskatchewan—

**Hon. Mr. Wishart:** I have it here.

**Mr. J. Renwick:** Fine. Then there is no problem.

**Mr. Pilkey:** Yes, no problem.

**Mr. J. Renwick:** Then the minister will be able to withdraw the bill tonight and introduce a new bill tomorrow. There is no problem.

**Hon. Mr. Wishart:** There is nothing worthwhile there.

**Mr. Stokes:** Tell us what you know.

**Mr. J. Renwick:** Mr. Speaker, if I have indicated that in our judgement the bill is rotten, I have achieved my purpose. Thank you.

**Mr. Speaker:** The member for Humber.

**Mr. G. Ben** (Humber): I want to express my thanks to the hon. member who sat down for the very detailed and concise way he reviewed the matter of no-fault insurance, and I hope the House will forgive me if I add to his already lengthy words.

The concept of compensation without fault, Mr. Speaker, is not a new concept. It has been in effect for over half a century in the Province of Ontario, in the guise of The Workmen's Compensation Act, and for over 100 years in Germany, also in the guise of workmen's compensation legislation.

In North America in 1932, Columbia University undertook a study of this problem, and it was called 'The Columbia Scheme'. It would have brought about a state-operated compensation scheme similar to that of The Workmen's Compensation Act.

Over 20 years ago when I attended law school, I had the privilege—as did some of the hon. gentlemen in this House, the hon. member that sat down I believe was one of them—of being taught by Dr. Cecil Wright, better known as "Caesar"; "Caeser" Augustus Wright. His name was Cecil A. Wright and they called him "Caesar" Augustus Wright. I recall in the late forties his predicting—preaching and predicting—that there would be, eventually, a scheme of compensation without fault. And I must admit that at that time, Mr. Speaker, I may not have been as receptive to the suggestion or its feasibility as I have been over the last number of years.

So we must remember that one of the prophets of this scheme, one of the fellows who predicted it, was a man whose name is hallowed in the education of lawyers and students in this province.

In 1954 and 1955, a Professor Ehrenzweig of the University of California Law School put forth a plan which called for voluntary academic insurance by private insurers. Under this scheme there would have been periodic payments rather than a lump sum settlement. And this is the concept that is becoming very acceptable to some judges in the Province of Ontario.

Mr. Justice Haines, who probably made his reputation defending insurance companies against motor vehicle claims, long advocated that payments to successful litigants should be in the form of periodic payments, almost in the way of an annuity so to speak, and there have been some settlements recently of that nature in this province.

In 1958, a Professor Leon Green at the University of Texas Law School sketched a scheme for compulsory insurance by private insurers subject to regulations by the state. The amount would have been fixed by the courts subject to a limit set by the state and there was to have been no compensation for pain and suffering.

So you see, Mr. Speaker, that the concept itself is not new and many people, on both sides of the border between the United States and Canada have been advocating this procedure.

But why compensation with fault? Well too many injured persons are left uncompensated, or inadequately compensated, as the previous hon. member pointed out, and as Professor Linden so well documents in his thesis or book on the study of the problems of victims of automobile accidents in this province. I think it is on page 11 where he gives those statistics. I will not repeat them because the hon. member for Riverdale pretty well quoted from those figures.

**Mr. Pilkey:** He did a good job.

**Mr. Ben:** I will admit he did a good job, rather longish I thought and repetitious in most cases, but with—

**Mr. Randall:** His figures are all wrong, but go ahead.

**Mr. Nixon:** We have heard it for the last two years. It is the same speech he has delivered on regular occasions.

**Mr. Ben:** There are many accidents, Mr. Speaker, which are caused by no fault of the person injured, but indirectly by a person or persons unknown. For example, Ralph Nader of the United States has attributed many of the accidents that happen on the highways in the United States and Canada to defective car parts or defective design or defective workmanship.

**Mr. Nixon:** Ask the member for Oshawa about that.

**Mr. Stokes:** Not GM's.

**Mr. Ben:** Roadways in many jurisdictions, and Ontario is no exception, are frequently in disrepair, especially after the spring thaws.

Accidents could happen by a driver being blinded by an oncoming driver failing to dim his bright lights, or even forced off the road in an endeavour to avoid a stray animal.

**Mr. Nixon:** Since you stopped working on it they improved.

**Mr. Ben:** Or by an emergency to which the driver incorrectly responds; and very frequently by a pedestrian daydreaming. Or as is the practice in this city at least, when one comes to a crosswalk, many of our citizens raise their hand, point their finger and just dart out into the driveway, with the driver compelled to press his foot on the brakes hoping that he does not go through the windshield or break the steering wheel and that the pedestrian is not injured. So, all these arguments favour compensation without fault.

Aside from the points I have mentioned is the fact that litigation is extremely expensive. I am not going to dwell on that topic too long because the hon. member who sat down did a fairly good job of doing that.

**Mr. Nixon:** Easy on the compliments.

**Mr. Pilkey:** Just a few of those where they are necessary.

**Mr. Nixon:** The members need all the help they can get.

**Mr. Ben:** But I think in discussing this topic, Mr. Speaker, it is necessary also to present some of the arguments against compensation without fault in order to show how many of those arguments hold little water.

One of the most prominent and frequently-heard arguments against this no-fault type of insurance is on moral grounds. Why should a guilty person, or a negligent person, in the eyes of those who advance this type of argument, the sinner, be compensated?

Another argument is that to compensate persons who have been at fault would tend to remove the deterrent which arises from the fear of having to pay heavy damages.

A third is that the funds collected under a compensation-without-fault scheme would be used to finance an unjustified suit, or a suit for yet more damages resulting in still more lawsuits.

A fourth argument is that it is not fair to single out automobile accidents. Why not compensation for people who injure themselves at home or anywhere else.

Well to give answers to some of these arguments which I have raised myself, I should point out that the Workmen's Compensation Board is a system of compensation without fault that is almost universally accepted in this province.

Secondly, The Workmen's Compensation Act is the answer to the argument that if you compensate people who have been at fault, you tend to remove the deterrent which arises from the fear of having to pay heavy damages.

People, unless they are mad, are not going to deliberately injure themselves to collect because they could go too far. There are some who try to beat insurance companies; there are some, a very small number as the Minister of Labour (Mr. Carton) admits, who will try to beat the Workmen's Compensation Board; but they are very few in number and I do not think their presence has in any way endangered the scheme we call The Workmen's Compensation Act.

The third argument was that funds collected could be used to carry on a lawsuit. I ask you, Mr. Speaker, rhetorically of course, is this a greater sin than not having funds to carry on any kind of suit? A person who goes to law takes a chance of losing all. He takes a chance of a judge or a jury looking on the plaintiff as greedy, not needy, so that an economic loss in this respect is still a deterrent.

The fourth argument is that it is not fair to single out automobile accidents. You have got to start some place and why not with automobile accidents? We started out with The Workmen's Compensation Act. That was a start, so why not with this? There is a great gap in our social services, for example, between unemployment insurance where a person is able to work but cannot find work, and the Workmen's Compensation Act where work is available but he cannot work because of disability. We will need general disability insurance compensation. We do not have it yet; this may be the first step toward it. But is it anything different from The Workmen's Compensation Act or The Ontario Hospital Services Commission or the Canada Pension Plan? I say it is not and I say that the argument does not hold very much water in that regard. I think we all agree that we ought to have a comprehensive no-fault scheme of compensating the victims of accidents.

Now to get more to the principle of this particular legislation, again the previous speaker spoke long on the topic and one is hesitant to dwell on it for fear of being repetitious. The fact remains that we would be supporting the reasoned amendment, which is set forth in the order paper, although it has not yet been put by the member in whose name it stands. We do not concur with all the points raised by that reasoned amendment, but we do concur with the majority

of them and we concur in the statement that this bill is totally inadequate when it comes to serving the purpose that the principle enunciates.

For example, the no-fault feature does not apply to damages to vehicles and to other people's property. Most accidents that occur in our province, fortunately—if one can use the word forunately about an accident—involve only property damage or property damage with minor personal injuries.

The fact that the no-fault feature does not apply to damage to vehicles and other people's property will mean that much litigation will still remain. The unfortunate aspect of this particular feature is that in most instances, because it is involving only property damage, the cost of the litigation may far exceed the amount involved in the suit. This is the thing that we will have to face.

Another objection is that there is no provision, as the previous speaker has stated, for compensation to victims of automobile accidents for dismemberment, for the loss of an arm, a leg or a digit. Mr. Speaker, I imagine that this could be classified as total partial disability. Dismemberment is partial permanent disability although all partial permanent disability is not dismemberment. So this is another aspect, a feature that we object to.

We also, as does the party to our left led by the illustrious gentleman sitting there next to the member for Oshawa. My goodness. Now the NDP has five leaders. It just added another two.

Interjections by hon. members.

**Mr. Nixon:** The member for Don Mills should return to the backbench.

**Mr. Randall:** It is payday. I always sit down here when it is payday!

**Mr. Ben:** I note they have to recruit them from our ranks though!

We do think, Mr. Speaker, that it is rather silly and inconsistent that compensation for the loss of the head of a household if he is a male is more than that for a female. In Saskatchewan, if I may be pardoned to use that as an example, up to $10,000 plus funeral expenses is paid in the event of a death.

Under this scheme, as set forth in schedule E, the head of a household who is 10 years or older—and this is hard to get—but under 21 years, will receive $5,000, if 21 years and over, $5,000. But a spouse in a two-parent household, over 10 but under 21 would receive only $2,500; or if 21 years and over, $2,500.

I cannot understand the reasoning behind that and I trust that the minister, wherever he has gone, when he returns and speaks in support of the principle of this bill, will try to enlighten us. I cannot see the sense in that particular clause.

We concur that the benefits would extend to dependent children over 21 years of age. I think this is something that is recognized in an age when we try to encourage our youngsters to seek education to the full extent of their mental capabilities. We have great numbers in the province at the present time beyond the age of 21 years who are still attending institutes of higher learning and who are totally dependent upon their parents.

This is a shortcoming. The absence of this provision is indeed a shortcoming of the bill. That the test of employment as the basis for entitlement to accident benefits is not eliminated in favour of an extended definition of the money value of the time of the insured person is another shortcoming.

I must say, Mr. Speaker, that when it comes to clause (h) in the proposed recent amendment, I find myself a little, if not very much, ambivalent. The hon. member for Riverdale suggests that the "principal unpaid housekeeper"—and that phrase is in quotations—refers to a mother or grandmother. It depends on how one looks at it who may be an unpaid housekeeper.

On the other hand this could be a very subtle, way of describing a person who has heretofore been known as a common-law spouse. And one wonders just what the government has in mind by using this phrase.

I can understand them maintaining this discrimination because the law, to the present, has never recognized a status known as common-law wife. Many judges are rather perturbed when a lawyer uses that phrase and are not unknown to call down a solicitor or counsel and suggest to them that the English law knows no such status and if the solicitor or counsel means mistress, why does he not say so?

And many people are still, for moral grounds, adverse to a mistress being given any recognition or a person known as a common-law wife. It is, however, worthy of attention that the federal government does

recognize such a status and pensions payable for war service may be paid to a person who has lived with the deceased serviceman.

Mr. Trotter: That may have been the war service.

Mr. Ben: That may have been, as the hon. member for Parkdale says, war service for which she is being compensated; not the serviceman, but she.

Mr. Bukator: The hon. member for Don Mills is an understanding fellow.

Mr. Ben: However, when it comes to the objections of the hon. party to our left to the fact that there is no right of subrogation by the Ontario Hospital Services Commission, or by the Ontario Health Insurance Plan, or the Workmen's Compensation Board and other insurance against similar risks, I find myself personally at odds with them. I think that their argument is inconsistent.

The hon. member for Riverdale, if I understood him correctly stated that insurance companies should not be denied the right to subrogate under this scheme. If insurance companies indeed are to be denied the right of subrogation, then everybody should be denied the right of subrogation or else we take away the element of no-fault insofar as it extends to the limits specified in this Act.

I do not agree with this particular aspect. I do not know my party's position on it and if they wish to contradict me, that is fine; I assure you my feelings are not easily hurt. But as I say, I do find myself rather concerned about this aspect of it. If we are going to have no-fault insurance, then we should have no-fault insurance. And if we are going to start bringing in subrogation for any group whatsoever, government or private, we are defeating the very principle of no-fault insurance.

My last argument against the principle of this bill is that it does not provide for compulsory insurance. This government is still maintaining the system that was introduced by them, and I want to say in all honesty that when it was introduced it had a lot of merits—that is the unsatisfied judgement fund or the motor vehicles accident fund—but it has become outmoded. It is now archaic.

Far too many people rely on the fund, and I think it is making them extremely careless and we feel united in this regard in the Liberal Party, that there must be compulsory insurance in the Province of Ontario so that every motorist who buys plates, as they do in another province, buys his insurance at the time he renews his licence or buys his plates. Every motorist in Saskatchewan buys—

Mr. Deans: Who would the member suggest he buy it from?

Mr. Ben: I beg pardon?

Mr. Deans: Who should he buy it from?

Mr. Ben: I do not care who he buys it from at the present time. He will present a certificate. Let him buy it where he will, but let him buy it. If he does not, he does not get his licence.

Mr. Deans: In order to buy it then, he must have insurance?

Mr. Ben: He must be insured at the time his licence comes up for renewal. Either when he applies for his initial licence or renews it thereafter, he must submit proof of insurance—not just a binder, as has many times happened to the sorrow of many people who have been involved in accidents, but an enforced policy.

Mr. Deans: What happens if it lapses?

Mr. Ben: This is something that would be given consideration, that a company could not cancel or permit an insurance policy to lapse without notifying the registrar of motor vehicles giving him 14 days' or some such notice, in which case the registrar of motor vehicles has ample opportunity to call in the licence of the person whose insurance is threatened to be suspended.

Mr. Deans: How does that work?

An hon. member: On second reading, do not question that.

Mr. Ben: No, I am willing to accept—

Mr. Speaker: There should be no private debate in the House. The remarks should be directed to the Chair.

Mr. Ben: I always enjoy this. The hon. member is trying to be nice about it.

Mr. Nixon: Nice?

Mr. Ben: I mentioned 14 days; at the present time a policy for fire or automobile insurance cannot be cancelled unless up to 14 days' notice is given to the person who is covered by it. Now, I am just suggesting 14 days. Perhaps there could be a month's

notice or 21 days' notice. That is immaterial, but it could be worked out.

For the reasons that I have stated, Mr. Speaker—

Interjection by an hon. member.

**Mr. Nixon:** Why does the member not go out on his boat?

**Mr. Bukator:** With a brace and bit!

**Mr. Ben:** —our party will not support this bill on second reading because it does not contain any material which would support the principle that the minister claims is to be found in this bill, i.e., we do not believe that it is no-fault insurance of the type that this party has been advocating for many years.

**Mr. Nixon:** What is the minister keeping in his office over there?

**Mr. Speaker:** The hon. member for Sandwich-Riverside.

**Mr. F. A. Burr** (Sandwich-Riverside): Mr. Speaker, when the minister—

**Mr. Speaker:** I find it impossible to hear the hon. member for Sandwich-Riverside.

**Mr. Deans:** He has not said anything yet.

**Mr. Speaker:** His lips were moving.

**Mr. Ferrier:** Let them have it!

**Mr. Stokes:** Sock it to him!

**Mr. Burr:** Mr. Speaker, when the Minister of Financial and Commercial Affairs predicted a month ago that his bill to amend The Insurance Act would have the member from Lakeshore standing up and cheering, we expected that auto insurance as a major irritant in the lives of most motorists in Ontario would no longer be a major problem in the average Ontario home as it is today, but alas for our hopes.

The major objections to the vast system of auto insurance in Ontario at the present time arise from some of the following facts:

1. High premiums resulting from: (a) high cost of selling the policies; (b) high cost of legal services required to minimize compensation paid to accident victims; (c) high cost of repairing damaged vehicles.

2. The lack of a compulsory insurance for every motorist. This lack, about which this bill does nothing, enables about 75,000 Ontario motorists, according to estimates from The Department of Transport, to carry no automobile insurance whatsoever thereby jeopardizing their own financial futures and those of anyone else for whom they may cause a tragic accident resulting in permanent disability or the death of a breadwinner of a large family.

3. The unjustifiable discrimination practised against young people below the age of 25. They are generally heavily penalized, even though most of them prove, year after year, their ability as good and safe drivers.

4. The injustice suffered in insurance compensation in serious and fatal accidents.

The member for Riverdale recalled a study by Professor Linden of all the car accidents that occurred in York county in 1961. I shall not repeat all of what he said, but Professor Linden discovered that in the most serious cases, 1,283 of them, the total loss was $4,340,000 of which the auto insurance companies paid only 45 per cent. In the 174 fatal cases it was a loss of $5.5 million, of which 11 per cent was covered from other non-automobile insurance sources and an astounding 87 per cent was borne by the persons who were fatally injured. Only two per cent was covered by auto insurance companies.

These are some of the inadequacies and inequities of present-day auto insurance in Ontario. We were expecting to find amendments to the insurance bill that would end this most unsatisfactory system, as it now exists. If memory serves me correctly, Chief Justice McRuer described the present-day auto insurance system in Ontario as "a half measure".

Other members will point out, or have pointed out, various weaknesses in the bill. Let me point out a few that impressed me.

The weekly disability pension of 80 per cent of earned income is to be paid to all policyholders who are wholly and continuously disabled up to a maximum of $70 a week, except to a group of unfortunate policyholders, including unemployed persons, students and most pensioners. The bill apparently assumes: 1. That all students are persons of independent means; 2. That all unemployed persons are receiving unemployment insurance—and an adequate amount at that.

There is no justification, Mr. Speaker, for such an attitude. If a student or unemployed person has purchased his no-fault insurance and is wholly disabled by an auto accident, why should the insurance company not pay him weekly benefits just as it would to an ordinary employed person?

Many employed persons would be working under terms which provided for no interruption in salary during a time of total disability through auto accident and would not actually be in any real need of the extra weekly benefit. Yet such an employed person would be getting a financial bonus denied to students and unemployed persons. Surely this weekly benefit should be treated as compensation for pain, suffering and inconvenience, and for this reason denied to no insured person whether or not he has other insurance or other sources of income.

The group of unfortunate policyholders to whom I referred a couple of minutes ago as including students and unemployed persons embraces, also, most old age pensioners. Any weekly accident benefit to which a pensioner becomes entitled will be reduced by the amount of his old age pension and any retirement pension under the Canada Pension Plan. This is almost unbelievable, Mr. Speaker.

In the past month, during the Tory party's great propaganda effort to convince the voters of this province that it had made a deathbed repentance and really did care about people, I must confess that I myself was almost beginning to believe it. This bill, however, has brought me to my senses again, this and the poll clerk patronage they are planning to railroad through the Legislature, perhaps this week.

Can you imagine a government telling the auto insurance companies that, if a pensioner breaks his back in an auto accident, they need not pay him the weekly benefits to which he thought he was entited when he paid his extra $9, that they need pay him only the difference, if any, between his old age pension, weekly income and the 80 per cent of his gross weekly earnings. Again, I suppose, if any?

How many pensioners are earning weekly incomes? Presumably those who had not been earning any income would receive nothing at all, because 80 per cent of nothing is still nothing. Only those who had been earning an amount over 25 per cent in excess of their pension would receive any weekly benefit at all, and this would be reduced by the amount of the old age pension and Canada Pension Plan. No wonder the insurance companies are pleased with this bill.

There are other persons who would not receive the weekly disability benefits even though they had paid for such insurance. These included anyone engaged in selling, servicing, repairing, maintaining, storing or parking automobiles at the time of his accident. I assume these individuals are covered by some other type of insurance by their employers or that those who drafted this bill assume that they are so covered.

Mr. Deans: Or they do not care.

Mr. Burr: Why should these various groups who cannot collect have to pay for this particular type of benefit? Many people who now do not buy the optional no-fault medical, death and disability feature of automobile insurance opt out simply because they have other insurance serving the same, or approximately the same, purpose.

The same argument would apply to students. Why should they be forced to buy weekly indemnity protection if they cannot possibly draw it in the event of an accident in which they are totally disabled?

When one tries to plough through the complexities raised by a bill of this nature and the intricacies of the Workmen's Compensation Board benefits which were being discussed a week or so ago, one looks forward to the day, Mr. Speaker, when a guaranteed annual income plan will wipe out all the inequities resulting from society's various attempts through private and governmental agencies to ensure a decent minimum standard of living for all, including those who are the victims of temporary or permanent misfortunes.

Other members will dwell upon the discrimination against housewives. Why a totally disabled housewife should be restricted to a $35 a week benefit in the first place, and restricted to a period of 12 weeks in the second place, simply mystifies me.

The member for Riverdale has already discussed the death benefits paid for household heads, $5,000 and $2,500. However no death benefits are paid if the fatal accident victim is a widow, a widower, a single person without dependants, or is riding in a taxicab or a delivery vehicle, according to subsection 3(1)(b)(v).

I should like very briefly to put on record for posterity the auto insurance costs for a typical two-car Windsor family with a teenage son driving in the summer of 1971. This family does not buy the medical, death and weekly disability benefits, the aspect of insurance which has come to be called no-fault insurance. This family has a 1968 Falcon, a 1967 Meteor, both six-cylinder cars; the former with two doors, the latter with four. The husband is 40, the wife 38 and the son 18.

Public liability of $100,000; collision with $100 deductible; and comprehensive insurance with a $25 deductible provision on misfortunes other than theft, lightning and fire, apply to both cars which incidentally are used for pleasure and not for business. Although the teenage son receives a 10 per cent discount for having taken driver training and receives a 35 per cent discount for being a good student, the annual auto insurance bill for this family is $305.40.

If this family had to pay two additional $9 fees under this bill, the total would be $323.40. This bill gives this family no cause, in the minister's words, to stand up and cheer. The family gains very little except possible death benefits for an additional $18 a year expense.

By contrast, if this family moved from Windsor to Winnipeg, its annual auto insurance bill would be $192 at the 1972 rates for exactly the same conditions—for example, a 1968 Falcon, 1967 Meteor, husband, wife and teenage son.

In addition, the damage to cars and property would be covered on a no-fault basis, not on an adversary basis with two companies calling their legal advisers into so many cases. Settlements in Winnipeg would be speedy.

Moreover, in Winnipeg where all motorists will carry this no-fault type of coverage, occupants of either of the family's cars would be insured for medical benefits of up to $2,000; death benefits up to $10,000; dismemberment up to $6,000; funeral benefits up to $500; and disability benefits both partial, $50 for two years, and total, $50 indefinitely; as well as for the same collision and public liability amounts but on a no-fault basis.

In comparing the $323 premium in Windsor at 1971 rates with the $192 premium in Winnipeg at 1972 rates, one would keep in mind also that Winnipeg is a much larger city than Windsor in population; about 600,000 compared with 200,000. In larger Ontario communities it is quite possible the rates might be higher than those in Windsor.

In Manitoba, of course, this family or any other would be protected while cycling, walking, riding horses, even if the car injuring them should be unidentified or from outside the province.

What is no-fault insurance, Mr. Speaker? Some people are of the mistaken opinion that it no longer matters how an accident happens. Whether, for example, it is caused by a driver whose ability is impaired by drugs or alcohol, or temporary insanity. Some people think that such drivers would derive all the benefits enjoyed by other victims of automobile accidents. Such, of course, is not the case, as the exclusions on page 14 of the bill, subsection 3, section 2, show.

Most people who have given no-fault insurance any thought believe that with such exceptions as are set out in this bill, everyone in the province, man, woman and child, who becomes a victim of an automobile accident, should be effectively covered under any genuine system of no-fault insurance. Yet under this bill, there would be many exceptions, some of which I have already discussed.

Other exceptions include at least four groups, pedestrians, cyclists, motor cyclists and horsemen, if they are not also insured motorists or the dependants of insured motorists. These persons, in the event of an accident, involving an unidentified or an uninsured or an out-of-province motorist, are not covered.

This is not no-fault insurance, Mr. Speaker. This bill, if it is passed in its present form, will become known as the full-of-fault insurance plan.

It is a great pity—

**Mr. B. Gilbertson** (Algoma): The hon. member does not mean that, does he?

**Mr. Burr:** Yes, I mean that.

**Mr. Randall:** Get started. He is all finished.

**Mr. Deans:** He may be finished, but the member is all washed up.

**Mr. Stokes:** He is just warming up.

**Mr. Ferrier:** That is an excellent speech he has given.

**Mr. Randall:** I have had more fun looking at an open grave.

**Mr. E. W. Martel** (Sudbury East): What a morbid individual!

**Mr. Burr:** Mr. Speaker, I am indebted for the member's compliments; however I have one more sentence to go and then the other hon. member can join in the debate.

**Mr. Deans:** He does not know how to.

**Mr. Burr:** It is a great pity, Mr. Speaker, that the present minister, who has introduced so much worthwhile legislation into this

House, should have been the one who had to introduce this token gesture contrived by the present government for election purposes only.

**Mr. Speaker:** The hon. member for Oshawa.

**Mr. Pilkey:** Mr. Speaker, let me say first of all that I want to comment on a statement that was made by the Leader of the Opposition when he made the assertion that the New Democratic Party wanted to nationalize the auto insurance industry. That is not the position of this party and I am not sure that the Leader of the Opposition knows really what the term, nationalizing of an industry means.

This party does not, in any sense of the word, mean to nationalize the auto insurance industry because that means taking over the total assets of that industry and this party has not at any time advocated taking over of the assets of the auto insurance industry. We have to get that on the record and get it straight.

**Hon. Mr. Yaremko:** Just take over the business.

**Mr. Pilkey:** There is some difference: that is no different than the government when they implemented hospital insurance under OHSC, when they took over from Blue Cross; nor was it any different when the government took over from PSI when they introduced the OHSIP plan. We are only taking one more step by implementing public automobile insurance here in the Province of Ontario.

I want to tell this government that obviously the present system is not working. The premiums are too high. The performance by the insurance companies in this whole area is totally inadequate, as is this bill totally inadequate in itself. It does not cover many of the things that should be covered by a public automobile insurance plan. There was some reference made here to the automobile insurance plans in Saskatchewan and Manitoba, and as I recall the Minister of Financial and Commercial Affairs said that in some respects this bill goes beyond the Manitoba plan.

Surely in a province that is as affluent as this province we should be able to do something better than they do in Saskatchewan and in Manitoba. Maybe in some areas the minister has superseded those plans in those two provinces, but he has not encompassed the plans in totality, as they have in those two provinces. He touches on some of the points that are necessary, but he does not go all the way.

I also noticed the bill provides for a maximum of $70 per week as a benefit to someone who is injured in an accident. I want to tell the minister that this maximum that he alludes to in the bill is totally inadequate. Just the other day the Minister of Labour in this House provided a bill amending The Workmen's Compensation Act that provided a benefit just in excess of $129 per week for an injured workman. I do not know how this minister rationalizes his $70 as opposed to the Minister of Labour's $129. In his view, it is a benefit that meets some kind of a standard of living that a worker is entitled to if he is injured in an industrial accident, but surely the Minister of Financial and Commercial Affairs is not telling us that an injured person can adequately live on $70 a week and support a family.

In addition to that, as I read the bill, he is saying that, if a workman in an industry is able to negotiate a contract covering him for disability benefits, the $70 is not available to him and, obviously, this makes a saving to the insurance company.

The member for Riverdale did make the observation that the insurance companies will escape the cost of medical and hospital costs. I sense in this bill also they will not have to pay those workers who are covered under an accident insurance contract. As the minister knows full well, there are thousands and thousands of people in this province who are covered for total disability by contract, and this provides a saving only for the insurance company.

As was pointed out, property damage is not covered in the bill to the extent that it should be. I was just appalled when the member for Riverdale pointed out that a housewife who is totally disabled will get 12 weeks of benefits at $35 per week. Surely this government is not saying that this would adequately cover a housewife totally disabled in an automobile accident. I want to suggest that if a housewife is injured and the husband or the spouse who is working has to provide resources to look after the family, then obviously it is going to cost him much more than $35 per week. I want to suggest that there are all kinds of inequities in the bill itself. There does not seem to be any consistency in terms of the benefits that are given to people who are injured.

The unemployed worker does not receive any benefits, because it says "if he is actively engaged in an occupation or employment for wages or profit at the date of the accident." Well there are workers who are

unemployed. Some of them, I suppose, are welfare recipients. But nevertheless, those people who are on unemployment insurance and are temporarily unemployed, if they happen to get into an accident, if they happen to find themselves in an accident, as I read the bill, they are not covered in any sense of the word.

In addition to that there is discrimination. Not only are there inequities in the bill, but it is rife with discrimination. This government introduced a fair employment practice bill—I forget the number, Bill 83 or something like that—last year and hailed it as landmark in eliminating discrimination in employment. Yet they perpetuate the same discrimination in this bill. On one hand the government says that it is opposed to discrimination because of sex, and yet they enshrine it in this bill by providing lesser benefits for females than for males.

I also want to say, Mr. Speaker, that there is a campaign being waged in this province against the New Democratic Party for its support of a public automobile insurance programme by the insurance agents, and I am sure that the Conservative and Liberal parties are fully aware of that. As a matter of fact, the independent automobile insurance agents are building a war chest to defeat the New Democratic Party on a riding-by-riding basis.

**Mr. MacDonald:** Like they did in Saskatchewan and Manitoba.

**Mr. Pilkey:** Yes, and I want to remind the government that—

**Mr. MacDonald:** These Tories are living in the past!

**Mr. T. P. Reid:** Does the member think there is something wrong with them trying to defend their jobs?

**Mr. Pilkey:** I want to remind the government and the Liberal Party, that in Manitoba, against the full weight of the insurance agents, in two by-elections the New Democratic Party won with substantial majorities, and I feel confident that come the next election—

**Mr. MacDonald:** We are on the side of the people. You are not.

**Mr. Pilkey:** —the New Democratic Party will overcome the insurance associations—

**Mr. MacDonald:** In fact they are an asset.

**Mr. Pilkey:** Right. The insurance—

**Mr. Ferrier:** The old line parties are so tied into the insurance interests that they will just protect them at any cost.

**Mr. MacDonald:** We are on the side of the people; they are on the side of the insurance companies.

**Mr. Pilkey:** The insurance agents' programme aims at attempting to defeat New Democratic Party candidates.

I might also remind the minister of this kit that was put out by the insurance agents; with all that propaganda. They have now put out another memo to the insurance agents in the Province of Ontario and they have warned the insurance agents against appearing on a platform with any New Democratic Party candidate, whether it is in the election or prior to the election, they are not to appear with any New Democratic Party candidate or spokesman.

**Mr. MacDonald:** That is a wise precaution.

**Mr. Pilkey:** It is a wise precaution and—

**Mr. Deans:** I would not be surprised if the Tories warned their people of the same thing.

**Mr. Gisborn:** Going to disenfranchise them if they catch them doing that!

**Mr. Pilkey:** It indicates, Mr. Speaker, that the New Democratic Party has presented a viable proposition for public automobile insurance, and one that is dependable and defensible in the Province of Ontario, and one that the insurance agents obviously do not want to be confronted with, because in my view they have not provided any substantial reason why we ought not to have a public automobile insurance scheme in the Province of Ontario. Their main theme, obviously, is freedom of choice—whatever that means—continuing on that theme.

I would urge them to come to grips with a public automobile insurance plan to find out whether it would provide a saving for the people of this province; whether it would provide a vehicle that provides benefits much easier, much more simple and much more readily than they have been in the past. It is our opinion that a public automobile insurance scheme would be less costly. It would provide benefits immediately.

It would eliminate court costs that have escalated over the years. Every court in this province is jammed so that cases of civil action and criminal action are held up or laid

aside for lengthy periods of time while automobile accidents are being adjudicated in the court.

I also want to say that when the former premier of Saskatchewan, Ross Thatcher, was attempting to become the government in the Province of Saskatchewan—prior to 1964—he let it be known to the insurance agents and to the people of that province that if he was elected he would immediately turn the public automobile insurance programme over to the private sector. I want to read just a comment to members. I think it was two years later, after he was elected, and obviously he had done nothing about returning the public automobile insurance programme to the private sector. He said this:

> "Government auto insurance has given us a lot of headaches," said the Saskatchewan Liberal Party Premier, Ross Thatcher. "There have been plenty of times when I wanted to throw the plan in the Pacific Ocean. But," he added, "I would have to admit the plan is working. Hardly anyone injured in an automobile accident in Saskatchewan goes uncompensated."

This is Mr. Thatcher and I do not have to tell you that when—

**Mr. T. P. Reid:** What is the size of the payments?

**Mr. MacDonald:** Sufficient that there are only six cases in courts at the present time.

**Mr. Pilkey:** I am quoting the premier of that province at that time, and he did not see fit to relegate the plan to the private sector. As a matter of fact, he continued with the plan. The only thing that Mr. Thatcher did do, in a sense, he attempted to reduce the benefits of the hospital service plan in Saskatchewan. I do not have to tell the members of this House what happened when he introduced a deterrent fee.

**Mr. Speaker:** Of course, this has nothing whatever to do with this bill.

**Mr. Pilkey:** I will come to the point, Mr. Speaker.

**Mr. Jessiman:** How much of the consolidated revenue fund—

**Mr. Pilkey:** The people of that province turned that government out as they will turn this government out—

**Mr. Jessiman:** Which happened once before in Saskatchewan too!

**Mr. Pilkey:** —if it continues to introduce schemes that do not adequately cover the people of this province. People of this province are anticipating a public automobile insurance scheme that will cover them for accidents adequately; that will take care of property damage; that will take care of total disability and—

**Mr. Jessiman:** It costs them nothing.

**Mr. Pilkey:** —provide a vehicle to have people compensated without lengthy litigation in the courts.

**Mr. Jessiman:** And it is all free!

**Mr. Pilkey:** I want to conclude by saying that the government knows full well that this plan is totally inadequate. The government did gain, I suppose, some political yardage, if I could use that term, when there were great headlines in the newspapers across this province that it had introduced a no-fault insurance scheme in the province.

Well I want to say that when people finally come to know the total inadequacies of this bill, then those screaming headlines will become irrelevant, the Tory party will be turned out as a result of their action and the New Democratic Party will institute a plan that is viable and meets the needs of the people of this province.

Interjections by hon. members.

**Mr. Speaker:** The hon. member for York South.

**Mr. MacDonald:** Mr. Speaker, I just want to speak to one aspect of the underlying principle of this bill. The obvious choice that is presented today by the situation in this country on the question of car insurance is whether or not it will be handled by a public plan or by continued reliance on the private insurance companies.

I know that this government is committed in a very doctrinaire sense to private insurance, and while it has moved in some directions to bring some of the kind of coverage that has been pioneered by public insurance in this country in Saskatchewan and Manitoba, the government has drawn the line. But I want to make this prediction, Mr. Speaker—

**Mr. Jessiman:** Where is the line? Between Siberia and southern Ontario?

**Mr. Ferrier:** The member is not calling the north of Ontario Siberia—

Interjections by hon. members.

Mr. Speaker: Order.

Mr. Pilkey: Let the record show that the member called northern Ontario Siberia. We heard him.

Mr. Jessiman: Let it be recorded, you are right.

Mr. Pilkey: Do not try to back off.

Interjections by hon. members.

Mr. Speaker: Order!

Mr. MacDonald: It is when characters like that are up there they think it is Siberia, and I do not blame them.

What I was about to say when I was rudely interrupted is that I venture the prediction that even if this government were to retain power—which they are not, and precisely because of bills of this nature—even they would be forced to recognize that continued reliance on the private insurance companies in this field is beyond the capacity of the people of the province to pay and certainly is going to deny the provision of the kind of car insurance we need in the Province of Ontario.

In short, Mr. Speaker, we are going to have the same kind of a pattern, if I may just allude briefly to what we had in medical insurance. This government determined that they would not establish medical insurance in the Province of Ontario until the Liberals at Ottawa weakened on the guidelines for the overall national health insurance scheme and permitted the involvement of the private insurance companies. They were so determined to involve private carriers that they blew over $200 million in grants which were there to be picked up in Ottawa. When they got the private insurance companies in, what happened? Within less than two years, even the government recognized that the involvement of the private insurance companies was too costly and created an administrative monstrosity that they could not cope with; so now they are in the process of phasing them out.

I suggest to you, Mr. Speaker, we have reached precisely the same stage of the provision of adequate car insurance coverage in this province. The government is made up of slow learners; they learn very slowly, they have to have bitter experience. Well the people have caught up to them and they will not have a chance to learn slowly, because the people will put in somebody who will do it the right way.

Mr. Pilkey: Hear, hear!

Mr. MacDonald: However, Mr. Speaker, I think it is useful to take a look at the consequences of this government's firm determination to continue a plan that involves the private insurance companies.

On the one hand, as has been mentioned on a number of occasions already, we are losing at least 20 per cent of the premium dollar because the average payout over the years with the private insurance companies is in the range of 65 cents. In the experience of the Saskatchewan plan over a period of some 25 years, the payout is 85 cents on the premium dollar. So it is uneconomic at least to the extent of 20 cents on the premium dollar.

The reason for it, of course, is a very simple one. If we have got over 200 insurance companies involved in the provision of insurance, it is inefficient, it is uneconomic. You have got over 200 companies carving this economic pie. They all have their costs, their overhead, their commissions, their profits; and all of that must come out of the premium dollar. The only way the public can be relieved of that, if the government is genuinely interested in seeking some reduction in the increasingly burdensome cost of car insurance, is by moving to public car insurance.

As my colleague from Oshawa has pointed out, this does not involve nationalization in the sense that both the Liberals and the Tories like to insist. The fact of the matter is that in the Province of Manitoba there has been as careful consideration of the interest of the insurance agent—as we in this party insist be given to anybody whose job security has been destroyed because of some change—in terms of making it possible for him to maintain his livelihood by being an agent to sell the public insurance, by the provision of grants, by the provision of loans, in order to make it possible for him to move into some other field of insurance, or to remain as long as he wishes in the field of car insurance. In short, it is not nationalization.

However, there is a second result that has flowed from the government's determination to stick with private insurance companies in the field. It had to occur because the pressures have become irresistible on no-fault insurance all across this North American continent.

Even Nixon in the United States is now contending that he is in support of no-fault insurance. Even the insurance companies, while they bucked it through to the eleventh hour, are now saying that they are in favour of no-fault insurance.

When the minister introduced this piece of legislation he referred to it as being the finest legislation in the North American continent and gave it the name of no-fault insurance. But, when we analyzed it, we discovered that the no-fault applied only to personal injury. It does not apply to collision damages that maybe sustained in a car accident.

When we examine the payout of the insurance companies in recent years, we discover that 30 per cent of their payout has been for personal injury and 70 per cent has been for collision damages. So what in effect we have is 30 per cent no-fault insurance from a Tory government that asks us to believe that it is the finest piece of car insurance legislation on the North American continent.

In short, Mr. Speaker, what the minister has determined that he will retain is the adversary system in at least 70 per cent of the payout with regard to collision.

Let us face the fact that the adversary system is a disastrous system in terms of providing efficient coverage for the people. If I buy fire insurance and my home burns down, what would your reaction be if an insurance company got into legal wrangles in the courts for years as to who was at fault for that fire? If I had bought fire insurance and my house burned, I am entitled to the insurance to compensate me for my losses so I can go and cope with the problems of life.

That is not the approach in car insurance. In car insurance we have an adversary system in which the insurance companies get locked in a battle which, if it is a serious accident, can go on for a three- or four- or a five-year period. What this government is determined to do by its insistence in remaining with private insurance companies is to perpetuate that inefficient, that uneconomic approach to the provision of coverage for at least 70 per cent of the coverage, namely, that which in past experience has been given for collision coverage.

The third and the remaining point that flows from the government's determination to stick with private rather than to move toward an efficient kind of public car insurance, is the inadequacy of the coverage. Down through the years we in the New Democratic Party, and indeed in the CCF party before the founding of the New Democratic Party, have been insisting that the traditional kind of insurance from private insurance companies of public liability and of collision coverage was hopelessly inadequate to compensate for the full range of losses a person might sustain in a car accident. It was the Saskatchewan plan that pioneered the provision of death benefits, of out-of-work benefits, of dismemberment benefits and of covering much of that area for which there was no compensation.

As my colleague from Riverdale has reminded the House, along with others who have shared in this debate, Professor Linden's study in the county of York pointed out that only 37 per cent of the loss sustained in the full spectrum of accidents that he examined in York county was covered by private insurance coverage; 23 per cent was covered by other agencies like hospital and health insurance and some 40 per cent was sustained by the people who happened to be involved in that accident.

What happened as a result of the studies in the Province of Ontario was that there was pressure on the committee which examined it on behalf of this Legislature to get broader coverage beyond the 37 per cent covered by the private insurance companies. So the private insurance companies were persuaded as a defensive measure to move into the provision of these wider coverage items, such as out-of-work benefits and death benefits, and these became available on a voluntary basis. They were so needed, and they were so sought after that fully 70 per cent of the people of the Province of Ontario who are driving cars have already sought that kind of coverage. But what we have got to do is to extend the coverage fully. This government, while moving to establish this, for reasons again as the hon. member for Riverdale has pointed out, had excluded dismemberment coverage. In short, it is characteristic of the kind of piecemeal, inadequate legislation that is being presented.

I have dealt, Mr. Speaker, with only one principle and some of the consequences that flow from that principle, the principle of this government's determination to maintain private coverage instead of moving to public car insurance coverage in the Province of Ontario. That is, as far as I am concerned, the fundamental flaw in this bill. I am convinced it is a fundamental flaw as far as a great majority of the people of this province are concerned.

**Mr. Nixon:** Why is it not in the member's party's reasoned amendment?

**Mr. MacDonald:** It is not in our reasoned amendment for a reason which, if the hon. member had been in this House for 10 years, I thought he would recognize; namely that if one is dealing with a piece of legislation which is brought in by the government, a reasoned amendment must be within the four corners of the bill which had been brought in by the government itself.

**Mr. Nixon:** The hon. member in all the years of his leadership did not have a reasoned amendment.

**Mr. MacDonald:** Oh yes, we did. On many occasions we had reasoned amendments.

**Mr. Nixon:** No, he never got past the six months' hoist.

**Mr. MacDonald:** On many an occasion! If the hon. gentleman would like to present himself as an alternative to the expertise on the rules of this House of one Kenneth Bryden I invite him to try it, because he will find himself sadly wanting.

**Mr. T. P. Reid:** Where is good old Kenneth Bryden?

**Mr. MacDonald:** Ken is teaching those who one day will be in this House, most of them on the NDP benches on the government side.

**Mr. S. Lewis** (Scarborough West): In our central economic planning secretariat.

**Mr. MacDonald:** We have got the reserves, not only in the House and in our range of candidates, but behind the scenes for a civil service to administer everything in the Province of Ontario.

**Mr. Lewis:** Does the House want to know who will run automobile insurance, who is going to see it through the House?

Normie Elder! Normie Elder is going to guide this bill through the House.

Interjections by hon. members.

**Mr. MacDonald:** Mr. Speaker, I have said all I wanted to say. It is obvious there are many others in the House who want to have the floor, so I shall give them the chance to take it.

**Mr. Gisborn:** Mr. Speaker, my comments are going to be very brief.

Interjections by hon. members.

**Mr. Gisborn:** I say that because I want to refer to the comments of the member for Riverdale.

He made the comment in a sad tone that it was really a shame that members of this House had to waste the time this late in the evening, to debate such a picayune, frail and weak piece of legislation.

**Some hon. members:** Hear, hear.

**Mr. Nixon:** What is this picayune? The member picked that up from his leader.

**Mr. Gisborn:** Well the effort made by the Liberal Party certainly is minute or picayune, whichever way you want to put it. Through all the years they have stood four-square with the Conservative government in protecting the insurance companies on this bill, they really had little or nothing to say, because they do not understand what it is all about. They are as confused as some of the public, and I think they are as confused as some of the members of the government that they think that this is a good bill.

**Mr. Lewis:** Where are the Liberal members from Hamilton?

**Mr. Gisborn:** I daresay that many of the back-benchers in the Conservative Party across the way learned something tonight about this bill, and I feel that if they really read it and analyse it and again read the speech of the member for Riverdale, they will have come to the conclusion that it is the biggest fraud ever to be perpetrated on the people of this province in the last 20 years.

It is going to be a fraud, and the fraud was intended to be concealed until after the election coming in the next couple of months. That was the purpose of the bill. And I know for a fact that many of the people in this province think they have a bill that will give them no-fault insurance coverage for their damages, for anyone in the family and for damages to their property, which is not the case.

I know how angry many of the employees in organized industry are going to be when they find how weak and frail this bill is, when they know that it will apply to them in not one iota, when they know that they have to pay the $9 extra fee for their insurance, with absolutely no coverage for them whatsoever; because in many cases

their negotiated plans give them 80 per cent of their income if they are off sick from injury or for any reason.

I can come to no other conclusion than that at this point about 90 per cent of the public are confused about this bill, do not understand it but feel they have a no-fault insurance coverage in its universality, when they have not and when it is so weak and frail when it is analysed, as it has been tonight.

I am sure that we are going to say to the public, to tell them in no uncertain terms in the next few weeks what this bill is all about before the election takes place and the government is going to get the reaction at that point. I want to warn some of the members of the Conservative Party who do not know what the bill is all about to urge the government to change it in the next few days—either withdraw it, admit its failures or strengthen it in the manner that has been put forward by our reasoned amendment—or many of them are not going to even be able to hold half of the votes they got in the last election. And that will not be enough for them to show any intention of doing what they think they are going to do.

**Mr. J. R. Simonett** (Frontenac-Addington): Where have we heard that before?

**Mr. Martel:** The numbers get smaller, do they not?

**Mr. Deans:** Mr. Speaker, in the 3½ years that I have been in the House this is the second occasion that I can think of where this government has finally begun the movement toward what has obviously been required for any number of years.

A couple of years ago we spent a long time in this House debating the inadequacies of the government's introduction of a bill to provide medical coverage for people in this province. It had been obvious for probably 25 years or more that the need for medical coverage was great and that this government ought to have moved in that direction. When they finally did get around to introducing legislation to provide medical coverage, the legislation that was introduced was so woefully inadequate that on this day some hours ago, the government found it necessary to introduce legislation to amend that legislation, to bring it at least in part into line with what we had suggested. Again we are faced with a smiliar situation.

Here we have the government dragged, kicking and screaming after 25 years of obvious need. Here we have the government dropped at least to the point where they are beginning to recognize publicly the need to have more adequate automobile insurance coverage in the Province of Ontario.

Other jurisdictions in the world recognized this need many years ago; and what happened? This government, in its usual procrastinating fashion, has found it necessary to introduce such minimal change as to be ineffective in the face of, perhaps the greatest need left in the field of insurance in the Province of Ontario.

I doubt that during the time that I have been in the Legislature there has been—with the possible exception of the OHSIP legislation—another single matter that has been more often brought to my attention than the inadequacies of the insurance programme of the Province of Ontario in regard to auto insurance.

**Mr. Nixon:** All from the township of Binbrook?

**Mr. Deans:** Not quite all from the township of Binbrook, in answer to the Leader of the Opposition. In fact, occasionally from other areas like Brant.

I say to the Minister of Financial and Commercial Affairs that I have received more comment from persons in my riding and other parts of the province about the total inadequacy of the overall insurance programme in the Province of Ontario than about any other single private matter.

There has been a great deal of concern shown about the manner in which this government has operated the unsatisfied judgement fund. There has been a great deal of concern shown about the lack of concern of this government about the ever-increasing auto insurance rates. This move does not even begin to provide the kind of coverage that is required.

I was interested to note some months ago in the study that was done—in fact let me see, the DBS figures in Canada from 1961 to 1970 showed that the insurance index had risen from a base of 100 to 172.6. This 72.6 per cent increase was likely to be increased in this current year by approximately 12 per cent in the Province of Ontario. This nine-year increase was higher than every other single increase but one in the consumer price index—every other single one—and this ought to have been sufficient to bring the government to realize the need to move with

much more vigour in the area of automobile insurance.

And yet what happened? We have introduced a second-class, perhaps even a third-class programme which does not even begin to meet the basic component requirements of no-fault insurance. The requirement to establish fault in any accident is, in most instances, a most difficult task. There are not many people who are deliberately engaged in an accident, and because of this it requires great litigation; it requires considerable cost.

This Act does not begin to deal with the major problems in the area of no-fault insurance. This Act only deals with a very small percentage of those people and those claims and in total dollars, dollars that are spent in meeting the legitimate claims of people injured and people who have been affected by automobile accidents.

In fact it is interesting to note that in terms of cases before the courts, at the present time something in the order of 40 per cent of the cases in county courts and about one-third of the cases in the Supreme Court deal with insurance claims.

Surely when one takes into consideration not only the costs that are directly attributable as a result of automobile insurance premiums, but those costs that also have to be added as a result of the additional court facilities that must be provided to deal with these things, even this government must recognize the need for a more comprehensive, a more encompassing no-fault auto insurance programme.

Members might ask what kind of response one would get from the electorate at large? I asked just that question. I asked the electorate in my riding what they thought of the automobile insurance programme presently in effect in the Province of Ontario and what they would like to see done.

The question I asked was simple: Did they feel that it would be desirable to have compulsory automobile insurance in the Province of Ontario; that every driver driving in this province must, out of requirement by law, have automobile insurance? And 95 per cent of the people returning the questionnaire said in a positive way that there ought to be compulsory insurance.

I asked another question. Assuming I got that answer, I asked them: "Do you think that it makes sense to sell this insurance in conjunction with the sale of licence plates through an agency operated by the government?" Sixty-five per cent of the total said yes they felt this was how it should be done. Of the remaining 35 per cent, some 15 or 20 per cent had no opinion.

I say to the minister that this kind of a move, the move that he is making, is really not adequate. It does not even begin to fulfil the obvious needs. He must know, having been involved in the Financial and Commercial Affairs portfolio for some time—not only in this occasion, but in the setting up of the portfolio in the first place—he must know the numbers of complaints that come before the superintendent of insurance.

He must also be aware of the numbers of people who are involved in accidents in this province, who are forced, simply because of the fact that there is no compulsory insurance and because of the fact that there has been no effort on the part of this government to assure that there will be a check and balance system to guarantee the people who are insured remain insured, that many people find themselves fighting in the courts simply to establish their right to claim before even the unsatisfied judgement fund as it was called.

What has happened in the last month since the introduction of this legislation has been that there has been a great misleading of the public. As my colleague from Hamilton East says:

> Far too many people in the province now believe that this government has taken the kind of steps that are necessary to make the changes that have to be made to provide a total and complete package of automobile insurance for people in this province.

The truth of the matter is that like so much of the legislation that has been introduced by this government over the last four months, it is simply window-dressing for totally inadequate thoughts. It is not an indication of a forceful programme of change. It is simply election gimmickry.

You would think that perhaps the minister did not recognize that there were even yet tremendous problems within the auto insurance field. Yet a recent article that appeared, as I recall it in the Toronto Globe and Mail, indicated to me at least that the minister, having full knowledge of his department—and I assume he does—had made a statement to the effect that if it were proven to be necessary this government may well be prepared to move into the field of regulating rates.

Now surely the minister would understand that having set up a no-fault insurance programme and then moving into the field of regulation of rates, the inevitable step would be the establishment of a publicly-operated no-fault compulsory programme. Surely it is inevitable that in the kind of direction that the minister indicates in this article that they are prepared to take it, the end result must surely be public no-fault compulsory automobile insurance in the Province of Ontario.

The minister says so. He says so in effect. He says here that while we have not considered in the current bill making accident benefits mandatory, the idea of supervisory agency on rates has not been overlooked. That in fact the government has looked at this particular field. And he points out that in actual fact in the existing legislation that has not at this time received Royal assent there is, or there has been and there still is, a clause which would enable the government to regulate rates. And let us be fair about it—there is no point in going before the people and establishing no-fault insurance, minimal though it may be and determining that each and every person must purchase it, if the government is not going to have any say in what the cost will be.

The government will inevitably have to establish some means of discussion if not regulation of rates. And when this comes about insurance agents—as they have done in other parts of the country—will then opt out. It will not be a matter of being forced out; they will opt out simply because they themselves will not be prepared to be under the public scrutiny in the fashion that they ought to be under since they will have a monopoly.

Now it seems fairly obvious that this particular bill, inadequate though it may be, was introduced with an eye to providing some kind of election platform. We do not buy that. If you are going to introduce legislation governing automobile insurance it should be all-encompassing legislation, dealing with the total problem rather than some isolated problem contained within the total.

I say to the minister that the people of the Province of Ontario are ready for the kinds of changes that will bring about a completely new and a completely responsive automobile insurance programme in this province. To do less than to introduce it at this time is to betray the trust that was placed in this government in the year 1967 and prior.

If this government believes that this kind of change is going to satisfy the needs of the many people in this province who presently are before the courts, who presently are forced into the motor vehicle accident claim fund, who are presently forced to receive less than they would normally be expected to receive as a result of accidents because of the manner in which accidents rates are pro-rated, then he is sadly mistaken.

Do not for one moment believe the propaganda of the insurance industry that there is in effect a truly competitive industry, that there is in effect a truly competitive situation. Do not let yourself be misled into believing that situation in actual fact exists in the Province of Ontario. Rates are established and those rates are handed down, and if there is any deviation from the rates that difference is absorbed by the individual agent simply for the purpose of selling his particular brand.

In actual fact the rate itself is established either by the underwriters or by the insurance agents association, and anyone who would say otherwise is not recognizing the truth. It is time this government became responsive to the actual needs of the people of this province and stopped advocating and stopped introducing piecemeal, inadequate legislation to deal with extremely important and difficult problems.

For these reasons, in addition to all of the reasons put forward by the member for Riverdale and all of the reasons put forward by other members speaking in this House, it becomes impossible to support this government bill. It becomes impossible to vote for it, and we suggest to the minister, as we have on a number of occasions, that if he truly believes that there is a need, then he ought to introduce legislation to meet that need and not try to deflect public opinion and public concern away from what is obviously the genuine problems that confront them, at least in regard to the auto insurance industry.

If necessary it can be done. It can be done with considerable compassion. It can also be done in a very orderly way and we can have a total package in the Province of Ontario that will be a model for all of North America. It will be a total package that will assure that no person operating a motor vehicle within this province will

ever have to suffer financial loss as a result of an accident.

Remembering that an accident in most instances is not some preconceived or preplanned event, that it occurs as a result of an error in judgement or mechanical failure or some other problem, and that very few people ever involve themselves in accidents by choice, there is no reason at all why any indivdual should suffer simply because he had the misfortune to be involved in an accident.

This bill, in those things that it contains, discriminates very greatly against certain classes of people, and that is not within the acceptable form of no-fault insurance.

If a person is involved in an accident, regardless of what his income or means or age or vocation may be, he should be able to expect the same kind of coverage and the same kind of treatment as any other individual in this province. This government should not make the attempt, as it is now doing, to differentiate between certain classes of people in this province. The elderly have suffered enough; the young have been abused. This government has done little if anything to try to compensate for the abuses and suffering over the years.

To heap additional abuses and additional suffering simply because of a misconceived notion that those people do not need the same kind of coverage as others is wrong. I say to the minister that this bill ought to be withdrawn, and reintroduced to meet the need as it exists, not the need as it is dreamed up by some person in the backrooms of the Tory election platform committee.

**Mr. Speaker:** If the hon. member for Lakeshore would move the adjournment of the debate.

Mr. Lawlor moves the adjournment of the debate.

Motion agreed to.

Hon. Mr. Wishart moves the adjournment of the House.

Motion agreed to

The House adjourned at 11:55 o'clock, p.m.

# CONTENTS

Tuesday, July 20, 1971

**The registration of businesses engaged in the distribution of paperback and periodical publications,** bill to provide for, Mr. Wishart, second reading ..... 4309

**Insurance Act,** bill to amend, Mr. Wishart, on second reading ..... 4321

**Motion to adjourn,** Mr. Wishart, agreed to ..... 4352

# Legislature of Ontario Debates

No. 107

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Wednesday, July 21, 1971

**Morning Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971



*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*



# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

WEDNESDAY, JULY 21, 1971

The House met at 10 o'clock, a.m.

Prayers.

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** The 10th order, resuming the adjourned debate on the motion for second reading of Bill 81, An Act to amend The Insurance Act.

## INSURANCE ACT
*(continued)*

**Mr. Speaker:** When this debate was adjourned it was adjourned by the member for Lakeshore (Mr. Lawlor); since he is not present is there some other member who wishes to speak on The Insurance Act? The hon. member for Timiskaming.

**Mr. D. Jackson** (Timiskaming): I will be reasonably brief this morning. In 1968, when the then Premier (Mr. Robarts) wound up the debate for the year, he said across the House to our leader, at the time the member for York South (Mr. MacDonald) that we should not worry because the Tory party always steals our better platforms.

**Mr. G. Bukator** (Niagara Falls): That is our morning smile!

**Mr. Jackson:** That is on record.

**Hon. L. Bernier** (Minister of Mines and Northern Affairs): There goes that fig leaf.

**Hon J. W. Snow** (Minister without Portfolio): Is there anything under the fig leaf?

**Mr. D. C. MacDonald** (York South): At least it fills the vacuum on that side.

**Mr S. Lewis** (Scarborough West): Wait until we turn another leaf.

**Mr. Jackson:** If that is true, I am somewhat at a loss to realize why the minister has brought in the legislation he has brought in.

**Hon. Mr. Snow:** We can understand the member being at a loss.

**Mr. Jackson:** Because if he was going to steal our best he surely did not do it this time.

**Mr. MacDonald:** Touché.

**Mr. Jackson:** He has gone back to the Saskatchewan of the 1940s and brought forth a bill that was inadequate then and is still inadequate and now he calls it model legislation.

There is another example of the government's thinking along the same line of the McGillvray report when Mr. McGillvray took The Workmen's Compensation Act and was supposedly going to compare it with other provinces and upgrade it, or make it much fairer. Instead of doing that, he compared it with all of the provinces across Canada and all of the different jurisdictions around the world which had used Ontario's legislation as a model in the beginning.

Ontario's inadequate Workmen's Compensation Act became the model that we use to try to upgrade our own legislation and we still have a Workmen's Compensation Act that is still inadequate, still does not meet the needs of the people. We are stuck with it because this government does not look far enough ahead to make the changes that are needed.

We are doing that again with this piece of legislation that is before us now in Bill 81. We are taking and using as our model for draft legislation, an Act that was inadequate in 1940. Surely, if we are going to have something that is going to serve the needs of the people of Ontario we do not look back—we look forward.

It has always been my opinion that insurance was not there to protect the insurer; it was there to protect the person who was injured. This legislation, in my opinion, protects the insurance companies. In almost every clause there is some sort of an out, some sort of way that the insurance company can get out of paying the amount of money that is called for in one clause.

We are told that under the Act a person can make a claim against the insurance company for an injury, and yet we find that

if he is drawing a pension, if he is receiving a workmen's compensation benefit or any other benefit, that becomes the first claim and the extra claim is on the insurance company, so that they might end up paying five or six per cent or nothing if a person is injured.

But at the same time we have made it mandatory for all persons in Ontario—anyone who holds automobile insurance—to take out this policy, to give the insurance companies another $9 a year, and give them all of the loopholes in the world so that $9 a year becomes nothing more than another profit for the insurance companies.

I do not want to repeat over and over again, Mr. Speaker, what has been said before. I can only say that if we are going to have insurance in Ontario that meets the needs of the people, then we would quit looking back and start looking forward. We would bring forth the model legislation rather than going back to the Forties and taking what was then model legislation and bringing that forward and saying that we are upgrading it and that it is a little better.

It should not be a little better, it should be much better; and I ask the minister to take another look at it in that sense. And if insurance is going to protect the people of this province, then we have to take away the loopholes that allow the insurance companies the right to withhold payment.

If a person spends the money on his own to take out another insurance policy, if he happens to be drawing a pension of some kind because of his years of labour in the industrial field, why should he be penalized because he has an accident?

That is exactly what this legislation does. The man who has tried to provide for himself in his old age, who has tried to provide for himself in case of an accident, now finds that he is excluded from this because he has provided for himself. If that is the aim of the legislation, then I say it is just another sellout to the insurance companies.

Mr. Speaker, any time we bring in this kind of legislation to add to the already inadequate legislation that exists as far as car insurance is concerned, all we are doing is saying we are giving the insurance companies another licence to go to the people and dig a little deeper into their pockets. Until we bring in a Public Insurance Act, an Act that we not only can set rates on but we can control and make sure that it is adequate, then we will continue to have Acts that are for the benefit of the insurance companies rather than for the benefit of the people of the province.

**Mr. Speaker:** The member for Niagara Falls.

**Mr. Bukator:** Mr. Speaker, I have listened with interest to the debates on Bill 81, an Act to amend The Insurance Act, and I have no axe to grind with the member for Riverdale (Mr. J. Renwick) but I heard distortions of a certain amount of facts in this House on many occasions. The man was proficient last night in his remarks on insurance.

I would like to quote a part of the Hansard and how he put this. Scattered throughout his whole speech, he says that if it had not been for his party, we would not have had Medicare insurance in this province.

**Mr. J. Renwick** (Riverdale): That is an accurate statement.

**Mr. MacDonald:** Or this nation.

**Mr. Bukator:** And he says, "I would like to draw a parallel, Mr. Speaker, if I may, to the inch-by-inch progress which we forced upon the government in the field of Medicare insurance." And that is a quote from Hansard.

It struck me as strange to think that here we have a government that is overbalanced with members and can do pretty well what it likes. Under the former Prime Minister of this province, a man that I have had a lot of respect for, I thought the Liberal Party, the official opposition party, had something to say about this matter. I thought from time to time, since 1959, that we forced the issue a little too—maybe not as much as the NDP, but we tried to persuade this government to bring Medicare into existence.

Let me give an inconsistency of the party. What amuses me about this—and I will get to the bill, Mr. Speaker, but I want to set the ground as I see it—is that I find at this particular point, when this man continued for a full hour talking about many things other than the bill before us, his counterpart, the former leader of his party, got to his feet and I quote him: "The government in Ottawa weakened and agreed to implement the Medicare plan in Canada."

Now, he, the leader of the NDP of that day, as of last night said that they weakened in Ottawa. How could we have had Medicare in the Province of Ontario if Ottawa had not taken the position that they took?

**Mr. MacDonald:** They weakened and permitted the private insurance companies in.

**Mr. Bukator:** I see. However, I think the NDP should get their notes together from time to time. They are not that proficient yet in this House to be able to co-ordinate their speeches as they go along and make them—or at least, make sense in the eyes of many of us. I found a parallel; I found confusion—

**Mr. J. Renwick:** Absolutely no contradiction whatsoever! I never heard two more consistent statements in my life!

**Mr. Bukator:** —I found praise—

**Mr. MacDonald:** The overnight research.

**Mr. Bukator:** —being put upon praise among themselves.

**Mr. R. F. Nixon** (Leader of the Opposition): How did the member get co-ordinated?

**Mr. Bukator:** And here we are dealing with a very important bit of legislation. Let me tell the House what the purpose of this bill —the principle of this bill—is as I see it. Let me tell members what we are contending with. Let me tell them what we have to wrestle with. If this party is as powerful as its members think they are, we have to take their position and have government insurance run by their party—if they are elected—or we have to continue with the free enterprise system. If I have to come down on one side or the other, naturally, my position has never changed.

**Mr. MacDonald:** It will be a free enterprise system.

**Mr. Bukator:** The free enterprise system has made this country, this province what it is today. The free enterprise system—

**Mr. MacDonald:** How those boys get sucked in! They are more Tory than they think they are. How they get sucked in. The member ought to have another hour's lseep.

**Mr. W. Ferrier** (Cochrane South): Even Mackenzie King did not believe free enterprise does all the member says it does.

**Mr. Bukator:** Preacher, do your preaching in the church, not to me! The member has a lot to convert in his own party. Do not give me that kind of malarkey, Reverend.

**Mr. Ferrier:** The member does not even read history.

**Mr. Bukator:** The member should convert his own. And when he gets done—

**Mr. MacDonald:** The member is in the process of converting the Tories back to free enterprise, is he?

**Mr. Bukator:** Yes.

**Mr. T. P. Reid** (Rainy River): The member is getting through to them.

**An hon. member:** He is free to convert his own.

**Mr. Bukator:** I have always been on the side of free enterprise, Mr. Speaker.

Interjection by an hon. member.

**Mr. Bukator:** As long as they conduct the business of their—as a matter of fact, I have never, in my life, heard so many people slandered as I have in this couple of days. The last speaker who got to his feet was talking about the insurance companies—they are represented by salesmen and offices—putting their hands in the pocket of the man on the street.

**Mr. Jackson:** And that is exactly where it is.

**Mr. Ferrier:** Exactly where it is.

**Mr. Bukator:** I would like to have that recorded.

**Mr. Ferrier:** Then record it.

**Mr. Jackson:** Yes.

**Mr. Bukator:** Yes.

**Mr. H. Peacock** (Windsor West): Hansard always records our interjections.

**Mr. Bukator:** The insurance companies—

Interjection by an hon. member.

**Mr. Bukator:** —and their agents—

**Mr. Nixon:** Great to hear that voice!

**Mr. MacDonald:** Now we see the old coalition emerging.

**Mr. Bukator:** —according to the member for Cochrane South, have their hands in the pockets of the people of this province. Apparently it is robbery of a type.

**Mr. Peacock:** And Bell Telephone is another.

**Mr. Bukator:** Who was the other fellow? Yes, the member for Timiskaming also said the same thing. It would appear to me that everybody is a crook in this province except the NDP. Everyone doing business of any kind is robbing somebody, except the NDP.

**An hon. member:** Look at those halos.

**Mr. MacDonald:** The member is opposed to this bill because it is against free enterprise.

**Mr. Bukator:** I am opposed to the NDP and its methods of operation because I am telling the member this country is not ready yet for—yes, almost communism—a form of socialism that will force us, as people of this province, to do what they want us to do. I am not prepared for that.

**Mr. J. Renwick:** I think we knew that.

**Mr. Lewis:** On a point of order.

**Mr. MacDonald:** The Tories are all in league this morning. On both sides of the House!

**Mr. Lewis:** Point of order! Did the member say "almost communism" in that phrase?

**Mr. Bukator:** Yes.

**Mr. Lewis:** I just wanted it clear.

**Mr. V. M. Singer** (Downsview): The member could have read it in Hansard if he wanted to.

**Mr. Lewis:** I just wanted to get it clear.

**Mr. Bukator:** I was talking to one—what is the difference, when you get to your feet, Mr. Leader of the Opposition—of the NDP—

**Mr. MacDonald:** The member is right!

**Mr. Stokes:** That is right.

**Mr. MacDonald:** Freudian error!

**Mr. Bukator:** —when the NDP leader gets to his feet, I would like him to define the difference between communism and socialism as he sees it.

**Mr. Nixon:** The NDP members get a lot of comfort out of that do they not?

**Mr. Singer:** They had better hang on to the little bit of comfort that is available to them!

Interjection by an hon. member.

**Mr. Singer:** The member for Scarborough West has done better. He has done much better. This is not his finest hour!

**Mr. Bukator:** Mr. Speaker, may I get back to my point?

**Mr. MacDonald:** What was it?

**Mr. Singer:** It is yet to come.

**Mr. MacDonald:** That is what we thought.

**Mr. Bukator:** I am going to tell you something, Mr. Speaker. I have seen a lot of things happen in my day in both municipal affairs and in this House of Parliament. I have the greatest of respect for—

**Mr. Singer:** Maybe that was when they put the knife in the back of the member for York South.

**Mr. Bukator:** —but we stand within this particular room and we have, they call it I think, political immunity and we can slander anything or anybody. We have that right. We have a lot of power, and then we have this particular group of people who find everybody a thief except their particular little clique.

Now, the leader of the New Democratic Party, when he gets his opportunity, if he would like—

**Mr. MacDonald:** The member is proving that the Liberal Party is irrelevant.

**Mr. Bukator:** I would like to ask him to tell me the difference between communism and socialism as they see it in their party.

**Mr. Lewis:** I would not waste my time explaining it to him.

**Mr. MacDonald:** Obviously he is incapable of grasping it, if he has not by this time.

**Mr. Bukator:** I have grasped some things: I have sensed what the people to my left represent—and that is not good for this province.

**Mr. MacDonald:** The Tories are in league this morning.

**Mr. Lewis:** How is the member voting on this bill?

**Mr. P. J. Yakabuski** (Renfrew South): It is not good for this province. Get that!

**Mr. Bukator:** As a former member of this House said, in the fullness of time, you will

find out exactly where we stand. I think one of the best things that has happened in this Legislature in a long time is the fact that we have an issue, as they said last night—

**Mr. MacDonald:** Pompous ass!

**Mr. Bukator:** —to go on the hustings to find out whether the people want a socialist government in this province, run by handful of people as radical as they are, or whether they want free enterprise to continue in its present form. And I tell you—

**Mr. Lewis:** And where does the member think he will wind up in that equation?

**Mr. Bukator:** And I will tell you something: There is room for improvement in the free enterprise system, and I think we will strive for that.

**Mr. Lewis:** Well, not to the right.

**Mr. Bukator:** But until something better comes along, it is not the NDP and their policies. Having strayed from the bill, Mr. Speaker, and you have been very patient—

**Mr. MacDonald:** Having chastised others for supposedly doing the same thing.

**Mr. Bukator:** Well, it appears that I have heard nothing but this type of criticism since last night some time and their leadoff speaker, the member for Riverdale, and so I thought I would get into the game. I suppose if one has to get into the gutter and battle this one out, we will do it. We will do on the hustings.

**Mr. J. E. Stokes** (Thunder Bay): He is quite at home there.

**Mr. Ferrier:** Quite at home.

**Mr. Bukator:** You bet your life. I will tell you, you people will almost welcome me when the time comes. But, reverend, do not talk like that, it is not befitting you.

**Mr. MacDonald:** The hon. member is not only pompous, but he is unctuous.

**Mr. Bukator:** Two ordained ministers and one who preaches also in that party should be taken to their caucus and given a nice talking to, to show them the difference between free enterprise and the type of democracy that we enjoy and what they intend to do to the people of this province.

**Mr. Lewis:** It is too much! Why do you not make him your speech writer?

**Mr. Bukator:** I feel that the time will come when we deal with this bill section by section and we all make our position very clear—

**Mr. Lewis:** This is more extreme than the Premier (Mr. Davis).

**Mr. Bukator:** But I want to say that while this bill is a step in the right direction as far as I am concerned, because I suppose I would be called a capitalist—I too sold insurance; I had an agency. I know something of that particular field and the only reason I quit, believe it or not, was that I did not feel I was rendering—

**Mr. Stokes:** His conscience was bothering him!

**Mr. Bukator:** Not a bit. As a matter of fact, I do consult my conscience from time to time and there are times it does bother me.

**Mr. Lewis:** What conscience is bothering him?

**Mr. R. F. Ruston** (Essex-Kent): They do not have any over to the left there.

**Mr. Bukator:** The only reason I quit the insurance business was that I found I could not render the service to the people who bought their insurance from me.

**Mr. MacDonald:** Because the system is so inefficient, nobody could keep up with it.

**Mr. Bukator:** Oh, I think a good agent services his accounts well, talks to his people, looks over the problems and finds out whether they need more insurance, more liability where the youngster is driving their car.

**Mr. MacDonald:** And you were not good enough—is that the point?

**Mr. Bukator:** So we have the PL and PD, public liability and property damage. We have talked about public liability in the principle of this bill and it is good. The government has omitted the property damage, and I think that should be taken into consideration also. So the bill has flaws. The bill has flaws, and I suppose no matter what legislation is brought into this House, there will always be a shortcoming in the eyes of some. So we find ourselves in the position, if you would like me to say at this time, that certainly we are not supporting this bill.

**Mr. Lewis:** They are not supporting the bill?

**Mr. MacDonald:** Because it is government enterprise. It is not free enterprise enough.

**Mr. Jackson:** The member is going to get sore riding the fence.

**Mr. Bukator:** Do not worry about me riding the fence. As I said before the member for Brant came in—or is it Brantford? Where the devil does he come from?

**Mr. Ruston:** He will not be back anyway.

**Mr. Lewis:** The member for Brantford. There is a distinction. It should be known to you.

**Mr. Bukator:** You bet there is a distinction, a wonderful distinction.

**Mr. Lewis:** Right. The member for Brant is of your party.

**Mr. Bukator:** Thank you very much, and I am going to tell you something: We are proud of our leader.

Interjections by hon. members.

**An hon. member:** The reverse is not true.

**Mr. MacDonald:** We will see after the next election.

**Mr. Bukator:** I wonder how some of your members feel about you.

**An hon. member:** You can trust him.

**Mr. Bukator:** I understand—

Interjections by hon. members.

**Mr. Bukator:** —I was doing so well talking about the principle of the bill, until the diversionary tactics of the group to the left and the far left. I thought until last night that the Waffle section of this particular party was eliminated. Boy, they have them there and they are solidly entrenched.

**Mr. Yakabuski:** They are just being kept under wraps for a while.

**Mr. Bukator:** No, they are not even under wraps, as I see it. Someone said—and I tell you I do not read as many books as the leader of the New Democratic Party—but someone said, "You can fool some of the people some of the time."

I want to make one point in connection with this bill and then I will give my friends to the left an opportunity to take me apart, because at that particular business they are exceptionally good.

**Mr. MacDonald:** The hon. member has taken himself apart.

**Mr. Bukator:** Is that right? I want to make this one point very clearly to the member. I know the insurance agents—I know the salesmen of many insurance companies. I know their reputation as citizens in this province. I know their families and I know they are good citizens in this province, and this particular party, if it had its way about it, would put them all out of work. I do not know what they would do with their way of life, but they would actually put these people out of work and they are always talking about employment.

So I say to you, Mr. Speaker, how can you blow hot and cold as the member for York South—

**Mr. Stokes:** The member's leader in Ottawa has put about 700,000 out of work, why does not the member concern himself about that?

**Mr. Bukator:** I mentioned this before, Mr. Speaker—

**Mr. Singer:** If all else fails, let us attack those guys in Ottawa.

**Mr. Bukator:** Mr. Speaker, I mentioned this before, I do not know how one keeps away from these interjections, but they have a man by the name of Lewis in Ottawa who might be able to be their white hope and put the country on an even keel if he ever has a chance for that position, but as the member for Riverdale said—Riverside? I do not remember these people too well, I am not that enthused about them I guess—Riverdale—

**Mr. Stokes:** The hon. member is slipping; he is slipping.

**Mr. Bukator:** He said "God forbid" last night, and I say God forbid his party ever takes over this province.

**Mr. MacDonald:** Nothing to say about insurance?

**Mr. Bukator:** I thought I talked about the agents and the rates and a few other things.

**Mr. Speaker:** Any other member wishing to speak?

**Mr. Lewis:** Mr. Speaker, I am pleased in a sense that the Liberal Party has become preoccupied with the NDP position on this bill. For others of us, however, it is the government's policy which is at the moment under debate and our response to it I am sure

they can handle ably, although perhaps with not quite the reactionary flair with which the member for Niagara Falls endowed his party's case.

I am pleased by the participation of the NDP in this debate, Mr. Speaker, because for us automobile insurance, as you know, is a very crucial issue. We have no intention of retreating from it for a moment under whatever attack or provocation.

We watched with great interest what the government would emerge with in this bill. We waited a number of years, certainly a number of months in the latter time, for the final emergence of a piece of legislation which some viewed with apprehension and some viewed with fascination, wondering what it was that the government would bestow upon the people of Ontario.

Perhaps we should have known, Mr. Speaker. Perhaps we should have known what was coming, because it was the former Minister of Financial and Commercial Affairs (Mr. A. B. R. Lawrence) who said: "The most that we have discussed as being possible would be to nibble away part of the application of the law of tort in motor accidents."

That statement certainly held true when the bill finally came before the House—not a bang, but a nibble. What a perfect capturing of the Tory apparatus. I suppose it will be called "Arthur Wishart's nibble" as a legacy of the Soo to automobile insurance in the Province of Ontario, and it is a fascinating bill which has then come before the House.

As it is, the political ineptitude enshrined in this bill is quite extraordinary. The bill is in fact unsatisfactory to everyone, Mr. Speaker, everyone in Ontario save one preferred group, and that is the automobile insurance industry.

The London lobby has successfully transferred itself to Brampton, that is evident now, and this group—the new group in the cabinet so-called—is every bit as susceptible, every bit as willing to lavish favours in an absolutely shameless way upon the insurance industry. To no other vested interest are the Tories so devoted and upon no other vested interest are the Tories so dependent. It is a matter of history now, the consistency with which this minister and this cabinet have followed the pattern with automobile insurance legislation.

The upshot of the devotion to the insurance industry is that automobile insurance remains a major theme, a major issue, in the Province of Ontario despite this piece of legislation, which the government diffuse the debate around automobile insurance significantly. The agents, the industry and the government notwithstanding, on this issue, Mr. Speaker, the people of Ontario are with us. They are with this party on this issue.

**An hon. member:** Hear, hear.

**Mr. Lewis:** And I do not think I have to document for the record, all the surveys that have been taken in the last number of months to give substance to that claim. The government party, and to some extent obviously the Liberal Party, feel somewhat defensive about the nature of this legislation and about the position of the New Democratic Party.

Well I want to deal with the government party, because I think what the government has failed to understand or to appreciate is the sense of frustration and anger and incessant irritation; the gnawing that all people in the province feel towards the auto insurance business, the sense of injustice which runs deep, which is a very personal kind of thing, and which has been experienced by enormous numbers of individuals who themselves have experience of many others in a similar situation. The incapacity of the government to respond will, among other matters, bring this government down.

If the government wants to know—if the Minister of Financial and Commercial Affairs (Mr. Wishart) when he is puttering around his garden or he is fishing or he is in other Nirvanas of retirement—if he wants to know how we feel about it; we intend to make automobile insurance in Ontario a riding-by-riding battle. We intend to make this a major theme in the election campaign.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): So do we.

**Mr. Lewis:** We are serving notice on the government that in every single constituency across the province, the automobile insurance theme will be debated and it will be put very carefully before the people of Ontario.

When the minister says "so do we" then the voters of the Province of Ontario will yet again on this issue, as on many others, have a clear-cut definition between the Tory party and the New Democratic Party.

**An hon. member:** Hear, hear.

**Mr. Lewis:** and we are confident of how the choice will be made on automobile insurance, let me tell the minister, absolutely confident.

**Hon. Mr. Wishart:** They have done that before too.

**An hon. member:** They certainly have.

**Mr. Lewis:** Well the minister interjects that we have done that before. We did; most notably we did it on medical care insurance in the Middlesex South by-election, at every door in that riding, and I remind my hon. friend of the outcome.

**Mr. Yakabuski:** Bragging again. Bragging, bragging.

**Mr. Lewis:** I do not mind saying to you, sir, that automobile insurance has about it, a drama and a public interest, and a public response which accelerates even beyond that which health insurance generated.

I was frankly surprised, although I understand that people will put it this way, that the bogey of nationalization was raised by none other than the Leader of the Opposition. The phrase, of course, directly or indirectly, and I think the public understands this, does not apply to the automobile insurance industry in discussion of public automobile insurance any more than it applies to workmen's compensation, or to health insurance or to hospital insurance. It is the first time in this House that I can recall that the leader of the official opposition stands to the right of Ross Thatcher—a not terribly enviable status.

Now the full-of-fault plan, which my colleague—

**Mr. Singer:** Oh, oh.

**Mr. J. B. Trotter** (Parkdale): That is nonsense.

**Mr. Lewis:** —from Sandwich-Riverside (Mr. Burr) mentioned, or the default plan which some are now calling this so-called piece of legislation, has already been eviscerated in several areas by all kinds of members on this side of the House, particularly those in the New Democratic Party. And we have seen in that legislation, Mr. Speaker, structural defects that are beyond repair. We see in the legislation a fraudulent and misleading bill, full of words and pretence signifying nothing. And we are not prepared to accept that kind of legislation at its present value.

There is not a defiance in that, Mr. Speaker. There is just an unequivocal objection to the bill. And if I may enumerate, not at undue length, but if I may enumerate the basis areas of our objection in principle, I will do so briefly.

Number 1—and they are five in number—we oppose this bill in principle and will vote vigorously against it on second reading because it remains non-compulsory. There will not be compulsory automobile insurance legislation, even with this bill. And that is a ludicrous and indefensible position for the government. I have two surveys in front of me which show that on a random public sample, 96 per cent of the respondents agree to the principle of compulsory automobile insurance. And it demonstrates just how far behind the government is in this rather simple and elemental issue.

Let me remind the minister, Mr. Speaker, of the latest accident statistics for 1970: 141,609 accidents where damage was in excess of $200; 1,535 fatalities; 75,126 injuries; $106 million of property damage; 305,315 vehicles involved in collisions.

The case for compulsory automobile insurance is unanswerable. And this bill cannot be supported without it. Now, the second point I want to make—

**Mr. Singer:** Does compulsory insurance stop accidents?

**Mr. Lewis:** Well, Mr. Speaker, compulsory insurance was advocated more vigorously than any other theme by the leader of the member for Downsview.

**Mr. Singer:** No. I just asked the member if it stopped accidents. I wanted to know if he understands it, if he is using it as an argument that it reduces accidents?

**Mr. Lewis:** So I assume that it is accepted in that party as well? Fine. Fine.

**Mr. Singer:** Oh, it is accepted, but on the basis that my leader put it forward, not on the basis that the hon. member is putting forward.

**Mr. Lewis:** Now, the second point I would like to make, Mr. Speaker—

**Mr. S. J. Randall** (Don Mills): These two members should get together.

**An hon. member:** I did not know they agreed.

Interjections by hon. members.

Mr. Lewis: —is that we oppose this bill because of the absence of extension to property damage, which the minister knows full well.

I may say, Mr. Speaker, that even the industry is put off by the absence of the extension to property damage. The member for Niagara Falls talked of how the industry and the agents themselves have made a number of efforts, unsuccessful efforts, to persuade the industry to move. As recently as the early part of July, Norman Manning, the joint chief executive of the Guardian Royal Exchange Group, said of the minister's legislation: "My own opinion is simply that the current proposals do not go far enough," and he went on to say, and I quote:

> No amount of public relations efforts can dissolve the public's dissatisfaction with current physical damage claims handling. About 67 per cent of the money we pay out goes to vehicle repairs and in approximately 75 per cent of all claims, only automobile damage is involved.

And here you have the industry itself begging the government to move into the area of property damage, but they have refused to do so in this bill. As it stands, therefore, Mr. Speaker, the bill applies to only one-quarter of all accidents and to one-third of the total claims paid. And the savings in costs and in litigation will therefore be minimal.

In other words, a bill has been brought forward which, as my colleague from York South pointed out last night, is only 30 per cent no-fault, covering personal injury only, will not reduce substantially the endless litigation in the courts, will not reduce substantially the endless acceleration of costs, and will continue to harass innumerable numbers of people who will feel the continuing frustration about the entire automobile insurance industry. And the minister called it "model legislation."

What has the government done? It has increased benefits to the 70 per cent who are already voluntarily covered, and increased them in a way which will not win great applause. It has added costs to another 30 per cent of the drivers of Ontario, costs that should never be added, as I will shortly demonstrate. It has confined itself, as I said, solely to personal injury. It has reaffirmed in this bill the principle of fault for automobile insurance in Ontario. It has reaffirmed a principle which others have discarded in several jurisdictions in this country.

Ian Harrison, the Toronto Star editorial writer, put it this way, and I think it is useful to put on the record:

> Anything less than total abandonment of the obsolete fault or negligence principle that underlies the present system deserves short shrift. That is because the fault principle as applied to motor accidents is defective in theory and deficient in practice. In today's world it is simply obsolete.

But, for this government, the principle of determining the negligent party, remains the overriding principle in automobile accidents in the province of Ontario.

That brings me to the third point. We oppose this bill further, Mr. Speaker, because of the insufficient benefits which it provides. And my colleague from Riverdale enunciated clearly and with very apparent definition all the areas as outlined in our amendment which give substance to the insufficient benefits provided.

The minister has the presumption to say that it is the finest plan in North America—or words to that effect. Well, Mr. Speaker, the absence of dismemberment benefits which are available in Manitoba and Saskatchewan is indefensible. The absence of partial disability available in Manitoba and Saskatchewan is indefensible.

Why the discrimination as between spouses? The discrimination against the principal unpaid housekeeper, that is the housewife, is outrageous. A total of $420 available over a period of 12 weeks on the basis of "the money value of the time of the insured person." Is that what the government thinks the money value of the time of the housekeeper is? A total of $420 over a 12-week period? The discrimination against students over 21, against those not permanently employed—what terms has the government succumbed to? Why have you allowed the companies to dictate conditions, restrictions, confinement, exemptions, loopholes? What kind of legislation have you introduced? What mockery of appropriate automobile insurance benefits have you put before this House? Who is this bill designed to serve; the public or the industry? A very close appraisal of the bill, Mr. Speaker, indicates that it is designed to serve the industry.

And the answer becomes ever clearer when I reach point four of our objection to the principle of this bill. We oppose it because there is no regulatory body in the bill. From what we have learned, no regulatory body is intended; and Mr. Speaker, when you make

this kind of insurance mandatory, however marginal it may be, then you have to provide regulation, otherwise it is an invitation to the automobile insurance companies to abuse the public trust. You are giving a carte blanche to the companies to exploit the public at will.

You have not even, as a government, assessed the value, the dollar value, of the package. I dare say when the Minister of Financial and Commercial Affairs responds in this debate he will not be able to tell us what the return is on the $7 which is to cover disability and the $2 which is to cover medical benefits. There has been absolutely no assessment whatsoever made of the value or worth of this part of the insurance package which is now mandatory throughout the Province of Ontario.

It is insufferable that we should have to pretend to support an Act giving no regulatory function to the government at all when it is giving the insurance companies such unexpected largesse to tax the citizens of the province as they can now tax them. On the grounds of the absence of regulation alone this bill can be opposed. But let me remind you, Mr. Speaker, in Manitoba regulation is built in; in Saskatchewan regulation is built in. In British Columbia—let me remind you of the experience: In 1970, when no-fault insurance was introduced in that province, there was an increase of $22 on every single car across the board. In 1971 there was a further 10 per cent increase on all the policies, in British Columbia, and now, Mr. Speaker, a year later there is a regulatory board.

When the Alberta plan comes into effect April 1, 1972, there is a regulatory board written into the legislation and the Quebec plan which is under contemplation will have a regulatory review board. Only in the Province of Ontario are the insurance companies given a clear field without any regulatory provisions on their premium rates or on the worth of their package policies.

That I suggest, Mr. Speaker, is equally indefensible and I am sure that all members of this side of the House would agree. The government of the Province of Ontario is strewing garlands of roses in the paths of the insurance companies as it sits quietly on the sidelines, another face in the crowd, and the insurance industry marches its merry way in Ontario as it has for a very great number of years.

Finally, Mr. Speaker—and in a sense this is as important as any other area—we oppose the principles of this bill because of the lavish response which government has given to the insurance industry alone; because of its preferred position; because of the way it has been singled out for favour. It is a bonanza for the insurance industry in Ontario and we object to that with every resource at our command and we will tell the people of Ontario when opportunity affords in the months of August and September, if that is to be the time of the election, what the government has done for the companies and the nature of the insurance industry.

Let me make the point, Mr. Speaker, there is no assessment of realistic premium levels compared to the services and benefits provided in this bill. I want to say to you, Mr. Speaker, that the benefits could have been provided more cheaply, because the risk is now spread across another additional million policyholders.

Let me make the additional point, Mr. Speaker, that the government has given to the insurance companies $9 million they did not anticipate—$9 a policy over and above what they were receiving for the 30 per cent that were not covered—for the million new policies at $9 a policy, $9 million! Mr. Speaker, this legislation should have been introduced with an overall reduction across the board—no increase in income, because the shared risk should have made it cheaper insurance rather than inflating the insurance.

Let me point out, Mr. Speaker, that the abandonment of fault for personal injury ironically means that it will be difficult or impossible for the government to recover from the insurance companies the millions of dollars they have hitherto recovered by way of the Ontario Hospital Services Commission or the OHSIP plan or the Workmen's Compensation Board. In 1969 alone, the Ontario Hospital Services Commission recovered $5.1 million, almost entirely from the automobile insurance industry. I do not know what the figures are for 1971, but it is safe to say that another $5 million to $10 million has been bestowed upon the insurance industry because of this bill, in addition to the $9 million in premium benefits. That seems to us an extraordinary price for the people of the Province of Ontario to pay.

Let me make the point, Mr. Speaker, that there is no guarantee whatsoever that the premiums will not rise. The so-called guarantee given by the Canadian Underwriters

Association, representing only 30 per cent of the policies issued, applies purely to personal injury benefits. The other 70 per cent of the insurance package for property damage has been given no such guarantee of premium restraint. In fact, the 13 per cent across-the-board increase in premiums in Ontario in this last year was due largely to the increase relating to property damage and as I stand here, Mr. Speaker, I will predict with absolute assurance that automobile insurance premiums next year will go up a minimum of six per cent in the Province of Ontario to maintain the pattern that has been irrestible over the last several years and that primarily holds to the property damage portion of the package and has very little to do at this point with personal injury.

Let me make the point further, Mr. Speaker, about the investment income of these companies. Let me point out to the House, because I think these figures are perhaps interesting, that the total investment income of Canadian companies in the fire and casualty field in 1969—the last year for which figures are available—was $39.6 million. The total invested income of Canadian companies due to automobile insurance was $16.7 million.

In the Province of Ontario, that means that for the Canadian companies the investment income was $6.5 million. But because the Canadian companies are a minority of the companies doing business in Ontario, when you add the foreign-controlled insurance companies, the total return on investments is $15.5 million in the Province of Ontario alone.

Now with that kind of return on investment, Mr. Speaker, what right has the Attorney General—I am sorry, the Minister of Financial and Commercial Affairs—to introduce legislation in this House which gives to the insurance companies yet another $10 million to $20 million which they did not even anticipate?

Let me make the further point, Mr. Speaker, about the ownership of these companies, because I think that is important as well. The Canadian-controlled companies sold just 19.1 per cent of the net premiums in the fire and casualty field in Canada in 1969—19.1 per cent! If one projects that to the Province of Ontario, based on the total Canadian registered companies and what they sold, one finds that in Ontario that figure remains consistent. Twenty per cent, and that is all, is sold by Canadian-controlled companies. Not only are we providing millions of dollars in a direct gift to the insurance but in fully 80 per cent of the instances they are foreign-controlled companies. That seems to us, Mr. Speaker, again to be an argument that cannot possibly be defensible.

Finally, I point out, Mr. Speaker, the premium income. There are, of course, some $300 million of premiums collected in Ontario each year and we have always felt that it makes very good sense that this kind of investment income, which can come from the premiums, should be in considerable measure invested in the public sector. We make no apologies for that position whatsoever, because where you have essentially foreign control of the insurance industry—and a province which is giving to those foreign-controlled companies undue largesse—you have an even stronger argument for a publicly operated plan which will use the investment income to plough back in the Province of Ontario.

I remind you, sir, that the private insurance companies, competing almost fratricidally as they do among each other—the 200 companies in the field—have returned something like 68 or 69 cents on the dollar. Let the minister compare it with his own Workmen's Compensation Board, which returns 92½ cents on the dollar, a public plan in the accident disability field. Let him compare it to Saskatchewan or Manitoba or any of the other public plans which are available in western Europe. The minister will see the unconscionable profits which are reaped by the automobile insurance industry which, in fact, are not shared in any great extent by the automobile insurance agents and salesmen; and which, in fact, need not be further inflated by special benefits provided for these companies by the Minister of Financial and Commercial Affairs.

No, Mr. Speaker, we have had enough of favours showered upon the companies in this field. We would like to revert to principles which have guided the government in other areas—health insurance, hospital insurance and workmen's compensation. We see no reason why you should have a bill which is so patently defective, so obviously faulty—a bill which will win you the disrespect of much of the Province of Ontario when you take it to the hustings this fall.

Mr. Speaker, I need not reiterate it. I have put it on paper and members of my party before me, with many more years of experience than I, have put it for these past many years—the NDP position—that it will continue to be a public compulsory no-fault

automobile insurance scheme run by the government of the Province of Ontario which we intend to assume as soon as that is humanly possible when the campaign is called this fall.

Mr. Speaker, we think that there will be extraordinary support for that position across the province. All the surveys that we have done, both within the party, as individual members of the Legislature, and what we have seen that has been done independently, suggest that there is a rising tide in support of public automobile insurance.

And the public of Ontario will no longer sit quietly with the kinds of plans which offend their interest and offend their dollars as this plan does, and, in the process of introducing the public plan, Mr. Speaker, and removing the private carriers in this field on the basic coverage—although they will obviously compete in additional coverage, but removing them on the basic coverage—we are absolutely certain that we can reduce the premiums in the Province of Ontario by 15 to 20 per cent. That will be the rallying cry for this party as we go across the province on this issue, and we will document it in this case as many of us have documented it, dollar for dollar, percentage point by percentage point, on many previous cases.

I cannot take the time of the House to do that. It does not fall within the ambit of the principles of this bill, but the minister knows it well.

**Mr. J. E. Bullbrook** (Sarnia): The hon. member should not be deterred by that.

**Mr. Lewis:** I am holding to the—

**Mr. Singer:** If the hon. member wants to say it, say it.

**Mr. Lewis:** —definition of this bill, and have made the points in objection, Mr. Speaker, which I think this party has carefully and thoroughly and in as documented a fashion as we are capable, set out before the House and put strongly.

I made it clear that our kind of government will not be subservient to the insurance industry. I made it clear that our kind of government will provide an alternative—incidentally, Mr. Speaker, an alternative which will not be legislated indiscriminately, but legislated so as to provide the least dislocation possible for the people involved, rather unlike the way in which this government treats workers in branch plants who are arbitrarily thrown out of work without due notice. We will introduce a plan which makes sense for the Province of Ontario.

Short of that, we are trapped by the confines of this bill to introduce a recent amendment as follows: That the motion for second reading of Bill 81 intituled An Act to amend The Insurance Act be amended by deleting all the words after "that" and substituting the words:

This bill be not now read a second time but be referred to the government with instructions to bring back the bill with the following changes, namely:

(a) The medical expense insurance and the accident benefits insurance be first loss insurance and that any other insurance whether of the same type or not available to the injured person or in respect of a deceased person is excess insurance only.

(b) That the insurance coverage be extended to provide insurance for dismemberment.

(c) That the insurance coverage be extended to provide insurance for property damage.

(d) That the insurance coverage be extended to cover partial disability as well as total disability.

(e) That the discrimination between spouses in respect of death benefits be eliminated—I may add, a most odious clause.

(f) That the benefits be extended to dependent children over 21 years of age in regular attendance at approved educational institutions.

(g) That the test of employment as the basis for entitlement to accident benefits be eliminated in favour of an extended definition of the money value of the time of the insured person to make certain that all persons, whether employed at a particular time, or during a particular period of time, or whether employable or not, are included as beneficiaries of the accident benefits coverage.

It seems to us, Mr. Speaker, that to base coverage on employment is a particularly iniquitous kind of provision.

(h) That specifically the discrimination against the principal unpaid housekeeper be eliminated.

(i) That the insurer's right to subrogation be restricted to eliminate claims over with respect to medical expense and accident benefits coverage.

(j) That the insurers be subject to subrogated rights by Ontario Hospital Services Commission, Ontario Health Insurance Plan, the Workmen's Compensation Board and other insurers against similar risks.

(k) That a regulatory body be established to determine by public hearings periodically the premium rates for this insurance coverage.

All of which, Mr. Speaker, will be embodied in our public plan which we intend to make a major issue in the forthcoming campaign.

**Mr. J. Renwick:** Hear, hear!

**Mr. Speaker:** I am sorry, but was there a seconder to this motion?

**Mr. Lewis:** I am not sure that it needs to be, but if it does, the member for Riverdale—

**Mr. Speaker:** I am informed that it needs one.

**Mr. Lewis:** —enthusiastically seconds it.

**Mr. Speaker:** I am sorry, what is the name?

**Mr. Lewis:** The member for Riverdale, Mr. Renwick.

**Mr. Singer:** How does he spell it?

**Mr. Lewis:** I forget the member for Northumberland from time to time.

**Mr. Speaker:** Mr. Lewis moves, seconded by Mr. Renwick, that the motion for second reading of Bill 81 intituled, An Act to amend The Insurance Act, be amended by deleting all the words after "that" and substituting the words:

This bill be not now read a second time, but be referred to the government with instructions to bring back the bill with the following changes, namely:

(a) that the medical expense insurance and the accident benefits insurance be first loss insurance and that any other insurance, whether of the same type or not, available to the injured person, or in respect of a deceased person, is excess insurance only;

(b) that the insurance coverage be extended to provide insurance for dismemberment;

(c) that the insurance coverage be extended to provide insurance for property damage;

(d) that the insurance coverage be extended to cover partial disability as well as total disability;

(e) that the discrimination between spouses in respect of death benefits be eliminated;

(f) that the death benefits be extended to dependent children over 21 years of age in regular attendance at approved educational institutions;

(g) that the test of employment as a basis for entitlement to accident benefits be eliminated in favour of an extended definition of the money value of the time of the insured person to make certain that all persons, whether employed at a particular time or during a particular period of time or whether employable or not, are included as beneficiaries of the accident benefits coverage;

(h) that specifically the discrimination against the principal unpaid housekeeper be eliminated;

(i) that the insurer's rights to subrogation be restricted to eliminate claims over with respect to medical expense and accident benefits coverage;

(j) that the insurers be subject to subrogated rights by Ontario Hospital Services Commission, Ontario Health Insurance Plan, the Workmen's Compensation Board and other insurers against similar risks and

(k) that a regulatory body be established to determine by public hearings periodically the premium rates for this insurance coverage.

The member for Parkdale.

**Mr. Trotter:** Mr. Speaker, it is a pity that Bill 81 is so half-baked. It is obvious that it is a political ploy in an election year to give the appearance that the government intends to do something about no-fault insurance.

The last speaker said that this was probably written at the behest of the insurance companies, that the government was trying to serve the insurance companies. In my opinion, Mr. Speaker, this bill does not in the long run help the insurance companies, because it is only going to bring down the wrath of people upon them and it certainly does not help the people of the Province of Ontario.

I am one who has believed that the adversary system, that is, fighting between one another as litigants who are involved in an automobile accident, plaintiff versus defendant, should be done away with. It costs just too much money for the general public, not only by way of nonpayment of claims, but certainly as the cost of premiums, I think, are increased, because of the system we have of settling accident claims at the present time. I do not think the present

adversary system helps the insurance companies.

If this bill was a reasonable bill, it would go a long way to doing away with the adversary system. But the leader of the NDP has brought forth a reasoned amendment and, believe me, Mr. Speaker, I believe it is a reasoned amendment. He has listed a number of things that are not covered in this bill. And if they are not covered, it only means that they are going to go into litigation or into an extended time that claims will have to be settled.

I know, as a lawyer, that there have been long delays in getting claims settled. Many people know that they do not get their case heard in a courtroom for over two years, and as a result the insurance company has the money, and the person who is suing, the injured person, cannot wait that long and he often takes what is offered to him or he will say: "Get the thing wound up."

As a result, there are often unfair settlements and almost always at the price of the individual who is entitled to something that he feels he is entitled to.

Mr. Speaker, if the maximum allowed under this Act for the injured head of a household is $5,000, I want to suggest to him today that that is peanuts with the value of today's dollar. I cannot see that settling too many claims out of court.

And of course the ridiculous situation where the family or the wife is only allowed $2,500 is completely unfair. With a minister who was formerly Attorney General and responsible for the administration of the Ontario Human Rights Commission, I do not know how he can come forward with legislation that obviously and crassly discriminates between male and female.

But regardless of that, the amounts are so small that in a large part they are going to do little or nothing to stop the long delays in our courts.

It is obvious, Mr. Speaker, with the increase of the number of automobiles and because more miles are driven and the increase in the number of accidents, this type of legislation is most important. But I hope when the minister is replying to us that he will try to give some reason why they do not allow for partial disability, because in most accidents it is not complete disability. We have a disability over a short period of time. But at today's prices, who is going to live on $70 a week, if this is the amount of money that is allowed. It is pretty difficult for the head of a household to keep a family at $70 a week. Again I ask, why should the woman be discriminated against and be allowed only $35 a week?

Well, these weaknesses in this bill have been gone into last night and today, Mr. Speaker, and I do not intend to dwell at length on them. But because there are so many obvious weaknesses in this bill, I feel that in the long run—and especially when this legislation is going to be subject to the vigorous scrutiny of the public through an election campaign—that this bill, instead of pleasing the public, will anger the public. They will not only take it out on the government but they will also, and even more so, turn on the insurance industry as a whole.

Now, I am opposed to the nationalizing of the insurance industry. I know that legal aid has worked well without nationalizing the lawyers. I, as a lawyer, do not feel that my independence of thought or giving of advice to clients is interfered with in any way because we have a legal aid system in the Province of Ontario. Nor do I believe that the doctor-patient relationship is interfered with because we have a medical insurance system in this province—and I think some doctors who come up with this argument are giving an utterly ridiculous argument.

We have found in this country, and particularly in this province, that we in effect can work out what is a plural society, and I think the argument of nationalization versus free enterprise in all essence, for practical purposes, is a dead argument. There is no question that if the extreme elements in the insurance industry turn on any type of government control whatsoever, they are in deep trouble and they are going to get their industry into even deeper trouble.

Again, I completely disagree with the members to the left who seem to think that the only cure for the high cost of insurance is for the government to take over. I have not always been impressed with the way government has taken over some elements of our society in this country. That party in particular has got certain industries into a great deal of trouble over the years.

In fact, we have had the example—from their mistakes—of what government should not do. A lot of members in this House will disagree with me but I have always admired T. C. Douglas and I find that he has made a tremendous contribution to the things that he has pioneered. But we have learned some

things from what he did—that governments simply do not take over brick factories and boot factories and make money.

**Mr. Lewis:** But automobile insurance will.

**Mr. J. Renwick:** How about hospital insurance, Medicare, automobile insurance?

**Mr Trotter:** I cannot visualize, in a complex society such as Ontario is—and mind you, there is a big difference in the complexity of automobile insurance in the Province of Ontario compared to Saskatchewan or Manitoba or Prince Edward Island. After all, Manitoba, my native province, is very pleased with the fact that it now has over one million people. There is a big difference in driving around Dauphin, Manitoba, and going from Winnipeg up around Dauphin, and trying to drive from Toronto up to Gravenhurst or to Aurora. There is a far greater chance of an accident.

**Mr. C. G. Pilkey** (Oshawa): What about Oshawa?

**Mr. Trotter:** Many of the assessments made in Saskatchewan or Manitoba simply do not add up when applied—

**Mr. J. Renwick:** That points up exactly the reason why the member has got to count on the public scheme.

**Mr. Nixon:** What held the member for Oshawa up this morning?

**Mr. Singer:** He was coming down the Spadina!

**Mr. Trotter:** —to a large urban society such as Metropolitan Toronto. I think what is most important—

**Mr. Pilkey:** The member is driving another spike in the Liberal coffin this morning.

**Mr. Trotter:** —if we are to have successful no-fault automobile insurance in this province, is for both government and the insurance industry to use some common sense. On this bill, as it is introduced, the government has failed completely to use common sense.

One of the main reasons, Mr. Speaker, is that there are so many mossbacks in that administration that they just do not want government in insurance in any way or form. There is no way you and I are going to avoid the fact that the government is inevitably going to be involved in the insurance business to a far greater degree than it is now.

But we must draw the line, just as we have drawn the line with legal aid. The lawyers maybe are under control as to the amount of money they spend, but at the same time you have the private sector working with the public sector. This is the same approach that I would ask for when we are dealing with automobile insurance.

Mr. Speaker, the people in this province are aroused at the amount of money they must pay in order to have automobile insurance. It is up to the industry, as well as government, to show that they can deliver a product that the people can buy at a decent fee without nationalizing the whole industry.

**An hon. member:** That is it.

**Mr. Trotter:** Because if you start to nationalize the whole industry you are going to be tied up in great balls of red tape.

**Mr. Bullbrook:** That is it. The member is right on in what he says.

**Mr. Trotter:** And there is no advantage to the average premium payer, or the automobile industry, or the government to get into a red tape hassle. But still, the government must face up to the problems that we have in the selling and in the marketing of automobile insurance. This bill is just so full of holes that it is not going to serve the purpose, and quite frankly, it is going to play into the hands of those people who are opposed to the insurance industry, in any shape or form.

The insurance industry often complains, of course, about government and political parties, but there is one thing that they could do, and I have heard insurance men suggest it in talk among themselves, but they do not do it. They themselves, the insurance industry, have failed to bring pressure, within the private sector upon the automobile industry, upon the type of cars they produce.

You and I are paying high premiums and perhaps in some cases the insurance companies are carrying the can because of the type of automobiles that are coming off the assembly line today. At the same time, the insurance industry has more or less stood to one side, saying nothing, and has let some of the repair shops charge pretty excessive prices. The time may come when the insurance industry itself might operate a drive-in centre where you take the cars to have them

check the car for the amount of damages which it has suffered in an automobile accident.

These are a couple of suggestions that the insurance industry might follow through, not only to save the public money, but to save itself from what could be an inevitable takeover, even by a Conservative government, if the insurance rates got completely out of hand.

It is now the turn of the insurance industry to be under fire, from the public and from governments, and I, as one individual, would hope that the insurance industry would measure up to the challenge and show that the private sector can produce a type of insurance that is acceptable to the public at a reasonable premium.

In order for the insurance industry to do that, it must have government assistance. It must have legislation that is fair across the board. You cannot ask one insurance company to do something on its own where it is going to cost it money, and where some other insurance company just does not care except to get the quick profit. Some will always naturally take advantage over those companies that deal with the public in a fair manner, and Mr. Speaker, we have to face up to the situation that there are good insurance companies and there are some companies that will deny liability on almost anything. Now they are a minority of the insurance companies, but they give the insurance industry an extremely bad name.

Of course, as a result of debates that go on in this House, and as a result of the debate that is going on within the public sphere itself, I am of the opinion that the insurance industry is getting tougher with its own people who are not giving the public, and the insurance industry a fair shake.

I want to say, in conclusion, Mr. Speaker, that because this government has come up with such a small mincing step forward, it is, in the long run, going to do more harm than good. It utterly and completely fails to protect the person that is insured.

We really do not know what the premiums are under this bill—what one is getting for his money—we have no idea. And to say that someone is going to be partially dismembered and still is not covered, is not a policy I would want. I admit I am heavily insured. I have said in this House I am insured for just about anything and everything except political defeat.

**Mr. Nixon:** The hon. member does not need that.

**Mr. Trotter:** One never knows these days. One could use that insurance as well.

**Mr. Nixon:** No sense to insure a sure thing.

**Hon. C. S. MacNaughton** (Minister of Transportation and Communications): The premium would be high. The members could not afford to pay it!

**Mr. Trotter:** Well, insurance, in our day and age, for any type of security, whether you are a socialist or a free enterpriser, is an absolute necessity. I would not have a house, or a car, or my life that was not heavily insured, so the insurance companies make quite a bit of money on me.

At the same time, this now costs the people of this province a lot of money and they are asking embarrassing questions about all this investment income that the companies have from casualty insurance, be it fire or automobile insurance. The insurance companies are going to have to come clean with the public, not only for their own sakes, but for the sake of some of us who do not want to see industry nationalized every time something goes wrong. I believe—

**Mr. Pilkey:** Does the member know what that word means, "nationalize?"

**Mr. Trotter:** Well, to hear what some of the socialists say, I understand it is virtually taking complete and utter control and trying to run it. I use as an example what Tommy Douglas did with his boot factory, his box factory and all that—

**Mr. J. Renwick:** Would the member reverse the public automobile insurance scheme in the province of Saskatchewan?

**Mr. Trotter:** I rather question how useful it is in an economy, such as that of the Province of Ontario, where the amount of money is much higher. For example—

**Mr. J. Renwick:** Where the problems are even more extreme than they are in the other provinces?

**Mr. Trotter:** I personally in an automobile accident am insured for half a million dollars.

**Mr. Speaker:** Order, please. We are on the reasoned amendment.

**Mr. Trotter:** All right. The member is asking me a question. I would not get in a car today without adequate insurance; the market

is such if you hit a transport truck you should be insured for at least half a million dollars.

These government schemes do not begin to touch what is required for, let us say, the average person who is driving a car today. This is why this bill does not begin to get into the heart and the problem of the matter which we have to face.

The public, Mr. Speaker, will not be satisfied with Bill 81. I am quite certain, as I watch this administration that this is just more of a talking piece for an election campaign. That is what the government's old Medicare bills that came to naught used to be.

They used to bring in weird Medicare bills that came to nothing but at election time they put "Done!"—a big checkmark—after "medical insurance." Done! Of course, it was nothing but a phoney election statement.

That is what this is, Bill 81, and again I say the government is doing the public a disservice. I think those people in the insurance industry, if they really look into this, will smarten up and realize that they in the long run can be harmed by this bill.

The public will react against insurance companies, simply because this does not serve the purpose which no-fault insurance should do, and that is to see to it that this adversary system is taken out of the business of awarding those people who have suffered from automobile accidents some compensation that is at least worthwhile, and also without charging too much for it.

You know, Mr. Speaker, I think of one case that has always stuck in my mind. It was a legal case that to me justifies no-fault insurance and why it is needed so badly.

I remember a lawyer who was very pleased. He was acting for an insurance company, and he won a case. It was pretty obvious that his insured was liable and probably, on the normal routine, an award would have been made to the person who was injured. But the person who was injured was a little old lady who had trouble with her feet and it came out in evidence that when she walked she had a tendency to look down at her feet because they pained her and she wanted to watch where she was going, and because she admitted that in the witness box she lost the case completely.

Well, it is obvious we need no-fault insurance in this province. Just like that little old lady a number of years ago, there is no question that a good many people have suffered likewise because they did not know what to do. They were afraid of the cost of lawyers. They were afraid of the long delays. They were afraid of insurance companies. There are just so many reasons that do come up, and research has shown this to be the case.

We need no-fault insurance and basically it is a good principle, but this government now has brought in legislation that really butchers a good principle. So the principle of no-fault insurance and what it is meant to be is really completely emasculated from Bill 81 and we in this party oppose it.

**Some hon. members:** Hear, hear!

**Mr. Speaker:** The member for Cochrane South.

**Mr. Ferrier:** Yes, Mr. Speaker. Not too long ago a committee appointed by the Minister of Financial and Commercial Affairs to look into the trouble people are having with the payment of insurance claims held a hearing in the town of Timmins.

I attended the afternoon session, and time and time again private citizens came forward to express the difficulties they were having in getting their claims adjudicated and the way that they were being put off by the insurance companies and the long delays that were taking place in settling their claims. It was obvious at that point that there is something basically the matter with the way insurance is being operated in this province.

I am sure that what happened in my own community is happening all across the province, that as this committee goes and holds these public hearings, citizen after citizen after citizen is coming forward with some complaint about the way he has been dealt with by the insurance companies of this province.

The no-fault principle, which the government has been making so much about, as far as I am concerned, is a sound principle. In a questionnaire I sent to the people of my riding, a great proportion of them said they were in favour of the no-fault principle and also of government-run insurance.

There have been great delays in the settling of claims in terms of personal injury and property damage in this province. People have been injured and have not been able to work, and when it has been left to the motor vehicle accident claims fund, I have known people to wait some three years before their case has been heard. And in the interval a number of people have had to go on welfare and suffer all the indignities that sometimes come with that kind of a procedure.

Once the settlement is made at some particular point, maybe two or three years later, then the welfare administrator has a signed form and the people have to pay back out of their settlement all the welfare they have received. And there is the kind of scrutiny of their own private lives that has gone on because they have been on welfare.

The adversary principle that has been, and still is until this legislation goes through, the basis of the settling of insurance claims in this province, I think, has been a detrimental one to the people of this province.

It has meant when claims have been submitted, that people have had to hire a lawyer and the other party has hired a lawyer and the slow plodding way that some lawyers handle their work has meant that things sit around for a long time and people have had to suffer.

It has meant that they have had to go to courts, and our courts have been clogged up with the many cases of accidents resulting from automobiles. It has been a costly procedure in terms of the courts, in terms of fees to lawyers and in terms of the suffering that people have had to undergo in waiting for these kinds of claims to be settled. One had hoped that when this government brought in the no-fault insurance, which was heralded around the province with all the news releases and so on, we would have had a kind of no-fault insurance that would have eliminated these abuses and would have protected the citizens of this province and given them something that would serve them well and of which they could be justly proud.

The kind of no-fault insurance that has come in, as one examines the different parts of the bill, has been a bogus type of no-fault insurance with many holes and loopholes and things that do not look after the people of this province and protect them as they should be protected. It has become obvious to me and to members of this party that again the insurance lobby has got to the government and has forced the government to look after their interests rather than take care of the interests of the public at large.

This is deplorable. I might say that for years now insurance premiums have gone up, year after year, and even though your car gets older, you still have to pay the same premiums. They say it is because the rates go up.

When you have a public plan, or a plan that must operate under government regulation and control like this plan which has been brought before us today, it would seem that there should be some kind of regulatory body that would set the rates for premiums for this kind of insurance coverage and that public hearings would be held. But, no, this is not in this particular bill. It has been left out.

Someone suggested that the increases that took place a year or so ago will perhaps enable the insurance companies to hold the rate as it is this year. But as I see it, with this exclusion from the bill, it is an open-ended invitation to the insurance companies to charge whatever they want without any kind of stricture or control.

Again the people of the province are being fleeced by this industry. I think it is deplorable that private interests are put ahead of the public interest and that this profit motive is so much a part of the insurance industry in this province. I feel that cheaper and better-run insurance could be provided for the citizens of the province if insurance was run by the government for the benefit of the people, and not for the benefit of the shareholders and the powerful interests that stand behind the insurance industry of this province.

It was stated that government-run insurance would put agents out of work. In Manitoba, my understanding is that very few agents will be put out of work; that a scheme has been devised so that there would be relocation and retraining of most of them. Others have been brought in to sell government insurance. The argument put forward about agents being put out of work is a little bit out of line, as far as I can see.

**Mr. Bullbrook:** That is called compulsory public service.

**Mr. Ferrier:** As far as I am concerned, the public interest should be protected and put forward by any government. Any government that puts other interests, such as those of the corporate elite or the insurance interests, over those of the public interest deserves to be strongly condemned.

Another way that I feel the public interest has been compromised is in terms of the rights of subjugation or subrogation—whatever the word might be. It means that the public plans—

**Mr. Singer:** Yes. Subjugation—it means to step on, as the member's party wants to do.

**Mr. P. D. Lawlor** (Lakeshore): Subrogation means to turn it back to the private hands like the Liberals want to do!

**Mr. Pilkey:** Right: The member for Downsview would give away the whole province to the vested interests.

**Mr. Ferrier:** It means that the public plans like OHSIP, Ontario Hospital and the Workmen's Compensation will have to pay for the injuries, the medical treatment and the hospitalization of people who are injured in automobile accidents, and that there will be no right given to these bodies to go after the insurance companies for recovery of this amount. This, to me, means that the public again has to pay and it means, I suppose, that these kinds of premiums will continue to be kept high because of this kind of exclusion in the Act.

My colleague from Hamilton East (Mr. Gisborn), I believe it was, pointed out that it will mean even a person who is receiving sick pay when he cannot go to work—sick pay which has been negotiated through his collective agreement or provided by the employer—if he gets this he will not get anything from the insurance company. I feel that this is detrimental to the public interest, and again is a protection of the insurance interests in this province. I think that it is deplorable that in terms of disability payments—the unemployed have been excluded.

In a period of high unemployment, such as we have experienced in this province it is quite possible that a person would be out of work for a few weeks. A person could be trying to find work and, if he is involved in an accident, he is excluded from this. He does not get disability payments. That, to me, is most discriminatory and unrealistic. It is another example, as far as I am concerned, of the government's taking advantage of the down-and-outer and taking a class view of him. Rather than trying to help him they are trying to push him further down because, potentially, the fellow who may get a job will be kept off the job market and will again be subjected to a number of indignities.

I wonder why the old age pensioner and the person under 21 years of age will have to pay for this coverage and, yet, he will not be able to draw benefits from it. It seems to me to be charging him for something that he will never be able to draw from. As far as I am concerned, that is a very poor principle, one that deserves to be strongly condemned, and one which, I think, when the citizens of this province see this plan in operation will rebel against with great fervour. I also disagree with the discrimination between spouses in death benefits. I think that is a very unreasonable step to take.

I do agree with the amendment by the member for Humber which says that this should be compulsory. My own personal opinion is that no person should operate a motor vehicle in this province if he is not covered by insurance. I feel that all other drivers who have been responsible and have seen that they have insurance should not be left, as they are, in the lurch by those who are not responsible and do not have insurance. I do not think the motor vehicle accident claims fund, although it does provide some assistance, is adequate in this regard. I think that the whole principle of compulsion of insurance to drivers is one that deserves attention and should be incorporated in the bill.

As I say, I had hoped for the no-fault principle to be spelled out and to be all-inclusive to cover property damage as well as personal injury and death. This has not been done in this bill. The principle, if it had been logically and inclusively spelled out in terms of the public interest would have been legislation that we could all rejoice in. The kind of bogus bill that has been brought in here by this government is riddled with faults, and it does not protect the public interest nearly as much as it protects the insurance interests.

I think that the people of this province, when they see this kind of insurance in action, will rise up and rebel as much as they rose up and rebelled against Medicare OHSIP insurance that was brought in by this government some two years ago.

As we have gone on, we have seen that the criticisms, the flaws that we brought out at the time of its introduction that would cause such irksomeness to the people of this province have in fact been borne out and the government has had to move to make changes. I feel that the things we are bringing up here at this point and asking the government to take this bill back and to submit it again, these things will evoke the same kind of bitter and resentful response from the citizens of this province.

I think that we have not received the kind of legislation that we should surely expect from a government. But, on the other hand, when the government is not acting in terms

of the public interest but in terms of a vested interest, I suppose it is not difficult to imagine that this kind of fault-ridden bill has been introduced into this Legislature.

**Mr. Speaker:** The hon. member for Sarnia.

**Mr. Bullbrook:** Thank you very much, Mr. Speaker. One recognizes, especially in your position, that during the course of a debate of this nature you are going to be subjected to a great deal of reiteration. I will try to control my impulse in that regard.

I want to say that this party of course, as my leader has said, is going to vote against the bill on second reading on principle, although it goes without saying that we subscribe to the principle of no-fault. That is primarily a universal acceptance at the present time, the principle of no-fault coverage.

We are also going to vote in favour of the recent amendment put forward by the leader of the New Democratic Party, and we are very interested that we are able so to do because he has left from such reasoned amendment the proposition that the scheme should be operated by the government itself.

Now, I had the opportunity of discussing this with him and he says in fairness that he felt that carrying forth that concept in the reasoned amendment would have been ruled out of order. And I say most respectfully—

**Mr. Singer:** That has never stopped him before.

**Mr. Bullbrook:** —to your high office that it has not stopped them before at all, as my colleague, the member for Downsview, anticipated.

**Mr. R. Gisborn** (Hamilton East): That excuse will do for the member's friends back home.

**Mr. Bullbrook:** Basically, what I think has been really of the greatest interest since the commencement of the debate by the Leader of the Opposition yesterday evening in connection with this is the fact that the New Democratic Party primarily subscribes to the attitude that this is the key issue in the forthcoming provincial election. This is what the member for Riverdale said last night, that he was going to go to the people of Ontario on this concept of no-fault and the inadequacies in this bill. The leader of the New Democratic Party said this morning, if I recall, it will be fought on a riding-to-riding basis on exactly this question of deficiency in the statute itself.

Well, I suppose in that particular context, Mr. Speaker, I can only speak of the Sarnia riding, but I am sure I am going to find it very difficult to convince people on fixed incomes, who are in such significant circumstances that they have to look at the discount prices in their grocery stores to make ends meet, that no-fault insurance is the key issue in the next provincial election.

I am going to find it very difficult to convince the unemployed in my riding that no-fault insurance is the key election issue coming up. I am going to find it very difficult to tell the people on whose behalf I have spoken yesterday and the day before to the Minister of Energy and Resources Management (Mr. Kerr) and who have no water to drink in my riding, that no-fault insurance is the key election issue. I am going to find it very difficult to convince the people of the Province of Ontario, who have had their resources raped by industry without adequate government intervention, that no-fault insurance is the key ingredient in the next provincial election.

I am going to find it very difficult to convince people, whose municipal taxes have elevated almost in geometic progression over the last quarter of a century, that no-fault insurance is the key ingredient in the next election. I do not think it is. I am going to find it impossible to convince the people of Sarnia that nationalization of no-fault coverage is the key ingredient when they have been told by the New Democratic Party as a matter of policy from their platform that they will nationalize the resource industry.

**Mr. Pilkey:** The member does not know what the word means.

**Mr. Bullbrook:** That is what they have been told, sir, and the people who work at Imperial Oil in my riding—

**Mr. Singer:** It is the platform.

**Mr. Bullbrook:** —and Sun Oil in my riding and Fiberglas in my riding, and Du Pont and Ethyl Corporation are going to find it very difficult to believe that nationalization is the answer to anything.

**Mr. Lawlor:** The member is against the nationalization of health insurance? He is a great one.

**Mr. Bullbrook:** —in point of fact, one has to wonder about the sincerity of the socialists. One has to wonder really about the—

**Mr. Lawlor:** What a pettifogging argument this is.

**Mr. Bullbrook:** —sincerity of the motivation of the New Democratic Party when they leave out of their recent amendment the very concept which is the foundation—

**Mr. Lawlor:** I cannot believe it. That is not the member for Sarnia I once knew!

**Mr. Bullbrook:** —of their policy because the nationalization of the programme itself—

**Mr. Gisborn:** He does not understand why—

**Mr. Bullbrook:** —is nowhere in that recent amendment. That is why we are able, in point of fact—

**Mr. Gisborn:** The member for Dovercourt suggests our amendment.

**Mr. Bullbrook:** —as people who are committed to the free enterprise system, sir, to vote in favour of the recent amendment, because the culprits really are not on my left. The tragedy does not necessarily lie there. The tragedy lies, frankly, in the government, with again an insipid response at the 11th hour to a kind of social need, which we have been faced with for years—

**Mr. Pilkey:** Watch that word now!

**Mr. Bullbrook:** You would think that the concept of no-fault was something invented by the socialists. Of course, it was not. They do not have any socialists in Massachusetts. The point here is—

**Mr. Pilkey:** Is the member sure?

**Mr. Bullbrook:** —that at this time, at the 11th hour, we are called upon to debate adequately and digest this type of, as I say, insipid legislation. You see, you cannot say—you cannot get up on your feet and in all logic say—that one scheme is better than another scheme.

You cannot say that the Saskatchewan or Manitoba scheme is any better than the Ontario scheme. By and large, you recognize there are such internal details—such as the death benefit under their programme, which is $10,000, whereas under this programme it is $5,000. The weekly income benefits under the Manitoba scheme are $50. Under this scheme they are $70. The point of attempting to parallel the two schemes—

**Mr. Gisborn:** How about the exemptions? The member did not read the bill.

**Mr. Bullbrook:** —in point of fact begs the question. The minister, unfortunately, does not stay in this House during the course of the submission of his legislation to at least do the other members the courtesy of listening to their points of view.

**Mr. Lewis:** Hear, hear!

**Mr. Bullbrook:** He is not here. He has not been here for a half an hour. Now the member for Cochrane South has just spoken and made a significant contribution to the debate in this House. The Minister of Financial and Commercial Affairs did not listen to one—

**Mr. R. J. Boyer** (Muskoka): He was here throughout the debate.

**Mr. Bullbrook:** —syllable put forward by that member. I think that, Mr. Speaker, is a direct affront to any member of this House. Yesterday, I know, you were mightily concerned and for the first time during your tenure of office, I think you vigorously put forward that the least the government of this province could do, if they are going to put legislation to the public through us, is do us and them the common courtesy of having here the minister who is responsible for that legislation—

**Mr. Boyer:** That is very unfair!

**Mr. Bullbrook:** It is not unfair at all for us to ask that that minister would do us the courtesy of listening to our remarks. To get back on the track in connection with this particular legislation—

**Mr. Boyer:** Well, he has! That is the hon. member's unfair and partisan way of talking.

**Mr. Bullbrook:** The point I want to make—now he does return and I am very pleased! The point I want to make is, as I said before, constantly we find ourselves in the evolution of thought, especially political thought—

**Mr. Gisborn:** After the last few days, the government deserves no sympathy. It is bankrupt.

**Mr. Bullbrook:** —with government responding to what is an obvious social need. It has taken them 10 years to respond to this one! What really causes me great and vital concern is that we are called upon at this time of the day to defend the free enterprise system at the 11th hour in this Parliament.

In point of fact, what the leader of the New Democratic Party has to say in connection with investment income, with premium income and with diffusion of liability as a

result of the injection of that additional $9 million into the coffers of the insurance industry has great merit.

Why, in heaven's name, were we not given the opportunity of sitting in a committee downstairs and calling before us the heads of the insurance industry and saying to them: "Look, we want you to operate this scheme but we want you to justify to the people of Ontario that the premium availability is commensurate with the coverage that you are able to give. Then we can make a decision. Do you understand that we cannot make a decision on behalf of our constituents now?"

Frankly, Mr. Speaker, the hon. minister does not give us the opportunity to make that decision or to permit the public of the Province of Ontario to make that decision.

It might well be that the minister, in all conscience and having regard to the premium availability and a reasonable rate structure, could not elevate the weekly income above $70. In point of fact, in Manitoba, it is only $50. Under the government-sponsored scheme there, they apparently are not able to cover it sufficiently.

Seventy dollars is a niggardly amount of money. You recognize that and I am not going to litanize or join with the other members of this House to point out the obvious other deficiencies in connection with this bill.

The key thing I want to convey through you, Mr. Speaker, to the hon. minister is the abdication of responsibility that he makes. One does not have to have a research staff go into the investment and premium income of the fire and casualty companies in the Province of Ontario because all one has to do is leave this chamber and walk down University Avenue and pass a monumental example of premium and investment income. Just look at the Travelers' tower if you walk down there.

**Mr. Peacock:** Down there!

**Mr. Bullbrook:** Oh, am I pointing the wrong way? I am sorry, thank you.

You will see that you do not statistically involve yourself in the fact that there is great profit available to these companies. Basically, therefore, I say this: The Globe and Mail categorized this scheme in an editorial by saying, "Better but incomplete." The fact of the matter is that one cannot take issue with the fact that it is better, because it is better than nothing. We have had nothing in the Province of Ontario along this line.

I exhort the minister to consider giving the public of Ontario the opportunity to assess the benefits that he is able to give them while maintaining the rate structure. I am inclined to agree with the leader of the New Democratic Party when he said without reservation that he can assure the public an elevation of a six per cent increase. The absence of any regulatory body, his lack of undertaking in connection with either the elevation of the benefits under this programme or the restrictions on rate increases is an unconscionable silence on his part.

I ask the minister to go to his cabinet colleagues and say that the public of Ontario are entitled to have before them, through their elected representatives, the insurance industry and they are entitled to say to the insurance industry: "Why can you not, on balance, provide schemes that are provided in other jurisdictions and maintain, without reservation, the rate structure, nay, less than the rate structure, having regard to the savings that are envisaged under the principle and concept of no-fault?"

I do not intend to go into further detail in connection with his abdication insofar as property damage is concerned. One wonders just how this government can continue to operate, having regard to its on-going problems and not respond, for example, to recommendations made by a select committee eight years ago. How they can continue to come in with half-way measures and have big statutes that do not, in point of fact, respond to the need and do not even take a step forward in respect of social responsibility that we, as legislators, do have?

Perhaps the minister was not here for the majority of my remarks. I note, Mr. Speaker, that he did not deign to make a note, but I know he has a mind quite receptive, and I trust then that he will respond basically to the one request that this party makes, without apology, as believers in the fundamental concept of operation of industry by industry itself.

I believe sincerely, as did my leader and every other member of this party, that a government-operated scheme will not be as efficient and as beneficial to the public of Ontario. But the problem, and the position that you put us in time after time, is to bring in monumental legislation of this nature at this time when we cannot properly digest it and cannot put the onus upon those

who have the onus—namely the industry itself—to show cause why we should not support them.

That is basically the thought I have. As I say in closing, Mr. Speaker, we will, in view of the absence of nationalization concept in the recent amendment, support it. We will vote vigorously against the bill. We will bring in as many amendments as are possible during the course of evaluation in committee. We hope the government will see its reasonable duty in this respect. The government has been able to do basically what it wanted to do. It wanted to respond to the people of Ontario prior to an election by saying:

"We accept the concept of no-fault insurance."

They have done that. And so that their motivation has been fulfilled from a political point of view, let them leave that piece of legislation for us to evaluate; let the industry come before us.

Mr. Speaker, that primarily covers the point. As I mentioned to you before, it is not my intention to go into detail again as to the inadequacies of the coverage. We discussed this; the second speech I made in this House in 1968 was in support of a private resolution—

**Mr. Lawlor:** A few private resolutions.

**Mr. Bullbrook:** —relative to the acceptance of the select committee recommendations.

**Mr. Lewis:** We know what lurks in the back of the hon. member's mind. We know what is going on.

**Mr. Bullbrook:** I think there is some wishful thinking on my left.

The resolution was put forward at that time by the hon. member for Yorkview (Mr. Young) and it was supported again without reservation by the now Minister of University Affairs (Mr. White) and by myself. That was four years ago, and I think it is an indication of the fact that the government had ample opportunity in this respect to say to the people of Ontario that which they are attemping to say now.

Let us make this a bill that we all can be proud of. You see that the magnanimous pronouncement that the minister made that it is a scheme second to one of course was accepted with not only disfavour, it was laughed upon by all the significant editorial writers in the Dominion of Canada. It was, and we laughed at it. We laughed at it as a pronouncement made beneath the talent and beneath the knowledge of the minister who has the responsibility.

**Mr. Speaker:** Are there any other members who wish to speak? The debate is then closed. If there is any—

**Mr. Singer:** The member for Lakeshore, I think, was on his feet.

**Mr. Speaker:** Well, before the member for Lakeshore adjourns the debate for the recess I would wish to point out to the members that the member for Sarnia has made a very good point and it is going to be very difficult, of course, to keep debate on this amendment from being repetitious. I think it is probably impossible. But I would ask the members as far as possible to confine themselves to new matters which have not been discussed and are not repetitious.

I wonder if the member for Lakeshore would again move the adjournment of the debate so that we may start afresh?

**Mr Lawlor:** No, the hon. minister was up before—I saw him.

**Hon. Mr. Wishart:** I would be glad to move the adjournment of the debate.

**Mr. Singer:** No, no. If the member does not want to—

**An hon. member:** He did it last night. We thought he might do it for us today.

**Mr. Singer:** That was earlier on.

**Mr. Nixon:** He was in the education committee earlier on, no doubt.

Hon. Mr. Wishart moves the adjournment of the debate.

Motion agreed to.

**Mr. Speaker:** We will resume for routine business at 2 o'clock, p.m.

It being 12 o'clock, noon, the House took recess.

# CONTENTS

**Wednesday, July 21, 1971**

**Insurance Act,** bill to amend, Mr. Wishart, on second reading ..... 4357

**Motion to adjourn debate,** Mr. Wishart, agreed to ..... 4379

**Recess,** 12 o'clock noon ..... 4379

No. 108

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Wednesday, July 21, 1971

**Afternoon Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

5

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO



The House resumed at 2 o'clock, p.m.

**Mr. Speaker:** Statements by the ministry.

Oral questions.

**Mr. D. C. MacDonald** (York South): Is that word singular or plural?

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker, on a point of order. As we enter into the last half of the session, I wonder if it would be too much to ask if the government whip, or whoever whips the ministry, would indicate to them that their presence really should be required during the opening hour of the formal part of the session, for the question period and for other matters? Is it possible that we might organize that? I think they did a little better for prayers this morning.

**Mr. J. R. Smith** (Hamilton Mountain): They are coming. Here they come.

**Mr. Nixon:** Would the House leader care to comment on that point?

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, I think, as the hon. Leader of the Opposition points out, that all the members of the cabinet or council were here this morning at 10 o'clock.

**Mr. Nixon:** They did very well for prayers.

**Mr. M. Makarchuk** (Brantford): Maybe they realized they needed them.

**Hon. A. F. Lawrence** (Minister of Justice): There was only one in here for prayers on the other side.

**Hon. Mr. Wishart:** I think it was just a moment after opening that there were not very many on the other side of the House. I think they will be here in a few moments. I know that they have been very busily engaged.

**Mr. R. Gisborn** (Hamilton East): Excuses, excuses!

**Mr. Nixon:** Mr. Speaker, I just pointed that out for your attention, sir.

## HOSTEL ARRANGEMENTS FOR TRANSIENT YOUTH

**Mr. Nixon:** I would like to put a question to the hon. Minister without Portfolio, the member for Quinte, on a matter in which he has become expert over the last few days.

Can he now indicate to the House whether the Mercer lands that are to be made available through the University of Toronto for the so-called Tent City are in fact available today or is there still some legal encumbrance which prevents the transient young people making use of it?

**Hon. R. T. Potter** (Minister without Portfolio): Mr. Speaker, perhaps I can bring the House up to date. I have a note here from Dr. Sword, acting president of the University of Toronto, which says:

> The Students Administrative Council and the Graduate Students Union have today signed the memorandum of agreement prepared by the University of Toronto for short-term administration of the Mercer property made available by the Province of Ontario for Grass Roots' experimental tent city community, Wacheea. This project has received an operating grant from the Opportunities for Youth programme of the federal government.
>
> The terms include establishment of an internal committee of Wacheea with authority to speak on behalf of that community; terms published by the university last week; and agreement to indemnify the university for any costs it may incur as a result of the arrangements.
>
> In addition, the students have consulted many community leaders close to the site and agreement has been reached to establish a committee representing SAC, GSU, Grass Roots and the Parkdale community. This committee will meet in the first week, the third week and at the end of the programme (September 9) to review progress

and any problems. It will also be available, if required, for other reasons.

The memorandum of points in agreements between the university, SAC and GSU are the following:

1. The university make Mercer site available to SAC and GSU for SAC and GSU to make available to Grass Roots as hostel and camping site for transient youths.

2. SAC and GSU to require Grass Roots to comply with all municipal health, safety and other relevant regulations.

3. SAC and GSU require Grass Roots to satisfy SAC and GSU at all times as to provisions made for garbage collection, security and generally complying with health and safety regulations.

4. Grass Roots agrees with SAC and GSU to vacate on or before September 9, 1971, and SAC and GSU undertake to university that Grass Roots will vacate.

5. SAC and GSU to indemnify the University of Toronto for any costs incurred by the university as a result of use of the Mercer site.

6. SAC and GSU to post a bond of $5,000 as security for due performance of all obligations hereunder, to be forfeited to the University of Toronto if vacant possession is not returned on or before September 9, 1971.

7. Grass Roots to name persons to form a committee to hold office until Grass Roots have vacated the site, which committee is to work with a committee to be named by SAC and GSU and to be responsible for the undertakings hereunder.

8. There are to be no more than 200 tents or 500 people at any one time.

9. SAC and GSU assume financial responsibility for security of any trucks or other vehicles that remain on the property by reason of Mr. Sullivan's expiring lease.

This agreement has been signed by the president and vice-president of the Students' Administrative Council, by the president and vice-president of the Graduate Students' Union and by the acting president of the governors of the University of Toronto.

**Mr. Nixon:** Mr. Speaker, on a point of order, would you agree that the minister's remarks should have been made under ministerial statements? Whether you agree or not, I would like to put a further question to the minister, a supplementary—really the same question I put a moment ago.

Will he assure the House that the land at the Mercer site is now available without encumbrance, or in fact is the lease that was given to Mr. Earl Sullivan by his colleague, the Minister of Public Works (Mr. Auld) a few weeks ago, still a major encumbrance so that the young people cannot make use of the facilities or the agreement that the minister has just read into the record?

**Hon. Mr. Potter:** I was assured by the Minister of Public Works this morning that he was making the final arrangements today and it will be available to them.

**Mr. Nixon:** A supplementary: Was the minister answering the question not assured by the same minister last Friday that the lands were available and that was not the case? Does he know of the encumbrance associated with the lease that I refer to?

**Hon. Mr. Potter:** Yes, Mr. Speaker. Last Friday the minister assured me that he would make the land available. He did not say when or how or under what circumstances.

**Mr. Nixon:** The minister said within two days it would be set up.

**Hon. Mr. Potter:** But he has told me today that he is negotiating today to have it made available today.

**Mr. Nixon:** Today?

**Hon. Mr. Potter:** Yes, that is what he told me.

**Mr. MacDonald:** A supplementary question, Mr. Speaker: May I ask the minister whether or not the remaining hurdle, namely agreement and co-operation by local ratepayers' associations with the SAC or the University of Toronto, has been overcome? In short, are we in a position to move to the establishment of Tent City?

**Hon. Mr. Potter:** As far as I am concerned, yes, we are. The hurdle that we were referring to was met last night when the three aldermen from that area agreed to serve on this committee. The president of the ratepayers' association agreed to serve on that committee. There have been a number of residents in the area who have said they are not happy with the situation and have drawn up a petition but the agreement that was asked for in the first place has been reached.

**Mr. Speaker:** Any further supplementaries?

**Mr. J. B. Trotter** (Parkdale): Yes, I have a supplementary question. Would the minister

have any idea how much the provincial government had to pay Mr. Sullivan who had the lease on it? Did the government have to pay him in order for him to surrender any rights he might have?

**Hon. Mr. Potter:** I could not answer that, Mr. Speaker.

**Mr. Trotter:** Well, another supplementary: Will any further consideration be given by the minister as a result of a petition which he received this morning?

**Hon. Mr. Potter:** Quite frankly, Mr. Speaker, I think I have gone as far as I can go in this matter. We have the petition received this morning but the people speaking for the ratepayers, or the local representatives, agreed to serve on this committee. Some of the names that were on the petition submitted today have since been checked and the people said to ignore the petition.

A Mr. Cousineau on here, for instance phoned this morning and said, "Disregard the petition that was sent around because I have changed my mind." I think now enough time has elapsed; there has been enough discussion; there has been enough negotiation. I think that we have gone just about as far as we can go in getting people to agree that Wacheea are sincere. They are interested in promoting a good programme. I think it is up to them to show us that they can do just that.

**Mr. Speaker:** A supplementary?

**Mr. Nixon:** No.

**Mr. Speaker:** I would like to say to the hon. Leader of the Opposition that had the minister wished to make a statement, what the Leader of the Opposition suggested is correct, but I had no indication that the minister was making that statement except in answer to the question asked by the Leader of the Opposition. Therefore, in my opinion, the minister was quite in order in this case.

**Mr. Nixon:** It was not in answer to the question.

**Mr. Speaker:** It was in answer to the question of the Leader of the Opposition and the minister is entitled to answer it as he sees fit.

The Prime Minister advises me that he has a statement and I think perhaps the House would wish to revert to statements by the ministry so that it may be available for questions.

Statements by the ministry.

**Hon. W. G. Davis** (Prime Minister): Mr. Speaker, I should like to inform the House about a meeting held in this building yesterday with a delegation from the city of Hamilton, led by Mayor Victor Copps and a decision of the government related to that meeting.

As many hon. members are aware the city of Hamilton has been engaged for several years in a most impressive civic centre project. The rejuvenation of the core of the city has brought together and has incorporated into a project a handsome $10 million theatre-auditorium which is now well along in construction. The plans for the civic centre include a trade and exhibition centre to be constructed as a second phase of the theatre-auditorium project. Above all considerations, the civic centre project has served as a catalyst for the community and while not yet completed has already stimulated an enormous further development of community spirit and growth.

In May of 1967 a delegation from the city of Hamilton met with the government seeking a grant to support the theatre-auditorium and trade centre. The government agreed to assist with a grant of $2 million, provided the federal government made a similar grant. This was consistent with the conditions for financial help which the federal government was applying to other municipalities. As the House knows, notwithstanding numerous statements of the need for providing our people with greater cultural advantages, the federal government has disappointed the people of Hamilton by declining to participate. This created substantial financing difficulties for the—

**Mr. Nixon:** This gives the Premier a chance to make another election statement.

**Hon. Mr. Davis:** Is the Leader of the Opposition defending them again?

**Mr. Nixon:** No, I am just telling the Premier that the announcement itself comes before each election just as another goody in the list.

**Hon. Mr. Davis:** This created substantial financing difficulties for the Hamilton administration which has pressed ahead—

Interjections by hon. members.

**Hon. Mr. Davis:** Do members opposite not want us to do it?

**Mr. T. P. Reid** (Rainy River): The government is in trouble in Hamilton.

**Mr. Nixon:** Without the member for Hamilton West (Mrs. Pritchard), they are in trouble there.

**Hon. Mr. Davis:** This created substantial financing difficulties for the Hamilton administration which has pressed ahead with what is a vital project for their city.

While the government of Ontario has reaffirmed its interest in participating in the project on a number of occasions, the time has come for this government to give greater support to the Hamilton project.

**Mr. Nixon:** And to go forward alone if necessary; that is the next phrase.

**Hon. Mr. Davis:** We shall no longer predicate our support on a federal decision.

**Mr. Nixon:** That is it.

**Hon. Mr. Davis:** At the same time—

**Hon. J. W. Snow** (Minister without Portfolio): The Leader of the Opposition did not have the right phraseology, but the idea was right.

**Mr. T. P. Reid:** It sounds like the Premier has got a new speech writer.

**Hon. Mr. Davis:** At the same time I want to assure the hon. members and the people of Hamilton—he might be of some help to the member.

**Mr. Nixon:** Of your continuing support in their endeavour!

**An hon. member:** I have to agree with that.

**Mr. T. P. Reid:** I suggest the Premier pass him on to the Provincial Secretary (Mr. Yaremko). He needs the help.

**Hon. Mr. Davis:** I tell you, Mr. Speaker, I would make myself available to the hon. member but my hours are very tight at the moment, very tight.

**Mr. T. P. Reid:** After the next election the Premier will be looking for a job. He will have lots of time then.

**Mr. P. J. Yakabuski** (Renfrew South): That boy has got lots to learn.

**Mr. MacDonald:** He has got very little time to learn it in, too.

**Hon. Mr. Davis:** I want to assure the hon. members and the people of Hamilton that we do not consider any action we may take as a government in any alleviates the desirability —indeed, I would say the necessity—of the federal government participating in the future stages of the Hamilton civic centre project.

**Mr. R. S. Smith** (Nipissing): They will not take it back!

**Hon. Mr. Davis:** With the theatre-auditorium construction now well advanced, Mayor Copps, members of the Hamilton city council and of the Hamilton Threatre-Auditorium Foundation, representatives of unions and the chamber of commerce, along with members of the Legislature who represent Hamilton constituencies, including those on the opposite side of the House Mr. Speaker, met yesterday with myself and the Minister of Public Works (Mr. Auld).

Mayor Copps indicated the city's desire to proceed immediately—pardon?

**Mr. S. Lewis** (Scarborough West): From only one party on the opposite side of the House.

**Hon. Mr. Davis:** That is factually correct.

**Mr. T. P. Reid:** For a change.

**Mr. MacDonald:** We always put facts on the record or what we put on the record are always facts.

**Hon. Mr. Davis:** I am a great believer in having things factually correct. The member is quite right.

**Mr. Gisborn:** It is well appreciated, but it will not re-elect the government on this issue.

**Hon. Mr. Davis:** I would not bet on that.

Mayor Copps indicated the city's desire to proceed immediately with the second phase of the project, the construction of the trade and exhibition centre, which is physically a part of the theatre-auditorium and which will produce some 60,000 net square feet of rentable exhibition space. I myself toured the project with the mayor on a recent visit to Hamilton. Officials of The Department of Public Works have been in touch with the city and its architects over several months and were in Hamilton talking to the project architects as recently as Monday. Therefore, when we met with the delegation from Hamilton yesterday we were well aware of the progress to date and the desirability of inte-

grating the two phases of the project at this time.

We in the government, Mr. Speaker, have followed closely and with great interest the Hamilton civic centre project. We have been deeply impressed by the commitment of the people of Hamilton to the improvement of their community and to foster cultural diversity within the community. Not only were they committed to this, they were prepared to go out and do something about it.

The fact that well over $3 million of the capital cost of the theatre-auditorium will have been raised by private subscriptions is a truly remarkable feat. Some 15,000 individuals have subscribed to the project and this is unprecedented for a project of this kind anywhere in North America—a fact in which every resident of Hamilton may take justifiable pride.

This financial support has been buttressed by the unanimity of support among the municipal leaders, the business community and the union membership over the seven-year development of the project, again underlining the importance which the community attaches to it. As Mayor Copps told us yesterday, the things you work hardest for are the things you most appreciate, which is something that philosophically might be of interest to some people on other sides of the House. This is most certainly the case in Hamilton.

Mr. Speaker, the government recognizes the desirability and—

**Mr. Gisborn:** We had to work hard to get it out of the government.

**Mr. I. Deans** (Wentworth): I have been trying to get this grant for three and a half years. Just look at the record.

**Hon. Mr. Davis:** Mr. Speaker, the government recognizes the desirability and practicability of proceeding now with the second phase. At yesterday's meeting, Mayor Copps and his delegation asked the province to make an unconditional commitment to build for the city the trade and exhibition centre. This commitment was approved by cabinet yesterday afternoon.

The government is prepared to purchase from the city of Hamilton, for a nominal fee, the property on which the trade centre would be constructed, construct the centre within a total cost of $3 million and return the building to the city, on completion, at the same nominal fee.

The Department of Public Works, which will construct the trade centre, will begin immediately to complete the necessary arrangements for this agreement so that construction of the second phase can be efficiently integrated with the final stages of construction of the theatre-auditorium.

The government will also provide the city of Hamilton with the assistance of the Minister of Trade and Development (Mr. Grossman) and Tourism and Information (Mr. Guindon) to ensure that opportunity will be afforded the trade and exhibition centre to assure optimum usage of the facility when it is completed.

Mr. Speaker, this government has long held the view that there should be even greater disversification of cultural and economic facilities throughout our province than now exists. While recognizing the importance of having outstanding facilities in Metropolitan Toronto, it is important that there be equal and ready access to theatre facilities for the people of other communities and that there are alternatives to the business community and those wishing to hold large meetings and conventions. The Hamilton theatre-auditorium and trade exhibition centre are outstanding examples of the facilities that are needed throughout our province.

I welcome the enthusiastic initiative and determination by Hamilton and its people, and I am confident that all members of this House will support the government's decision to see that this project is carried forward to a desirable and satisfactory conclusion.

I should also mention, Mr. Speaker, that we have with us today the mayor of the city of Hamilton, Mr. Victor Copps, and Mr. Jack McNie, who is head of the foundation and I think led some representations five years ago related to this particular subject. They are in your gallery, Mr. Speaker, when this announcement is being made.

Interjections by hon. members.

**Mr. T. P. Reid:** Five years—that is not bad!

**Mr. J. E. Stokes:** And now on to the north—something for the north.

**Mr. Speaker:** Oral questions. The Leader of the Opposition.

## HAMILTON TRADE CENTRE

**Mr. Nixon:** Mr. Speaker, further to the Premier's statement on this important and auspicious occasion, can he indicate the

amount in the promise made by his predecessor in August, 1967, and how much of that money was actually spent at that time?

**Hon. Mr. Davis:** Mr. Speaker, I think the discussions at that time related to, shall we say, matching grants from the federal and provincial governments, and I believe the amount was up to $2 million. There have been no moneys forwarded by the province to the city of Hamilton. We are undertaking what will be in the neighbourhood of a $3-million project on behalf of the city of Hamilton, but as I said in my statement, surely at some point in time enlightenment will prevail and the federal government will find some way of assisting this very worthy project in that city.

**Mr. Nixon:** Right:

A supplementary: Does the Premier recall the press release at the time being headed, "Premier Robarts Promises $2 million for Hamilton Auditorium"; not a cent of which was ever paid?

**Mr. J. R. Smith:** Speak to the federal Liberals!

**Hon. Mr. Davis:** Mr. Speaker, I recognize that this statement causes some concern to the Leader of the Opposition—

**Mr. Nixon:** Not at all. We are going to elect members in Hamilton and get it straightened out.

**Hon. Mr. Davis:** I do not deal in ancient history; I deal with today and tomorrow; and I would give him a little bit of advice: If he would look to the future a little bit, he might be making even greater progress himself.

**Mr. Nixon:** The Premier may find out that the price of votes comes higher than it used to.

**Hon. Mr. Davis:** Well does the Leader of the Opposition not want us to do it?

**Mr. Nixon:** Fine, the government should have done it in 1967.

**Hon. Mr. Davis:** Certainly he does; of course he does!

**Mr. Yakabuski:** Does he or does he not?

**Mr. Nixon:** The government should have done it in 1967.

**Mr. T. P. Reid:** We are aware that the Premier is looking forward to the next provincial election, but may I ask a supplementary, Mr. Speaker—

**Hon. Mr. Davis:** I am looking forward to helping the citizens.

**Mr. Lewis:** And saving three seats, if he possibly can.

**Hon. Mr. Davis:** No, we are going to win them all.

**Mr. Lewis:** They are not going to win any of them.

**Mr. T. P. Reid:** Having heard the Premier's statement—

Interjections by hon. members.

**Mr. T. P. Reid:** Having heard the Premier's statement, which was—

**An hon. member:** Here comes that weather front.

**Mr. T. P. Reid:** —obviously vague, as all his statements are, is he embarking on a new programme and policy for all the cities across the Province of Ontario in this regard, or is this programme especially for Hamilton where he feels he is going to lose all his seats?

**Hon. Mr. Davis:** Mr. Speaker, I recognize the political concerns being evidenced by the member for Rainy River and I fully appreciate his concern, because he may be concerned about his own seat at this precise moment. And I would only say—

**Mr. MacDonald:** Hear, hear!

**Mr. T. P. Reid:** We all are.

Interjections by hon. members.

**Hon. Mr. Davis:** —that if he finds the wording of the statement vague, I will personally send him a copy, ask him to peruse it and if he still finds it vague after—

**Mr. T. P. Reid:** Yes or no? Yes or no?

**Mr. R. F. Ruston** (Essex-Kent): What about the city of Windsor?

**Hon. Mr. Davis:** I would also say, Mr. Speaker, that the statement made was abundantly clear that we would seek a diversification of this kind of facility throughout the Province of Ontario—

**Mr. Nixon:** That sounds like the Premier's kind of answer.

**Hon. Mr. Davis:** —that while this relates specifically to the city of Hamilton, certainly the province would be prepared to consider—

**Mr. Nixon:** He will seek diversification.

**Hon. Mr. Davis:** —let us say like projects in other parts of the Province of Ontario.

**Mr. MacDonald:** That is vague enough.

**Mr. T. P. Reid:** Either Premier or Prime Minister, whichever one prefers?

**Hon. Mr. Davis:** Mr. Speaker, if that is a supplementary question I want to make it abundantly clear that either designation is quite appropriate as far as I am concerned—

**Hon. W. D. McKeough** (Treasurer): And for some time to come!

**Hon. Mr. Davis** —and for some years yet to come.

Interjections by hon. members.

**Hon. Mr. Davis:** What is the hon. member's next question of urgent public importance?

**Mr. Speaker:** Order!

Would the Leader of the Opposition allow the Minister of University Affairs to answer a question asked by the member for Waterloo North, because he has to leave the House for a meeting?

## UNIVERSITY MORTGAGES ON FACULTY MEMBERS' HOMES

**Hon. J. White** (Minister of University Affairs): Some time ago the member for Waterloo North asked a question about mortgage guarantees for faculty members. I am sorry it has taken to long to get the information. We had not only to peruse the financial statements but communicate with some or all of the 14 universities to ensure the answer was complete and accurate.

In answer to the question asked with regard to the practice at some universities of holding mortgages on the homes of faculty and staff members, I am pleased to inform the hon. member for Waterloo North that no public money is involved in this matter.

Of the 14 provincially-assisted universities, eight have established a policy which was intended to help in the recruitment of qualified staff whereby if a staff member required some assistance in purchasing a home, the university involved would act as a guarantor on a personal loan from its banker, usually at or close to the prime rate.

In order to protect itself on this guarantee, the university executes and registers a mortgage which is only excercisable in the event that it is required to make good its guarantee on failure of the staff member to maintain his payments to the bank.

There are minor variations in this policy between these universities, but in no case is public money used for mortgage purposes.

In only one other instance does the university advance the required money and hold a regular mortgage. Again, public money is not involved as the university either uses its own surplus funds or its borrowing powers to provide the funds necessary to help its staff members.

**Mr. E. R. Good** (Waterloo North): In the event of default of such a mortgage, would the university as guarantor of the mortgage not require the expenditure of public funds?

**Hon. Mr. White:** As I say, Mr. Speaker, in these rather small number of instances where some special inducement had to be given to attract highly qualified faculty members, the university comes in as guarantor and its resources would only be called upon should all regular collection procedures fail.

In that unlikely event, the university would use funds, not necessarily public funds, but rather resources from other sources, and no doubt the collateral available to it that would enable it to recapture its temporary investment of those private funds.

**Mr. Speaker:** The Leader of the Opposition.

## ORGANIZED CRIME IN TORONTO

**Mr. Nixon:** A question of the Attorney General: Has he any evidence or information which would substantiate the information made public by radio station CKEY's Vic Phillips which indicates that organized crime has further penetrated the Toronto area with the establishment of what he has chosen to call a "crime family" working in the Toronto district, attempting to take over a wide variety of rackets?

**Hon. A. F. Lawrence:** Yes, I am aware of the newscast this morning, Mr. Speaker; and I am aware also that some sections—and some sections only—of the newscast are true.

Nothing that I say in any way is meant to deprecate or demean the activities of anybody in the media for searching out, ferreting out news stories which they think are of value to their listening or reading public by any means. That is their job.

On the other hand, the position that I hold when these alleged stories come to me—and there are many of them every week by somebody or other—I think I just have to sit back and think about whether the story and the alleged facts are going to help or hinder the law enforcement agencies of this province.

In this particular case, I think any comment from me, any comment by anybody on it really, might also include the remark that of those particular news stories, here is one that cannot help law enforcement agencies in the work that they are trying to do. They have enough of a burden to carry at the moment without being hindered by statements from me on it. Therefore I would prefer to make no comment at all.

**Mr. Nixon:** A supplementary, Mr. Speaker: Since the minister did say "yes," indicating that he has information—

**Hon. A. F. Lawrence:** I said I was aware that certain of the facts as indicated were true.

**Mr. Nixon:** —would the minister not agree that it is of immediate and prime public concern as to the level of the so-called intrusion and infiltration of organized crime into this community and that in fact even the work of the police is not well served if the public is not aware of the menace?

**Hon. A. F. Lawrence:** Certain police investigations are continuing. Obviously some of these investigations may certainly result in prosecutions and therefore I do not feel I should jeopardize the rights of the individual, nor should I jeopardize the police investigations.

**Mr. Speaker:** The member for High Park is on his feet for a supplementary.

**Mr. M. Shulman** (High Park): I have two supplementaries if I may, Mr. Speaker: Can the minister inform the House if among the papers that were stolen from Cornwall was a report on organized crime involving Toronto? Relative to this report?

**Hon. A. F. Lawrence:** My understanding is that the Cornwall theft outlined to the press by my friend and the circumstances surrounding it bear no relationship at all to the press reports of this morning.

**Mr. Shulman:** My second supplementary, Mr. Speaker: Would the minister not agree that the best way to control the problem of organized crime in this city is that used by other jurisdictions, to hold a public inquiry and expose the persons involved?

**Hon. A. F. Lawrence:** No.

**Mr. Speaker:** The member for Scarborough West.

**Mr. Lewis:** By way of supplementary: Has the minister of the Crown seen the report marked top secret and confidential, allegedly in the hands of Police Chief Harold Adamson?

**Hon. A. F. Lawrence:** No, I have not.

**Mr. Lewis:** The minister has not seen that document?

By way of supplementary: Is there not a natural authority line which, when dealing with the extension of organized crime in this fashion, would bring such matters directly to the attention of the minister?

**Hon. A. F. Lawrence:** Again, my friend is making some assumptions there—

**Mr. Lewis:** Yes?

**Hon. A. F. Lawrence:** —and if he thinks about his question, maybe he would like to think about it again!

**Mr. Lewis:** I thought about it before I asked it. That is why I asked it.

**Hon. A. F. Lawrence:** The member is indicating that there is a report.

**Mr. Lewis:** Yes.

**Hon. A. F. Lawrence:** I am not willing to assume that.

**Mr. Lewis:** The minister is not willing to assume that?

**Hon. A. F. Lawrence:** No.

**Mr. Lewis:** By way of supplementary: The minister knows that certain parts of the story may be true based on what he heard, but he does not know whether or not there is a report which substantiates certain parts of the story?

**Hon. A. F. Lawrence:** No. Certainly there is no question that during March of this year, a raid was conducted here in Toronto by the

morality bureau of the Metro Toronto police force on certain premises located on Ossington Avenue. That part is certainly true.

As I say I would not want to comment on any investigations which are still continuing as a result of that raid, or in relation to any prosecutions that might take place as a result of it. I think it would be most unfair for anybody in public office to make comments at this stage on those facts.

**Mr. Speaker:** Does the member for Rainy River have a supplementary?

**Mr. T. P. Reid:** Mr. Speaker, does the minister not agree that an informed and aroused public on a subject like this would be of great benefit to the police in combatting something like organized crime, rather than the murkiness that exists in the public mind even as to whether or not there are Mafia in the Province of Ontario and what their activities are?

**Hon. A. F. Lawrence:** I think I have indicated many times that there is obviously internationally organized crime in this province. One does not have to go any further than that just to be aware of drugs, of—

**Mr. T. P. Reid:** Being aware is not enough.

**Mr. Speaker:** The Leader of the Opposition.

## REMOVAL OF IVY FROM QUEEN'S PARK

**Mr. Nixon:** Mr. Speaker, I have a question of the Premier in the absence of the Minister of Public Works. Did the Premier personally give the execution order that resulted in the cutting off of the Queen's Park ivy, which now lies withering and wilting on the front walls of this building after having served well for 80 years and grown to a height of 60 feet? Does he really believe that by cutting it off and letting it die and sandblasting the red stone back to its baby-bottom brightness that we are going to improve the appearance of this building?

**Hon. Mr. Davis:** Mr. Speaker, I must confess that I had no part in the execution order of the ivy.

**Mr. H. Peacock** (Windsor West): He never even noticed.

**Mr. Nixon:** And there it lies, hanging on the gallows. The Premier should look at it when he goes out there.

**Hon. Mr. Davis:** As a matter of fact, I have seen it.

**Mr. Lewis:** Kind of like logging in Quetico Park.

**Mr. V. M. Singer** (Downsview): The new wave!

**Mr. Nixon:** The new wave, yes! Everything has to be bright and shiny and sandblasted.

**Mr. Speaker:** The member for Scarborough West.

## ALLOCATION OF HOME LOTS IN METRO

**Mr. Lewis:** A question of the Minister of Trade and Development, Mr. Speaker: What sort of allocation system will the builders use for the HOME lots—announced yesterday I guess—within Metro?

**Hon. A. Grossman** (Minister of Trade and Development): I do not think there will be any problem in this respect in Metro. There has not been any evidence in Metro that the same sort of problem that occurred, for example recently in Hamilton, will occur here.

If it appears that they have a surplus of applications, the OHC will then step in and attempt to set up some sort of priority system based upon those who are first eligible and first come, first served. But we do not anticipate any problems in this area.

**Mr. Lewis:** By way of supplementary, if I understand it, what number of units are we talking about, 297?

**Hon. Mr. Grossman:** Yes.

**Mr. Lewis:** Yes, we are talking about 297 units. If the applications extend beyond that the Ontario Housing Corporation is the arbiter. That is the way the minister will run it?

**Hon. Mr. Grossman:** It is not quite that way.

I said if there were any problems related to this, if there were a tremendous number of applications over and above the supply who are qualified in respect of income and so on, that OHC would attempt to see that there was fairness involved in the way they were allocated. But I have been advised by my staff and I do not really anticipate any problems in this area because of the fact that they are being handled by the number of

builders involved and they have not experienced this in too many areas, particularly when they are handled in this way.

**Mr. Lewis:** By way of supplementary, will there be any minimum size requirements for the houses involved?

**Hon. Mr. Grossman:** Is the hon. member referring to square footage?

**Mr. Lewis:** Yes.

**Hon. Mr. Grossman:** I do not have that information. I will be very glad to get it for the hon. member.

**Mr. Lewis:** By way of supplementary, if the costs in 1970 rise as they did in 1969, they will be $14.86 a square foot, so that a $15,000 house is 1,009 square feet, a $16,000 house is 1,077, and a $17,000 house is 1,144 square feet. Is there not an anomaly that all of the homes the government is building fall well below the average NHA house last year, which was some 1,283 square feet?

**Hon. Mr. Grossman:** Is the hon. member asking me if it is an anomaly?

**Mr. Lewis:** Yes, why is the government building houses of these very small dimensions?

**Hon. Mr. Grossman:** So that we can provide houses cheaper for people who cannot afford bigger ones.

**Mr. Speaker:** The member for Downsview.

**Mr. Singer:** Mr. Speaker, by way of supplementary, could the minister advise us why he did not tell the House of this development? That is the first one.

The second one is what is the cost or the anticipated sale price of each of these lots?

**Mr. Nixon:** And is the minister really going to build on Malvern?

**Mr. Trotter:** Yes, tell us about Malvern.

**Hon. Mr. Grossman:** The answer to the first question, Mr. Speaker: I was called to Ottawa yesterday on urgent government business—

**Mr. Nixon:** Mr. Andras wanted to speak to him.

**Hon. Mr. Grossman:** The release was put out by OHC staff and I must say that the release date was not honoured by one of the newspapers, otherwise I may have had an opportunity to make a statement in the House last night.

**Mr. Nixon:** The minister cannot trust that paper.

**Hon. Mr. Grossman:** The other question was the average sale price of each of these lots.

**Mr. Singer:** Average sale price?

**Hon. Mr. Grossman:** Of the lot?

**Mr. Singer:** Yes.

**Hon. Mr. Grossman:** I have what the payment will be for the lot, which is $46.05 per month based on eight and three quarters per cent. I would think that would be somewhere just in excess of $6,000 or $6,400.

**Mr. Singer:** It is rather difficult to follow, because what I read in the newspapers indicates that it requires a $750 down payment. The minister now elaborates to some extent about mortgage payments, but can he give us any definitive statement about the end sale price of each lot?

**Hon. Mr. Grossman:** What the hon. member is talking about—I told him what the lot would probably be and I am only taking that from the figures I have as to what the payment will be per month for the lease, which is $46. From quick calculation—my mathematics may not be good—at eight and three quarters per cent of the book value of the lot I would figure it would be somewhere between $6,000 and $6,500. That would be the book value of the lot.

Houses will sell for around $15,000 and five per cent of $15,000 would be $750.

**Mr. Singer:** Could the minister tell us how the sale price of the lots reflects on the acquisition cost of Ontario Housing, together with carrying costs?

**Hon. Mr. Grossman:** My memo tells me its book value and I would think that is what it would have cost, the acquisition of the lot plus any additional costs which have accrued to date.

**Mr. Singer:** Could the minister tell us whether or not the end sale price is in close relationship to the average sale price of similar lots in the immediate area—privately owned lots?

**Hon. Mr. Grossman:** No, Mr. Speaker, I could not tell the hon. member that.

**Mr. Speaker:** The hon. member for Etobicoke has a supplementary?

**Mr. L. A. Braithwaite** (Etobicoke): Yes Mr. Speaker, a supplementary: Could the minister look at his memo and give us definite figures as to the minimum salary requirements for possible purchasers?

**Hon. Mr. Grossman:** Salary requirement, Mr. Speaker, is based on 27 per cent of the gross income, $9,400.

**Mr. Lewis:** It is $9,400?

**Mr. Braithwaite:** The minister stated earlier, Mr. Speaker, that he does not expect too great a demand. I just thought I might ask the minister if he is aware that this member has received so many calls that I anticipate a demand of about 1,000 people, at least from Etobicoke?

**Hon. Mr. Grossman:** Mr. Speaker, I do not recall saying that there would not be too much of a demand. If that is the expression I used, it was the wrong one. It is not the impression I want to give.

Obviously if there was not a demand for these homes we would not be providing this programme. What I meant to convey was there would not be too many problems involved in the processing of those applications. There are many people who sign up for home lots who do not qualify eventually. This is what happened, as a matter of fact, in Hamilton just recently. There were very many who signed up because some of them thought they were going to get something for nothing. Some of them thought they would get in without a down payment and that sort of thing. We do not expect too many problems.

**Mr. Braithwaite:** A final supplementary, Mr. Speaker, with reference to the $9,400 minimum salary requirements: Is the minister aware that his department and OHC do not have this figure and that many people are not aware of the fact that $9,400 is the minimum salary requirement?

**Hon. Mr. Grossman:** Mr. Speaker, I will look into that, and if that appears to be the case we will make sure they know about it.

**Mr. Lewis:** It excludes 80 per cent of the population.

**Mr. Speaker:** The hon. member for Scarborough West.

## MALVERN DEVELOPMENT

**Mr. Lewis:** A question of the Minister of Trade and Development on a related subject: When is the major announcement coming on the Malvern project in Scarborough which was promised to us a number of months, years, almost decades ago now? But I think this minister had promised one latterly.

**Mr. T. Reid** (Scarborough East): Eons!

**Mr. Makarchuk:** How many light years away is it?

**Hon. Mr. Grossman:** Mr. Speaker, I said I would not make a definitive statement until I had all of the loose ends tied up. The question was asked by members during the standing committee on estimates. They tried to elicit from me a statement on Malvern, and I said, because of the history of statements in the past and the way they had been interpreted—

**Mr. E. W. Martel** (Sudbury East): That is by the member for Don Mills (Mr. Randall).

**Mr. J. E. Bullbrook** (Sarnia): The minister gave no statements at all during estimates, none whatever. He was consistent; he said nothing.

**Hon. Mr. Grossman:** —I would not make a statement until there was no possibility of such a statement being misinterpreted.

**Mr. Trotter:** Mr. Speaker, a supplementary question: I understood there was going to be some announcement as the result of the minister's conversations with Mr. Andras in regard to Malvern. Is there not some immediate announcement due on Malvern?

**Hon. Mr. Grossman:** Mr. Speaker, I have nothing further to add to what I have already said.

**Mr. Trotter:** I misunderstood the minister.

## LEGISLATION ON QUARRIES

**Mr. Lewis:** Mr. Speaker, a question of the Minister of Mines and Northern Affairs. Does he intend to bring the bill on pits and quarries through the House for second reading and Committee of the Whole without amendment?

**Hon. L. Bernier** (Minister of Mines and Northern Affairs): Mr. Speaker, at this particular moment I have reached no decision on that particular point and with the co-operation of the opposition I hope to bring the bill in as quickly as possible.

**Mr. Lewis:** By way of supplementary: Is it the minister's intention either on second reading or during committee to introduce a government amendment at any stage?

**Hon. Mr. Bernier:** I am looking into this aspect right now, Mr. Speaker.

**Mr. MacDonald:** It will be months before the minister makes up his mind!

**Mr. Lewis:** By way of supplementary: Given his noted advance preparation in these matters, does the minister think it might be shared with the opposition before it is introduced—

**Mr. W. Hodgson** (York North): Not likely!

**Mr. Lewis:** —as the prospective Minister of Environment (Mr. Kerr) did with his bill?

**Hon. Mr. Bernier:** If my decision is reached early enough, I will be glad to share it with members of the opposition.

## CHANGES IN THE MINING ACT

**Mr. Lewis:** A further question of this minister, Mr. Speaker: Does the minister intend to introduce any amendment on second reading or on clause-by-clause debate to The Mining Act?

**Hon. Mr. Bernier:** I have reached no decision along those lines.

**Mr. Lewis:** The minister has an Act to amend The Mining Act, as I understand it.

**Hon. Mr. Bernier:** Yes, it is on the order paper now.

**Mr. Lewis:** The minister does not intend to introduce any amendments to it?

**Hon. Mr. Bernier:** I have reached no decision on that aspect right now.

**Mr. P. D. Lawlor** (Lakeshore): For heaven's sake!

**Mr. Lewis:** By way of supplementary: What does that mean? Does that mean that the minister may amend it during committee or that he is thinking of amending it?

**Mr. Yakabuski:** Maybe yes and maybe no.

**Hon. Mr. Bernier:** I will reserve my decision.

**Mr. Lewis:** I see.

## ONTARIO ENERGY NEEDS

**Mr. Lewis:** A question, Mr. Speaker, of the Attorney General and Minister of Justice: Is the Attorney General satisfied, as Union Gas was not satisfied, that the export of over two trillion cubic feet of natural gas from Canada will still leave sufficient reserves for the Province of Ontario?

**Hon. A. F. Lawrence:** I think the government position—apart altogether from what the Minister of Justice may believe and on which he may or may not have an option—the government position on this matter was set out in the intervention filed by the counsel for the government at the National Energy Board hearing, a copy of which I think my friend has seen.

**Mr. Lewis:** Yes.

**Mr. Stokes:** What was the tenor of your intervention?

**Mr. Lewis:** By way of supplementary: Will the minister file a formal protest with the federal government if the National Energy Board proceeds with the export of—what is it, 2.75 trillion cubic feet of natural gas?

**Hon. A. F. Lawrence:** I think we might cross that bridge when we come to it. It is a hypothetical question. The National Energy Board has not brought down its decision yet to my knowledge.

**Mr. Makarchuk:** A supplementary question of the same minister: Is the minister aware that in the report he filed in this House regarding the energy deal there are no provisions for raw material requirements for secondary industries in Ontario?

**Hon. A. F. Lawrence:** The forecast that I filed in this House—as I thought I explained—was made in 1968 by the officials of the Ontario Energy Board. I indicated that certain matters had transpired since then to indicate the forecast was out of date in at least one major respect and that those matters should be added to it.

**Mr. Bullbrook:** By way of supplementary: In view of the contemporary relevance of the statistics used by the president of Union Gas at that hearing, has the minister been in liaison with Union or Consumers' in connection with Ontario's needs since that hearing?

**Hon. A. F. Lawrence:** No, I have not. I do not know whether any member of the government or any representative of the government has been. I assume that the question is directed to the ministry as a whole. I shall make inquiries or make sure that inquiry is brought to the attention of my colleagues and a reply will be forthcoming in due course.

**Mr. Bullbrook:** By way of final supplementary: Would it be unfair on my part to categorize the attitude of the provincial government as one of concern in view of the pronouncement—

**Mr. Speaker:** Is the hon. member making a statement or asking a question?

**Mr. Bullbrook:** I said "Would it be wrong on my part?" I thought that was interrogatory in nature.

**Mr. Speaker:** It is interrogatory, but it has developed into a statement.

**Mr. Bullbrook:** That is what it was really intended to be.

**Hon. A. F. Lawrence:** On that—and I do not want to sound facetious about it—obviously we have set up interdepartmental machinery now so that the views of the government, and hopefully the interests of the people as a whole are represented at those National Energy Board hearings in any matter that affects the public interest of Ontario; and therefore we are concerned about all aspects of it.

**Mr. Peacock:** Is the minister with Union Gas or not?

**Mr. Bullbrook:** The interjection is the key. Is the minister with Union Gas and with Ontario or not?

**Hon. A. F. Lawrence:** There may be certain conflicts between the companies' positions and what we believe are the public interests.

**Mr. Peacock:** The minister does not know what they are.

## ALLEGED DESTRUCTION OF QUINTE SAND DUNES

**Mr. Lewis:** One last question, Mr. Speaker, of the Minister of Mines and Northern Affairs: Which company is it that was granted a licence to tear out the Quinte sand dunes near Outlet Beach and Sandbanks Provincial Parks? And is he, at the moment, looking into this apparent destruction of the environment?

**Hon. Mr. Bernier:** Mr. Speaker, at this point in time I am not aware of this, but I am certainly going to look into it now that the member has brought it to my attention.

**Mr. Singer:** Mr. Speaker, I have a question of—

**Mr. Speaker:** The member for Scarborough East was on his feet first.

## ASBESTOS POLLUTION IN JOHNS-MANVILLE PLANT

**Mr. T. P. Reid:** Mr. Speaker, I have a question of the Minister of Labour. How many cases of asbestosis have been verified by the Workmen's Compensation Board with respect to employees of the Johns-Manville plant in West Hill since that plant was established?

**Hon. G. Carton** (Minister of Labour): I am not aware of the number, Mr. Speaker, but I will check into it. That is since the plant was established, 15 or 20 years ago, whatever the case may be?

**Mr. T. Reid:** Yes, it would be most helpful. As the minister knows, asbestosis builds up with the dust content inside the plant.

**Mr. Speaker:** The member for Windsor West.

## AMERICANIZATION OF UNIVERSITY STAFFS IN ONTARIO

**Mr. Peacock:** Mr. Speaker, I have a question of the Minister of Justice and Attorney General.

Has he had an opportunity to either speak with his colleague the Minister of University Affairs, or give consideration himself to the question I raised with him last Friday about the appropriateness of putting before the Law Society of Upper Canada the questions raised about the American staff at the University of Windsor Law School?

**Hon. A. F. Lawrence:** Yes.

**Mr. Peacock:** And may I ask, by way of a supplementary, when will the Attorney General be in a position to indicate to the House his conclusions on that matter?

**Hon. A. F. Lawrence:** I have already indicated publicly that the matter is of some concern to the government, and the facet of the matter which directly relates to me, and I think to the Law Society is the question of the somewhat illogical position that people who do not have the qualifications to practice law in Ontario are teaching lawyers in Ontario.

**An hon. member:** That is right.

**Mr. Peacock:** That is one question to be determined.

**Hon. A. F. Lawrence:** And this position is going to be brought to the attention of the Law Society by the Attorney General in the very near future. It has not yet, although I am certain the society is aware of our concern because of the published reports.

**Mr. Singer:** Good for the minister!

**Hon. A. F. Lawrence:** It may well be that the Law Society itself can do nothing about it, but I want to hear its comments and suggestions on what we can do about it. And I want to gather a few other opinions on what we can do about it before we do attempt to do so.

**Mr. Peacock:** Or as to whether anything should be done about it.

**Mr. Speaker:** The member for Downsview.

## SETTLEMENT TERMS IN OSHAWA DISPUTE

**Mr. Singer:** Mr. Speaker, I have a question of the Minister of Labour. In view of the government's announced policy that it believes in equal pay for equal work by both males and females, which policy we heartily endorse, would the minister care to comment on the recent settlement affecting Oshawa Co-Operative Supplies Limited in which I understand the hon. member for Oshawa (Mr. Pilkey) has a substantial interest as an employer, wherein female grocery clerks—

**Hon. A. F. Lawrence:** Was that the strike-breaking incident?

**Mr. Singer:** —will reach a salary of $125 a week and male clerks will reach a salary of $152 a week by March 1, 1972?

**Mr. Nixon:** Surely not! I thought they did not have money for a raise at all.

**An hon. member:** A raise in pay, hey!

**Another hon. member:** Discrimination!

**Hon. A. F. Lawrence:** I must assure the hon. member I did not ask the OPP to intervene.

**Mr. Stokes:** Would the member for Downsview let the member for Oshawa answer that?

**Hon. Mr. Carton:** I thank the hon. member for bringing that to my attention. I will have my employment standards branch check into this.

**Mr. Nixon:** We are behind the minister all the way.

**Mr. C. G. Pilkey (Oshawa):** It is a good idea.

Interjections by hon. members.

**Mr. Speaker:** The member for Brantford.

## U.S. SURGICAL DRESSINGS SOLD TO ONTARIO PLANTS

**Mr. Makarchuk:** Mr. Speaker, I have a question of the Minister of Labour.

In view of the admission by Texpack or Pharmaseal or the American Hospital Supply company that discarded US Army bandages were actually sold to Ontario industrial plants, and in view of the fact that the initial bandage applied to a bleeding wound is of the utmost importance, will the minister, as he is responsible for safety in the plants, check to see that these bandages are removed from these plants as they had been discarded by the US Army initially?

**Hon. Mr. Carton:** I will check into the matter, Mr. Speaker. It is not necessarily wrong that they be used, but I will check into it. It would depend, Mr. Speaker, on whether or not they were properly put in order at the present time.

**Mr. Makarchuk:** By way of supplementary, would the minister not think that if the United States Army could not use these bandages and I assume he realizes they have certain expertise in wounds at the moment,

if they could not use these bandages can he justify the use of these bandages in Canadian industrial plants then?

**Hon. Mr. Carton:** Mr. Speaker, I am not trying to justify the use. It may be that they were surplus. It does not necessarily mean that they were unusable; it may have been, in fact, that they were surplus materials.

**Mr. Speaker:** The member for Renfrew South.

## SANDBLASTING OF LEGISLATIVE BUILDING

**Mr. Yakabuski:** Mr. Speaker, I have a question of the Minister of Public Works. In view of the question asked by the Leader of the Opposition re sandblasting this building, and in view of my personal liking for the present state of the building, I would like to know of the minister what the main consideration was when the government decided to have this building more or less renewed.

**Hon. J. A. C. Auld** (Minister of Public Works): Mr. Speaker, I may say that I was particularly interested in this myself, because when I came to this department and found that this was in the programme I was concerned about the ivy—

**Hon. A. F. Lawrence:** Ivy lovers of the world unite!

**Mr. T. P. Reid:** This is the first time the minister has been concerned about anything!

**Hon. Mr. Auld:** —and looked into it.

The situation is this. The building, as hon. members know, is quite an old one.

**Mr. J. R. Breithaupt** (Kitchener): The ivy is the only thing holding it up!

**Hon. Mr. Auld:** The department had expert consultants look at the building because of certain problems about pointing, and certain chemical action that has been interfering and eating away the surface of some of the limestone because of the interaction of the coal dust and other dirt which is on the building with rain, which produces sulphuric and some other kind of acid. I am afraid I have not the technical report in front of me.

As for the question of pointing, it would not be possible properly to inspect and do the pointing and refilling of the spaces without removing the ivy.

**Mr. Nixon:** Is it true the ivy was the only thing that is holding it up?

**Mr. T. P. Reid:** If the minister knew as much about his department as he does about ivy we would be well served.

**Hon. Mr. Auld:** Ask me anything. What else would the member like to know?

So, I may say, somewhat reluctantly, Mr. Speaker, we have decided to proceed.

I can also tell the hon. members that we do not think, as somebody commented, that when the ivy is removed the walls will fall down. We think there is more holding it up than that.

**Mr. Speaker:** The oral question period has expired.

Before we proceed with the other routine proceedings, I would like to advise the members that, with the co-operation of the Minister of Public Works and the Director of Legislative Services, this evening and succeeding evenings from 10 o'clock on there will be coffee and sandwiches in the members' lounge in the north wing for the members.

**Mr. Singer:** We will be there at 3 or 4 or 5 o'clock in the morning; How about breakfast?

**Mr. Speaker:** Last evening, about 10:15 Mr. Speaker went looking for a cup of coffee—

**Mr. T. P. Reid:** Oh, that is why.

**Mr. Speaker:** The girls were quitting in Mr. Dineley's dining room and I felt there might be other members who needed to be sustained. In any event, I trust the members will make use of this service.

**Mr. Lewis:** During the siege, refreshments will be served.

**Mr. Speaker:** There are chicken sandwiches when they serve to you.

Petitions.

Presenting reports.

**Mr. Martel:** There must be a bill. Has Somebody got a bill?

**Mr. Speaker:** Motions.

**Mr. MacDonald:** Do not tell me it has run out?

**Mr. Speaker:** Introduction of bills.

**Mr. Singer:** No more bills?

**Mr. W. G. Pitman** (Peterborough): No bills? What is wrong? Come on, fellows, get working over there.

Interjections by hon. members.

**Mr. Speaker:** Order, for the member for Etobicoke!

**Hon. Mr. McKeough:** The first time in months.

**Mr. MacDonald:** It just proves the Liberals are even slower than the Tories.

## NOISE POLLUTION AND AIR POLLUTION BY AIRCRAFT ACT

Mr. Braithwaite moves first reading of bill intituled, An Act to provide for The Prevention of Noise Pollution and Air Pollution by Aircraft.

Motion agreed to; first reading of the bill.

**Mr. T. Reid:** The smartest-looking aircraft I have ever seen.

**Mr. S. J. Randall** (Don Mills): If you are going to fly, take an airplane!

**Mr. Lawlor:** Listen the member should be careful. One of them will take the top off the Constellation one of these days.

**Mr. Braithwaite:** The bill provides for the prevention, in built-up areas, of noise and air pollution by aircraft beyond levels that may be safely tolerated by persons in those areas.

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** The 10th order, resuming the adjourned debate on the amendment to the motion for second reading of Bill 81, An Act to amend The Insurance Act.

## INSURANCE ACT
*(concluded)*

**Mr. Speaker:** If there is no member who wishes to speak to the bill, then of course the minister will close the debate.

**Mr. V. M. Singer** (Downsview): Mr. Speaker, rather than let the minister close the debate, I thought I might add a word or two. I know that the member for Lakeshore (Mr. Lawlor) is not going to be able to resist the opportunity of following, so he can have the honour of speaking perhaps last in this.

**Hon. A. F. Lawrence** (Minister of Justice): I hope we are all here when the hon. member speaks. I would not want to miss that.

**Mr. Singer:** Yes. Mr. Speaker, I thought it might be of some interest to refresh the minister's memory about the select committee on automobile insurance. I can recall when the hon. member for Sault Ste. Marie (Mr. Wishart)—if I could have his attention perhaps I could recall it so that he could remember too—I can recall, Mr. Speaker, when the hon. member for Sault Ste. Marie first came into this House, and for the first year he was here he sat up in the right-hand corner in the third row—

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Just three months!

**Mr. Singer:** Pardon? Oh, just three months—for the first few months he was here, I stand corrected. He sat up in the right-hand corner in the back row fairly close to Mr. Speaker's chair and was most assiduous in—

**Mr. S. Lewis** (Scarborough West): Assiduous; a kind of a tree—a hard-headed minister!

**Mr. Singer:** —his study of the procedures and the events that had preceded his arrival here. And all that diligence certainly paid off because when it came time to appoint a new Attorney General, there he was and he now has the post—

**Mr. R. F. Nixon** (Leader of the Opposition): He polished up the handle of the big front door.

**An hon. member:** He has moved on.

**Mr. Singer:** Pardon?

**Mr. Speaker:** He moved departments since then.

**Mr. Singer:** Oh, yes, he has moved departments since then, but I was just sort of tracing the genesis from his arrival to his elevation to the front benches and his movement from the back benches to the Attorney General's position, now to this important portfolio that he holds.

I can recall, sir, one day when we were talking about automobile insurance—in fact I was speaking about it—and I was making some substantial reference to the report of the select committee on automobile insurance,

that he sent me a note and said, "Could I have a copy of that report?"

And as always, being anxious to assist new members in the House, I made available to him my copy of the report. I would have hoped, sir, being the assiduous member that he then was, that he would have been able to read and digest and understand the fairly simple report that was in fact put forward, because he certainly had it in his hand within a few weeks after he first came into the House.

And the report is a fairly simple one. It only runs 10 pages. One of the pages is a preamble and one of the pages is taken up with signatures, so it is fairly simple to digest. And I would have thought it would have occurred to the minister that this select committee was perhaps, if you can call it that, one of the few blue-ribbon select committees that has ever been appointed in this House.

Certainly it had on it some of the most estimable Conservative members that the House had at that time. It had no less a person than the member for Haldimand-Norfolk (Mr. Allan), who was then the senior cabinet minister in the government and the 2 i/c to the Premier of the day.

The government obviously felt that this was a committee that had to be well led and whose deliberations had to be very seriously considered. And so they sent, next to the Premier, their next senior cabinet minister to be the chairman.

And it had on it such bright young newcomers as the then hon. member for Lanark (Mr. Gomme)—he is back to that—who later was elevated to the very high position of being Minister of Highways. Certainly he must have been fairly highly regarded by those people who make that kind of decision. Another gentleman named J. R. Simonett, the member for—

**Mr. Nixon:** Frontenac-Addington.

**Mr. Singer:** —Frontenac-Addington, who subsequently was elevated to the cabinet, became the Minister of Public Works among other things.

**Mr. Nixon:** Now he is vice-chairman of the ONR.

**Mr. Singer:** Yes! All of those people added their intelligence and ability to the deliberations of this very important, and as I say, blue-ribbon committee.

The committee met through 1960 and 1961 and 1962. It was appointed by resolution on April 5, 1960. It submitted three reports and I have in my hand its final report, dated March, 1963.

The final report, sir, was very simple. It recommended that there be no-fault compulsory automobile insurance. It also recommended that there be government control over insurance rates. Those were the two substantial recommendations that it made. As I say, sir, one would have thought that because of the concern of the present Minister of Financial and Commercial Affairs and the contents of this report, his influence would have been brought to bear at an earlier date on the government.

Unfortunately we had in the cabinet the hon. member for Ottawa South (Mr. Haskett) who was then the Minister of Transport. For some reason that we, over here, could never fathom, the member for Ottawa South stood as a barrier between this sensible recommendation, or these sensible recommendations, and their implementation by government. He had several ideas for delaying them.

He suggested that there had to be an outside view, so with the advice of his advisers, a gentleman named Professor Linden was appointed to do a separate study. Professor Linden brought in a report—it may have been referred to earlier in this debate—which in any event absolutely substantiated the recommendations of this committee. That did not help the hon. member for Ottawa South so he decided there had to be another kind of an investigation.

Mind you, Mr. Speaker, he was second-guessing the unanimous recommendations of an all-party blue-ribbon select committee. He set up a civil service committee and the civil service committee, by some weird collation of a variety of information, came to the conclusion that maybe it would not be such a good idea at that time to have no-fault compulsory automobile insurance.

For whatever reason it was, the government of the day—eight years later from this recommendation—decided that notwithstanding the recommendation of this select committee, notwithstanding the recommendation of the group talking on behalf of the insurance industry—because the people who represented the all-Canada insurance group came with their senior people from Montreal and made very substantial representations which the committee accepted—notwithstanding the recommendations of a very esteemed group from the Law Society of Upper Canada—led, I think, at the time by Mr. John Robinette,

whose name is familiar to many of us—notwithstanding all of those recommendations, the government of the day chose not to accept the concept of no-fault insurance as was enunciated.

Well, I could never understand that. I could never understand who got to the member for Ottawa South. I could never understand why the government refused until this day to come forward with any recommendation of this type. After the recommendation came forward many of us, myself included, year after year stood in our places when the occasion allowed and asked the government when this recommendation was in fact going to be implemented.

We made the substantial point that this kind of recommendation was going to be a not unreasonable step which would go between the alternatives of having the public rise up in such violent anger against the insurance industry and destroying it and moving it into the socialistic field—as our friends from the left now advocate—and the ability to preserve it on a reasonable basis.

Again I say, sir, the reasons for the government's lack of action are just unexplained, and I would say unexplainable as well. There was never any logical or sensible answer that was, in fact, forthcoming. For that reason I express very grave disappointment at the approach of this minister who at least had the curiosity in his first few months to ask for a copy of the report and who, I presume, read it and digested it.

I would have hoped that the member for Sault Ste. Marie, being an intelligent man and being a somewhat aggressive man and having some ideas of reform, would have adopted this as a programme of government long ago. Why he did not, perhaps he can tell us at a little later time.

All right; he is going to say the cabinet would not agree to it and perhaps privately he advocated it but government policy is government policy and by himself he could not do it. But I have enough faith in the hon. member for Sault Ste. Marie that if he made a determined crusade to bring about this necessary reform, shortly after he became the Attorney General, his word would have well been listened to and we would have moved the insurance industry along this very substantial path of progress.

**Mr. Nixon:** Like the ombudsman!

**Mr. Singer:** It did not happen.

What has he done now? He has taken a tiny portion of this recommendation and he now brings us a statute in which he says the time has come, maybe, to make some kind of a change.

He really has not deviated from the basic recommendations made in that report, except that he has neglected to note that we set out in that report a schedule that had some validity—may have had some validity—eight or 10 years ago, but that has very little validity now! He did not bother to try and update that at all, and if he looks specifically at the recommendation, he will note that recommendation No. 1 said, "Coverage along the foregoing lines be made an integral and mandatory part."

Certainly the committee was not wedded to the kind of a schedule as then set forth. The hon. minister, being the wise man that he is, must in fact recognize that situations change even in the insurance industry and that if the time has now come when the government is going to have some kind of mandatory no-fault insurance, a very close look should have been taken at the kind of schedule that was set out in that report dated more than eight years ago.

They have not done that. They have not updated it, and that is their first mistake. They have not updated it at all.

And why not? The various suggestions that have been made by my colleagues and by the NDP, insofar as the obvious faults that schedule contained are concerned, have great validity. I ask the minister why he did not bother, or his experts did not bother, to update that in any way? This is one of the very serious flaws in the present bill.

He has adopted a schedule that was given to him—I do not know by whom. It deviates very little from the schedule that is set out on pages 6 and 7 of this report and that, as I say, is eight or nine years old. There is no reason why it should not have been updated, and that it should not have taken into consideration problems of present day insurance difficulties.

The second thing is he has allowed the agitation against the carrying on of the insurance business to build up to such a crescendo that there is a very real danger that the people will no longer tolerate the abuses on the one side or government palliatives in the middle, and perhaps will be more interested in government-run insurance rather than anything else.

I say that if this industry falls to an inefficient, government-run operation which

will put out of work 8,000, 9,000 and 10,000 people—who my friends on the left do not care about—then the fault lies at the door of this government, because they have dilly-dallied and delayed and procrastinated for such a length of time that they have brought this kind of disaster to the doorstep of this important industry. I say that this industry can carry on with adequate government control for an indefinite period, provided the government shows that it has an interest in keeping this particular industry under close supervision; authoritatively under close supervision.

The second very important recommendation in this—and, Mr. Speaker it was made again in our second report and in our third report—was to proclaim the sections of The Insurance Act which allowed rate control.

I have expounded on this before. We called before the committee the then superintendent of insurance, a nice gentleman, and we asked him what, in the time he had been there—and he had been there a number of years—he did about insurance rates. His reply was, "Well, once a year the insurance representatives come into us with what they call their green book, the rate book, and they say, 'Here are the rates that we think are reasonable. We would like you to accept them.'" And we said, "Well, that is fine. What did you do about the green book after it had been delivered to you?" He said, "Well, I looked at it and I approved it."

We asked him if in all the years he had held that office he had ever once questioned any rate. He said, "No, not that I can recall." We asked why; and he said, "Well, these are very intelligent gentlemen and I am sure that their actuaries have worked these things out very carefully—they would be fair and therefore I approve."

We asked him even if he had some question in his mind about any one of these rate changes that were suggested year after year, if he, or the civil service advice available to him, gave him any opportunity to reasonably analyse the rates that were being presented to him. He admitted—and it is part of the public record; if the minister has any doubt, let him consult with his colleague, the member for Haldimand-Norfolk—he admitted there was no facility in government to check the rates presented by the insurance actuaries.

So year after year up to that time—and I say year after year since, Mr. Speaker—the rates have been arbitrarily fixed by the insurance industry, by their actuaries and in their own interest, and never once have we been advised that the government has made available to the superintendent of insurance the machinery whereby government actuaries could check and pass judgement on the rate structure that has been in fact established.

Criticisms have been made about the suggested rate structure—frankly, sir, I am no actuary and I do not know whether those criticisms are valid or invalid. As I listen to them, I think they have a substantial element of validity, but I would think that the government must be able to tell us, when they are making something compulsory insofar as insurance is concerned, that the rates are in fact equitable.

I can remember the member for Haldimand-Norfolk haranguing the insurance industry at great length about the inexactness of the figures that they were telling us about.

When we began to question the rate structure in that committee, the member for Haldimand-Norfolk asked such questions as: "Show me where you include your investment income and how that reflects in your net revenue picture"; or "Show me where you include the interest on unearned premiums, and show me how that reflects in your rate structure."

The insurance industry had no answer. It was that sort of questioning and that sort of concern led by the hon. member for Haldimand-Norfolk that militated the second and unanimous recommendation of our report. We made it twice—we made it in the second report and the third report—and I think it is important enough that I should read it into the record once more:

> The control of insurance premium rates: In the second interim report at page 8 the committee made the following recommendation:
>
> The committee feels that the Legislature owes a duty to the public to provide a form of machinery which will guarantee insurance rates are maintained at a reasonable level. Thus the committee recommends that the superintendent of insurance be given full power to investigate and to order adjustments where he believes rates to be excessive, inadequate, unfairly discriminatory or otherwise unreasonable, subject to an appeal against his order to the Court of Appeal.
>
> It should be noted that the All-Canada Insurance Federation has already recommended to the Attorney General of Ontario and to the superintendent of Insurance that the latter be given rate control power.

And in the third report the committee stated:

> The committee repeats this recommendation at this time because it feels that such powers would provide a necessary protection to the people of Ontario.

Well I say, sir, in light of this, in light of the evidence that came forward before that committee—in light of the opinions of the hon. member for Haldimand-Norfolk, in light of the opinion of the hon. member for Lanark, in light of the opinion of the hon. member for Frontenac-Addington, in light of the opinion of the All-Canada Insurance group—how can the Minister of Financial and Commercial Affairs at this time, in 1971, have the cheek to bring forward a statute that again makes no reference to any control of insurance premiums.

How can that be, Mr. Chairman? I am not normally a suspicious person by nature, but one must put together the unreasoned reluctance of the former Minister of Transport, the member for Ottawa South to implement these recommendations—

**Mr. I. Deans** (Wentworth): The member would not be able to tell.

**Hon. J. W. Snow** (Minister without Portfolio): The understatement of the day.

**Mr. Singer:** —in favour of what must have been a very strong cabinet lobby, and the unreasoned reluctance of the present minister to include any rate control structure in the present bill; and one must come to the conclusion that something smells bad in the state of Ontario.

Really, Mr. Speaker, there is some kind of a sell-out. If this bill is going to be designed to bring about the idea of compulsory no-fault insurance, surely an integral part of it has to be a reasoned and logical control of the rate structure. And without a word of it in the Act, without a word of it in any of the minister's introductory remarks, flying in the face of this unanimous recommendation; then, Mr. Speaker one must, in fact, suspect the worst.

How then, can we be called upon to support the kind of a bill that is in fact before the House? We cannot.

Sure, we talked about, and my colleague for Humber (Mr. Ben) moved a subamendment relating to compulsory insurance, but the government shied away from the word "compulsory."

Compulsory is a terrible word; it does not fit with the Tories apparently. The Tories do not like anything to be compulsory; it all has to be voluntary to the advantage apparently of those people who determine their own rates with their own acturaries.

We have found, as my leader indicated last evening, that some 58,000 people have opted out of buying their own insurance; they contribute, presumably, their $25 fee to the motor vehicle accident claims fund. But why should they be allowed to have the privilege, not the right, but the privilege, to have motor vehicles on the road unless, in fact, they carry insurance? Surely that is a most simple and obvious step that this government should in fact take.

Again, Mr. Speaker, the minister has neglected to do this; has refused to do this. It is not in this present Act. And I say, sir, that the palliative now thrown out on the eve of an election is not sufficient; that the government should have been sufficiently aware and concerned—about the rights of the people who are going to be affected by insurance, about the rights of people who are injured or suffer property damage as a result of what happens on our roads, about the rights of those people, the 8,000, the 10,000 or 12,000 people who are employed by the insurance industry, to maintain their jobs and to provide a reasonable public service—that the government should have brought before us a sensible bill. And it just has not done it.

Very simply, sir, for those specific reasons, and in relation to this report, we cannot support this bill. And I hope that the words that I have said just in the last few minutes have had some effect on my colleague, the minister, because he has been aware of this situation since he first came into this House and sat as a member. And I note as I was talking he was thumbing through a copy of this third report, so he is refreshing his memory, if in fact he had lost sight of what those recommendations were. I do not believe he did.

Now why did he not do it? Why does he not do it in the manner suggested there? Why does he not do it in a manner that will make this private enterprise a viable one that can continue and best serve the public? This is not what he has done in his bill and this is why we are going to oppose it.

**Mr. Speaker:** The member for Brantford.

**Mr. M. Makarchuk** (Brantford): Mr. Speaker, I have a few comments to make on the bill. I wish to make these comments to the member for Simcoe Centre (Mr. Evans), and the member for Muskoka, and the member for the Soo, and the member for Halton East

(Mr. Snow), the only four members in the House at the moment.

**Mr. H. Peacock** (Windsor West): Of the Tory party.

**Mr. Makarchuk:** Of the Tory party—and I wish to put that on record.

**Mr. R. J. Boyer** (Muskoka): The hon. member has driven everybody else out by his speech.

**Mr. C. G. Pilkey** (Oshawa): Where is the Provincial Secretary (Mr. Yaremko)?

**Mr. Makarchuk:** Mr. Speaker, there were some comments made earlier about this bill by the member for Sarnia (Mr. Bullbrook), about the fact that it will not be—

**Mr. Deans:** I hope the government does not need to call for a vote.

**Mr. Makarchuk:** —a key issue in the coming election. Let me assure you, Mr. Speaker, that it will be a key issue in the election! The difficulty the member for Sarnia will experience will be the difficulty of trying to explain to his jobless why the Liberal Party is causing joblessness in Ontario, and trying to explain to the overtaxed people the kind of treatment that the federal Liberal government is giving to the corporations, and soaking other people. They also have to explain—he would have to explain to his constituents—that the rape of the resources of Canada has been going on for a long time under the Liberal Party.

**Mr. Speaker:** Order, please! We are discussing the amendment to this bill.

**Mr. Deans:** It is right on the amendment.

**Mr. Makarchuk:** On the amendment, Mr. Speaker, I wish also to correct some statements that were made earlier in this House by the member for Parkdale (Mr. Trotter) who stated that in Manitoba and Saskatchewan, because of smaller traffic and smaller populations, similar driving hazards do not exist in comparison to Ontario. It should be pointed out that this was assessed quite objectively by other groups; they point out that in Saskatchewan and Manitoba people have to travel longer distances and, because of the weather, they also have to travel under more hazardous conditions than are prevalent in Ontario.

The other point is that there have been assessments made, and I think one of the last ones made public was the one in the Toronto Telegram, where they compared the rate structures in Regina and Kitchener, two cities of similar size, and they indicated that under a publicly-owned insurance plan the automobile owner in Ontario would be paying anywhere between $20 and $50 less. I am not exactly sure of the figures, but anyway they would be paying less under a public plan than they would under existing plans in Ontario.

Of course, the Liberals have tried to introduce the red herring into this thing and they bring in the nationalization scare. There is no interest on the part of this party in taking over any automobile insurance company or any other insurance companies. That is not the point here.

If we move into the health field, as we have, there are insurance companies which still operate in the health field and provide supplementary coverage. We have a compensation board; there are still insurance companies in Ontario that provide coverage for dismemberment and other injury to workers; they are still able to sell.

The point they have excluded in their argument is the fact that in Saskatchewan, under a publicly-owned plan, 87 cents of every premium dollar that is taken in by the insurance plan is returned to the customer. Compare this with the private companies and we will find out that they utilize something between 30 and 33 cents in comparison with Saskatchewan, which uses only 13 or 14 cents to administer the plan. Included in that, of course, is the cost of driver training, which is not provided by the private insurance companies.

I think most members in this House on occasions have had constituents appear before them who wonder about the dubious coverage or the dubious behaviour of some of the insurance companies. There have been examples raised in this House by the member for High Park (Mr. Shulman) as to how the insurance companies operate; how they take advantage of people who do not know their rights; how they cancel policies; how, through their adjusters, they try to foist various settlements on the insured which are not equitable and where there is a certain amount of collusion between some of the companies. This is the kind of a situation that has been going on in Ontario for quite a while.

I should like to point out to the minister that, with the coming election, the people of Ontario are going to look at auto insurance very closely, because they have memories and these memories linger after Christmas.

Just at a time when they finish their Christmas shopping and they are trying to recoup and pay the Christmas bills, they are faced with the insurance bills. They do not forget these things; they are going to remember them.

The young people in the province are also very much aware of the fact that in most cases they are forced into buying car insurance that costs three or four times as much as the car they are driving or what they pay for the car in the first place.

I think we should also bear in mind, Mr. Speaker, the amount of social capital that will be provided to the province in the publicly-owned insurance plan, and it is the kind of—

**Mr. Speaker:** Order, please!

We are discussing the amendment to the principle of Bill 81, which has to do with no-fault insurance.

**Mr. Deans:** He is right on the amendment.

**Mr. Makarchuk:** Right on it, Mr. Speaker.

**Mr. Deans:** Beautiful!

**Mr. Speaker:** No, it has nothing to do with this amendment. I would ask the member to please stick to the amendment which we are discussing.

**Mr. Makarchuk:** Well, Mr. Speaker, we are talking exactly on the topic that has been discussed earlier. This has been raised earlier in discussions on that amendment here in this House earlier in the day.

In conclusion, Mr. Speaker, we have to make it very clear that the point of the whole legislation is a façade, it is window dressing. It is not the government's intent to face up to the issues of car insurance. They are sidestepping it, they are not facing up to it. They know there is an election coming up and the people out there are tired of the insurances services they have been receiving for quite some while.

And the government is not going to deceive them. Let me say this: The government is not going to deceive them with the kind of insurance plan it is introducing right now. They are not going to be fooled. The people are starting to look behind the scenes and they are going to listen. We are going to take it to every home, as was pointed out earlier. We are going to take it to every home in the ridings of the province.

I am sure that this bill has been introduced, of course, to insure funds for the Tory party in the coming election from the various insurance companies.

I understand the agents have made an assessment of $50 per agent, and I am sure there will be other payments underneath and I gather that there will be jingles on the radio and I imagine they will take the sort of teamwork approach—

**An hon. member:** The hockey team!

**Mr. Makarchuk:** The hockey team, is that the one? Well in this case the team will be the Tory party and the insurance companies which are going to take it out on the people of Ontario, and that is what really is the theme in this coming election.

**Mr. Pilkey:** With the member for Halton East playing centre ice.

**Mr. Speaker:** Does any other hon. member wish to speak? The hon. member for Lakeshore.

**Mr. P. D. Lawlor** (Lakeshore): Mr. Speaker, approximately 10 days to two weeks ago we stood in this House going through the estimates of the minister, at which time I challenged and rallied this minister about their policy touching no-fault insurance which had been proclaimed and vaunted and rumoured, and every other thing. At that time he stood up in response thereto and said, "By Jove, we will show you what we are going to bring in."

On that occasion he was quite truculent really, almost out of character since he was put to his teeth and even the skin of those teeth showed. Today, on this debate on auto insurance, we see how Thor has thrown his thunderbolt and it has kind of sputtered out in a squibb, has it not?

Sometimes, Mr. Speaker, I think that the Tory party of Ontario is like a party of false Fabians. They feel the inevitability of gradualness, the snail's pace—

**Mr. T. P. Reid** (Rainy River): The bill of—

**Mr. J. Renwick** (Riverdale): The inevitability of gradualness!

**Mr. Lawlor:** The inevitability of gradualness, which was the motto of the Fabians, and the degree of the gradualness shows the falsity of the Tory type of Fabianism that we have. As I say, the little snail puts out its periscope, feels the breeze, knows whether it will come out of its cage in the morning, having scented the flowers. Knowing that this is a primary issue, it wants to indulge in a

strange and cynical semantic subterfuge, namely that they—

**Mr. T. P. Reid:** I have never heard the minister called a snail; a lot of things, but never a snail.

**Mr. Lawlor:** —they want to be able to throw into the bundle of this coming election campaign something that, bowing pretentiously and hypocritically before the populace, posturing and attitudinizing to an unconscionable extent—

**Hon. Mr. Wishart:** I am fascinated.

**Mr. Lawlor:** —this Conservative Party wants to say: Oh yes electors, we have no-fault insurance. We are up to date. We know what is going on in the world."

And then you look at your policy and it is a truncated mess. You leave out the central portions. You cannot even see fit to introduce property insurance into it, dismemberment insurance, the range—and the member very well knows the range and amplitude, the problems in the court. McRuer in his report spoke of it sorrowfully, saying the delays and the manipulations of courtroom procedure.

You have preserved the bulk of the thing. You have forfended with the interests of the bar in the litigation field touching that. You have been damn careful to do that on the one side, and you have played into the cosy nest with your allies in the insurance business; and in both of them they mulct the public. They run adverse to the best interests of the population and you know it. Nevertheless, this is where the die is cast and where the weight falls, and we are perfectly willing to face up to that.

I am terribly disappointed in the minister's legislation, particularly after his tongue-in-cheek response. We thought he was going to achieve something in this particular regard.

Everyone knows, and I will not rehearse it, it has been done for the past two days in this House, that the more serious the damage claim the longer it takes to reach settlement. They are delayed unconscionably. They are delayed unconscionably, first of all to induce, to enforce, a settlement at a lower figure than might otherwise be paid. Play the game—

**Hon. Mr. Wishart:** The bill removes all that.

**Mr. Lawlor:** The government does very little in this legislation to rectify that.

Secondly, it even has a more detrimental effect, namely, that individuals caught in that snare, and deliberately put to the wall by the insurance interest and by the lawyers who forfend for their interests, these people are often—their illnesses are often—aggravated and rendered far worse. We have had many cases; and I am sure the minister has had in his law office, people who ended up paranoic over the delays and the footwork that was displayed on those occasions. This kind of thing must be obviated and ruled out and the minister is not doing that in the legislation.

You know, sometimes I wonder just why the insurance interests of this province and in North America fight so trenchantly for their cause in this particular regard over against what they say.

And by the way, it is far worse in the United States of America. In most of the states there they have nothing called The Contributory Negligence Act where you can divide up in a percentage basis where you think the fault lies between two drivers or two or more drivers.

**Mr. E. W. Sopha** (Sudbury): That is not universal. Some states do have it.

**Mr. Lawlor:** In a lot of the states the injured individual, the victim of the accident, has to prove conclusively to a court that he is not in any degree responsible at all and the other fellow is wholly on. And even in the face of that, so powerful are the insurance interests in the United States that they cannot move into no-fault insurance, either on a compulsory basis, on a state basis, or even on a private basis. They just resist.

The Aetna Insurance Company, for example, pulling out of what, Massachusetts was it, saying they were going to remove all their interests. But when the governor said, "Go, boys, go," they turned their tail and came somewhat humbly back.

I say, I do not understand the insurance industry in this regard.

**Mr. Sopha:** Yes.

**Mr. Lawlor:** I am looking at an article in Canadian Business of October, 1970. In that article there is a report about the no-fault coverage and it says:

> The insurance industry would not be totally adverse to the no-fault compulsory idea, even on a state-controlled basis, because auto insurance underwriting is becoming one of the worst loss operations in insurance today. It may come as a surprise to motorists trying to find money to pay for soaring car insurance premiums, but the

industry absorbed somewhere between $5 billion and $8 billion in losses from automobile accidents last year.

But nevertheless, curiously enough, so deep are these ancient myths and these entrenched interests, that even in the face of economic loss, they will fight like tigers to maintain their position and utilize the office of this minister and this government, precisely to bolster and defend those interests, in the face of what they themselves say.

I have two further points I wish to make. One has to do with the policy of the New Democratic Party in compensating agents in case public insurance be brought in. May I say to you gentlemen over there, that you are not all that jealous of the rights of other human beings, the loss of their employment, the loss of their means of livelihood; in field after field and never a word is mentioned.

For instance, when the community colleges were introduced into Ontario, it had a devastating effect upon innumerable people running various kinds of training establishments and schools; the electronics schools of all kinds, clerical establishments. The community colleges, under public auspices and public money, absorbed those enterprises and put literally thousands of entrepreneurs out of work. Neither did I hear any complaints from their seotor particularly, nor, on the other hand, was there any offer of compensation for people so derelicted.

Even the government that you so much fear, the government of the New Democratic Party has got more patience and more heart than that. At least we reach out and seek to alleviate any harm that we may cause.

This is true, of course, in other fields, in the milk marketing board, where you wiped out a whole industry with a turn of the hand.

Did you offer compensation in that context? No! Nobody vouchsafed it from over there. Where is all this bleeding heart stuff that we hear with respect to the agents involved in these things?

My last comments had to do with provincialization of the insurance industry, which has incensed, curiously enough, the libertarian Liberals over there far more than it has the Tories on the other side of the House I am sure. We have had a contest here between the basic social intelligence of the member for Humber (Mr. Ben) on one side, and the atavistic Neanderthal Bukator, the member for Niagara Falls, on the other. I hope that they solve their differences in caucus soon.

In any event, that kind of division down the middle indicates a degree of waffling in that particular party which even our Wafflers, who at least know their own minds, would not be equal to.

The losses are too great in this field. It falls out too fortuitously. In an age of the emerging automobile, the damages and injuries caused by that is surely an insurance matter of a public nature—where human beings' lives can be destroyed or devastated on a single occasion some afternoon, through no fault of thei own or through a momentary neglect or failure or omission of mind.

We all experienced this in court proceedings—and even on the basis of the analogy of medical insurance, of Medicare, which was fought tooth and nail for year after year. Do adopt the inevitability of gradualness, but do not make it quite so gradual.

**Mr. Speaker:** The member for Rainy River.

**Mr. T. P. Reid:** Mr. Speaker, I rise on this bill and following the member for Lakeshore, of course, is always difficult. He rises sometimes to poetic heights and other times he falls to the completely mundane—and I suggest today that he has even reached depths lower than that.

**Mr. Lawlor:** Would the member go all the way from A to B?

**Mr. T. P. Reid:** We have been subjected, Mr. Speaker, in the last two or three days, to complete paranoic speeches of the NDP in regard to their policy in this matter—

**Mr. Sopha:** Good work!

**Mr. Lawlor:** Remember that you are a labour Liberal and not an ordinary Liberal.

**Mr. T. P. Reid:** —and I would suggest to you, Mr. Speaker, that this party for years—indeed, it was the first party in this Legislature to put forward a position on no-fault insurance. I do not want to reiterate the remarks that have been made by all members on both sides in this regard. I just recall to mind that one of the statements made by the leader of the socialist party that if the bill was made compulsory that it would reduce the number of accidents in the Province of Ontario.

I suggest, Mr. Speaker, that this is a complete non sequitur. We on this side support the principle of making auto insurance in the Province of Ontario compulsory, but the argument as put up by the leader of the

socialist party is a complete non sequitur in this regard.

I think it should also be pointed out, Mr. Speaker, for the edification of the public at large, that the principle of no-fault insurance does not do away with the possibility of court action. As a matter of fact, if the benefits paid under this bill, which we feel are insufficient, do not suffice, then the claimant or the defendant in the action can still take to court the person who is responsible for the action.

I think this point should be underlined lest the public believe this is a complete panacea to the problems of auto accidents. As I stated, Mr. Speaker, we feel that the benefits are insufficient under this Act and my leader, the member for Sarnia, the member for Downsview, have spoken at length on this.

One of our main objections to this bill, Mr. Speaker, is that there is no regulatory body to police the premiums and costs of auto insurance in the Province of Ontario.

The leader of this party, the Liberal Party, has already put our case on instituting and proclaiming section 41 of the insurance bill. I suggest to you, Mr. Speaker, that it should be a principle of the party opposite, as it is of this party, that where there is a question in the public mind as to the rightness and fairness of a cost of a company that is doing business, or companies which have a virtual monopoly on providing a public service, that it should be a principle of this House that those people who are exercising that monopoly be brought before this Legislature to explain their fees and their increases in those fees.

We have already spoken at length, Mr. Speaker, on the fact that we would like to know where the premiums go in the case where there is no-fault insurance or insurance generally. We feel on this side that it is going to maximize the profits of the insurance companies without the general benefit that this bill should be providing.

I would suggest, Mr. Speaker, that the panacea of the socialist party to nationalize, whichever definition they use in this regard, the insurance companies is not the solution to the problem. We had a quibbling really, from one of the members of that party as to just what nationalized meant. I suggest to you, Mr. Speaker, what they are asking for is for the government to take over the complete operation of insurance in the Province of Ontario.

**Mr. Lawlor:** Keep life insurance.

**Mr. T. P. Reid:** I suggest to you, Mr. Speaker, that the government or the civil service can be as heartless and insensitive as any private company in this regard, and I do not look upon this as a solution to the problem of high cost insurance in the Province of Ontario.

**Mr. Pilkey:** —Is that what you are saying? Are the civil servants in Ontario hard-hearted? Is that what you are saying?

**Mr. T. P. Reid:** I am talking about the bureaucracy, whether it is government or otherwise. And I suggest, Mr. Speaker—

**Mr. Pilkey:** Oh, I thought the member meant the people.

**Mr. T. P. Reid:** And I suggest, Mr. Speaker, that that is hardly a solution to a problem of this magnitude.

I suggest further, Mr. Speaker, that we had some rather enlightening comments from the minister responsible for this bill as well as the one that we debated last night in regard to book publishing in Ontario. I, for one, was very happy to hear his personal comments and philosophy in this regard. I suggest, Mr. Speaker, that the Minister of Financial and Commercial Affairs, who I feel has made a great contribution to the public life of this province, and who is shortly to leave it, should leave it by amending this bill to ameliorate the problem of the high cost of insurance in the Province of Ontario—and I hope that he will do so before the session ends.

**Mr. Speaker:** The member for Sudbury.

**Mr. Sopha:** Mr. Speaker, perhaps I may be permitted to make a few comments upon the principle of this bill, and the amendment, and the amendment to the amendment if it is proper.

To the House, in summoning all the modesty that I possibly can, I say that probably I do more automobile litigation than any other member of the House. I do not know what kind of a practice the present minister had when he practised in those halcyon salad days in Sault Ste. Marie, but apart from the far-ranging commercial—and rewarding—practice that he had, probably there was a good deal of automobile litigation in his office that might have been handled by his several associates.

I use a phrase that I had hoped to reserve to another occasion, but it is just too appropriate here to forego the pleasure of using

it at some other time: One gets the impression that almost daily around here the wheel is re-invented. That is particularly appropriate in respect to this bill, because it is 10 years ago now that I presented a brief—and I think I was the only private member of the Legislature who presented a brief—to the select committee that was expostulated upon so effectively and so pervasively by my friend from Downsview, but which I think sat in 1961, under the chairmanship of the member for Haldimand-Norfolk.

At that time, 10 years ago, in a multipage brief I drew attention to the many deficiencies in The Insurance Act, the practice of the insurance lawyers, the privileges that The Insurance Act accorded to insurance companies in the defence of automobile litigation, and none of which to this day has changed.

It was a couple of years ago when the member for York West (Mr. Rowntree) was then minister of Financial and Commercial Affairs that I made a somewhat lengthy speech calling attention again to those shortcomings. At that time I well recall that he promised me there was a committee within the department that was looking over the whole business of automobile insurance paraphernalia and that we might expect some far-reaching revisions to The Insurance Act in respect of that rubric of the law.

In the courts, when you speak of quantity of ligitation, nothing exceeds the automobile. Let me say at this point that it is clear to anyone who has even a casual acquaintance with the courts that many other vital areas of our social and provincial life suffer by reason of the dominance of the automobile in the courts.

Now the amendment of my friends from Humber would largely get the automobile out of the courts. There are many areas that are wanting—pollution, civil rights, the rehabilitation of those who have transgressed the law, to mention three—that impose themselves upon our social and individual conscience.

They go wanting because out in the provinces—at least that is the area that I know about—in the boondocks, when Her Majesty's judge comes in all his trappings and robes and dignity, and the abracadabra that attends him, he is preoccupied, I venture to say at a conservative estimate, in 80 per cent of his time with the automobile.

And he knows by practised habit that he can dispose of the automobile cases rapidly, they go according pro forma, the lawyers are skilled and practised and they can put them through speedily. If perchance on the list he sees a case involving pollution, he sees one that involves a fight between two unions, he sees a building contract, he sees some commercial complexity, he avoids them; he much prefers the automobile because the automobile allows him, if he occupies his time with it, to get out of town on Thursday night. He can wind up his weekly schedule and get out of town.

So I say that many areas of the law have suffered because of the presence of the automobile, and I would not expect lawyers to argue me nay on that score. That is a fact.

For 10 or 12 years we have said we should get the automobile out of the courts. We as a party believe in the concept of shifting losses. The automobile is such a dominant feature of our social and cultural life that we ought to accept the principle that if people are, as they inevitably will be, injured by the automobile, we ought to be prepared as a society to shift the loss from the individual to the society as a whole.

That is good philosophic and social humanitarian and, if you like, welfare principle. That is just and meet. But what do we do? What is the actuality? We get involved in all the legal boondoggling, we employ all the legal fictions, we set up the arena where the contending parties, and their lawyers, skilled advocates, can get into the arena and wrestle about fault. The insurance lawyers, under The Insurance Act, are armed with certain advantages. They come into court with certain advantages.

Mark you, is there any other area of the law where a defendant is entitled to two lawyers? Does that occur anywhere else in the law? If you are a culpable defendant and an allegation of wrongdoing is made against you you are entitled, as a right, to have two lawyers.

I am a plaintiff's lawyer. I act for plaintiffs. One of the challenges that made me act for plaintiffs—I turned down insurance companies—is that the insurance companies are able to hire the best lawyers. Go into any small community in Ontario and ask who the best lawyers are and they are the ones who will be acting for the insurance companies.

If you seek adventure in the law, if you seek challenge, then you must act for plaintiffs. I will let you in on a little secret—I must not mislead the House—financially it is more rewarding. I said that sotto voce. But money is not everything.

Two years ago, the now Minister of Energy and Resources Management (Mr. Kerr) and myself, speaking in the House, brought about the raising of the limits. He and I, single-handedly, brought about the raising of the limits to the present meagre, inadequate $50,000. It was $35,000 before that. What was it before that? It was $20,000. Ten years ago it was $5,000. It started off with $5,000. Almost prehistoric!

My friend from Lakeshore says, "Neanderthal." He does not know his biology or his anthropology. Neanderthal man had the full brain, the same weight and size as ours. He was Late Pleistocene.

Mr. Lawlor: Not very operative though. Well, I will substitute Cro-magnon then.

Mr. Sopha: You should have called us Austral opithecus Africanus; homo habilis. I will spell all those tomorrow. You wanted the prehistoric!

Well all right, every day we invent the wheel. They have invented the wheel here because they mislead the public by tossing the public a herring to give the impression that this meagre, misleading, inadequate quantum of liability without fault is a social advance. It is not.

The danger of this legislation is that it will delay the proper advance which we should, as a society, be prepared to take and which is long overdue. We should recognize and enshrine in the legislation the principle of shifting losses from the individual who—listen how crazy it is.

In the present state of the law the wife is at home getting supper. Let us say her husband is an executive with IBM and he is making $25,000 a year. She is awaiting his return to the home. Let us say they have three children. I do not ask you to envisage anything that is not quite ordinary. He is crossing Bay and King Streets and he is run down by a drunken motorist.

What is her fault? What has she done to offend? She was minding her own business, awaiting her husband's homecoming. She is limited to $50,000. Why? Is there any rationality to a system like that? I do not have to paint pictures to tell you why she is limited.

She is limited because the insurance company can take refuge within The Insurance Act and apply the doctrine of the breach of condition in that the motorist was drunk. They are entitled, by reason of his moral wrongdoing, his departure from accepted norms, to limit liability.

I told the McWilliams committee a couple of weeks ago that we should at least advance to the principle where there are no limits. Unlimited insurance. If you want it that way, if you side with that camp which has the philosophy that there is a moral quality to driving; and that is the only thing that can justify the fault principle, the moral quality in driving.

If you side with that camp at least you should have the decency to see no one is denied adequate and reasonable and satisfactory coverage. Why take the fault principle into the home and apply it to the innocent widow? Now that example—I select one that could be multiplied an infinite number of times.

I mentioned the insurance company under The Insurance Act is entitled to have two lawyers. Well they do not get away with it with me, because when they show up with the two lawyers, I am into the judge's chambers before the trial begins and I say to his lordship: "I do not think my client should be cross-examined by both these experts. You should limit them and not let each go over the trail that the other has worked up." And usually he will agree with me. But as I say, you do not find that repeated anywhere else in the law.

Payment into court in satisfaction of infants' claims. Here is another travesty that I have railed against—why the rules committee of the Supreme Court ever permits it. Why should an infant, a child, 4 or 5, 6, 10, 12 years old, who is unable to fend for himself, be the victim of a section of The Insurance Act that permits them to terrorize his father into a settlement by paying into court, when you have to tell the father that if he does not accept the amount in court when he gets there he will be liable for the costs of the action? He says to you: "How much will that be?" You say: "That might be $2,000, $3,000." That is enough to quail him into settlement.

The whole thing is irrational. You start at the beginning and when you analyse it and attempt to apply a modicum of intelligence you cannot find anything that will support the system.

Along comes the government and they say: "Everybody will get $5,000." That is what this legislation says. It says: "Everybody gets $5,000."

Let me let you in on a little secret. For a long time in policies there was this very medical coverage and death benefit, and a

long time ago, the Legislature decided, in respect of the liability of a motorist—you have to follow this closely, Mr. Speaker—the Legislature decided by legislative enactment that the liability feature might be enforced at the behest of the injured person who was not party to the contract. Now you see the meaning of that. When the matter first came up and the injured person sought to enforce payment under the contract of insurance, the courts, who were guided by the classical doctrine of contracts, said, "We cannot enforce it because he is not a party to the contract." So the Legislature changed that and gave us statutory right of action.

It is significant to point out that as long as the medical payments and death benefits were in the contract, as they have been for many years, on a voluntary basis, the injured passenger, the injured pedestrian, the person in the other motor vehicle had no right of action to enforce payment. He had none at all. He had to await the charity of the motorist in whose car he was riding, or the charity of the driver of the other car to require his company to pay it; and of course, in the great majority of cases the insured was not interested.

It is seven or eight years ago that I raised this problem in the Legislature. I said to the then minister in charge: "Why do you not give the injured person a right to enforce that feature of the policy?"

I had taken a case. I sued Allstate—a great benevolent organization. The Canadian manager told me: "We are a hard-nosed company." Whatever that expression means, I do not know. It is not a complimentary one. I lost the case because there was no provision in The Insurance Act which permitted the injured person a right of action to enforce payment.

Now, years later, along comes this government on an eve of an election and they are going to throw the public a herring of $5,000. They are going to make it compulsory. Well, the fact is, that this coverage has been virtually in all policies for the last three or four years. It has been there, so many of our clients have taken advantage of it. It has been there with the right of subrogation whereby if you collected money from a third party insurer, you had to pay back the company that advanced you the money and that is wrong.

Two companies that sought to exercise their right of subrogation—I told them to go to hell and got away with it. Others have had to pay, much to my regret and chagrin—to divest my client of the $5,000 and pay it back to an insurance company. I do not see the rationale or the justice of that.

Somebody pays the premium. The premium was paid. Why should they have the right to come along, having collected the premium, the risk having culminated in injury, they paid out the insurance—why should they have the right to come along and get their $5,000 back? That should never have been permitted.

But when it came in about three or four years ago this government obligingly amended the Act. If you look back three or four years ago you will see an amendment to the Act that permits the right of subrogation. That is not an insurance principle at all.

But I fear within this department there is a syndrome of thinking that revolves around the fervent belief that insurance companies can do no wrong. They can do no wrong; the policyholder is always wrong. He is always wrong, but the companies can do no wrong.

**Mr. D. C. MacDonald** (York South): The hon. member's friend from Niagara Falls does not think they can do no wrong.

**Mr. Sopha:** My friend from Lakeshore talks about delays. Some of the delays approach criminality. You get a judgement against an insurance company—take out judgement—why should it take two months or two and one-half months for them to send the cheque, with no interest?

**Mr. MacDonald:** They have the money invested though. They do not want to cash in.

**Mr. Sopha:** They have the money invested. They do not want to cash in the savings certificates that they have, but I do not know that any correctives are ever applied to them by the superintendent of insurance.

Whenever you write to the superintendent of insurance and make a complaint you get back a letter in which he seems to defend the company. Invariably he defends their practice, instead of calling up the claims manager, the general manager, the executive vice-president—summoning them up to 555 Yonge Street as he should do to have a word of prayer with him before lunch. That is what he should do.

The insurance branch of The Department of Financial and Commercial Affairs should act in the public interest entirely. They are the adversaries of the insurance industry. They ought to employ the prophylaxis, they should be corrective to them, to improve their practices.

Another thing that I railed against: I simply do not believe that the average motorist with an average amount of education is able to understand the wording of the policy.

Of course, you can put life insurance in a separate category. Even if you have two university degrees, as I have, you could not understand what the wording of a life insurance policy means. It might as well be written in Etruscan, the language that has not yet been translated, there being no Rosetta stone for Etruscan. It might as well be written in Etruscan or Sanskrit or any other obscure language—it is just impossible to understand it, and that is in the companies' benefit. That is the way they want it.

Now you come down the scale to fire insurance policies, theft, that type of casualty insurance; they are only a little less abstruse than life insurance policies. I must admit that automobile insurance policies approach somewhat normal language, but I would believe that a great majority of the motoring public have not the vaguest idea of what the statutory conditions mean upon reading them.

And the statutory conditions, let us confess, are what the companies want them to be.

Well sir, in principle we come down to this, that we in the Liberal Party could not in conscience support this minuscule proposal that—let me put it this way—that if you were measuring progress in this field, if you analogized by taking a 10-acre field, this would be an advance of but a few millimeters across it; which is to say that it is no advance at all. It does not encroach upon the principle of liability without fault in which we believe.

All right. I want to end on this note. I have thought about this a great deal and I have a great deal of experience in this area. I repeat what I said to the McWilliams committee, a very intelligent group, I must say. I will always say that, because they listened patiently to me, for a couple of hours and then invited me over to the Holiday Inn for a cup of tea later in the afternoon. As I said to them, if we believe in the principle of the moral quality, if we believe in the moral quality of driving that attaches to the operation of a motor vehicle—I put that very badly—then the very least we should do as a society is to get this automobile litigation out of the courts and before some form of administrative tribunal. That would be a gigantic step to the rationalization of the whole thing.

Finally, Mr. Speaker, as I sit down, we say to this minister, we know what he is doing. The emperor has no clothes in this one. This is election eve bait. The intention here is to give a wrong impression to the public, to mislead the public into believing that a tremendous advance is being made. What do we do? The member for Humber challenges them on their own ground. If the government genuinely believes in the principle of liability without fault and it has set the limit at $5,000 then I challenge the government to make it $50,000. Let us see the government put its principles where its mouth is.

It is as simple as that. That is the challenge that we, in the Liberal Party, have hurled at the government. Let us go all the way. Let us go to the same extent as the limitation of liability, the standard limit now operating in the courts.

For all those reasons, and because I feel so deeply about it, I am glad to have the opportunity to cast my vote against this bill in principle. The public of Ontario, and particularly the motoring public and those many thousands of people who are injured as the result of the depredation of the motor vehicle, deserve a better break than the government is giving them in this herring that they are tossing to them, encompassed within the four corners of this legislation.

**Mr. Speaker:** Is there any other member who wishes to speak in this debate before the minister closes it? The minister has the floor.

**Hon. Mr. Wishart:** Mr. Speaker, the Leader of the Opposition, the member for Riverdale and several other members in this debate mentioned the contribution which Professor Allan Linden had made over a period of years to the subject of insurance, automobile insurance particularly. He has been quoted with approbation and his comments have received support and agreement. I should also like to refer to Professor Linden and inform the members of the House that he was a member of the committee of the government, working out and from under The Department of Financial and Commercial Affairs which produced the recommendations on which this legislation is based. He was a very active member of that committee. He supported the recommendations. He was instrumental in drafting them.

**Mr. J. Renwick:** But that was not the purpose of the study. The purpose of the study was to give the government the facts.

**Hon. Mr. Wishart:** Yes, to give us the facts.

**Mr. J. Renwick:** There is no connection between his approval of the proposal—

**Mr. Speaker:** Order! The hon. member for Riverdale has had his opportunity. He will take his seat.

**Hon. Mr. Wishart:** He helped us to work out the very recommendations which we have followed in this legislation. Not only that, Mr. Speaker, but the member for Downsview particularly referred to the report of a select committee on automobile insurance which, he reminded me, he had given to me at my request in my early days in this House some eight years ago. If you will examine that report, which I hold in my hand, the final report, March, 1963, of the committee of which the member for Downsview was a member, and he mentions several other eminent members of the House, you will find that we have followed almost completely, almost entirely, the recommendations of the select committee on automobile insurance, the select committee of this Legislature.

**Mr. Nixon:** It is now 10 years old.

**Hon. Mr. Wishart:** Now 10 years old?

**Mr. Nixon:** The minister said he did not update it.

**Hon. Mr. Wishart:** We have updated it to some degree in amount, but we have followed the recommendation of that committee. And I would point out that committee did not recommend what some speakers have spoken of as compulsory insurance, they did recommend that accident benefits be mandatory in the insurance policy. And the members will find that recommendation in the report.

**Mr. Nixon:** The minister means if the government had a policy that—

**Mr. Speaker:** I would suggest to the Leader of the Opposition that—

**Hon. Mr. Wishart:** "Accident Insurance Protection" is the heading on page 5, and they go on in detail: death benefits, medical payments, funeral expenses, weekly benefits. And then, when they come to the recommendation:

> The committee recommends coverages along the foregoing lines be made an integral and mandatory part of the standard automobile policy sold in the Province of Ontario.

That is what this legislation does. So that is a pretty solid foundation on which to base legislation.

The hon. member for Downsview asks why we did not do it sooner.

**Mr. Nixon:** A good question.

**Hon. Mr. Wishart:** He thought I should have done it apparently as Attorney General? I would remind him that I have been in this ministry for some 3½ months—

**Mr. Nixon:** Surely he meant the administration.

**Hon. Mr. Wishart:** —and I introduced the bill about a month or better ago. So I have not really delayed introducing the study which I asked that he and I might discuss almost eight years ago.

Professor Linden, in the course of his studies, produced the Osgoode Hall study which the hon. member for Downsview also referred to—I believe largely initiated or requested by the then Minister of Transport. And in that report Professor Linden followed almost exactly the recommendations of the select committee of the Legislature. I have that report here, and he indicated that was the course that should be followed.

Then he further produced a document, a paper which I believe was written for the Canadian Bar Review in 1967. I would like to point out that he reviewed the report of the select committee and commented on the accident and death benefits. He said at that time, in 1967:

> The cost of this new accident insurance has been estimated by a technical committee of civil servants in Ontario to be an additional 20 per cent of the basic premium . . . an average premium increase of about $10 per motor vehicle.

**Mr. Lawlor:** Read the whole thing; "the basic premium of $35,000"—

**Hon. Mr. Wishart:** It would be "20 per cent of the basic premium of $35,000, which would represent an average premium increase of about $10 per motor vehicle." I think the words I left out had no significance but I am quite glad to put them in.

**Mr. Lawlor:** I think they have some significance, considering this minister's limitations.

**Hon. Mr. Wishart:** I was only trying to get at the basic premium—$10, he said. We are continuing it, without any increase in premium, at $9 per motor vehicle. And he goes

on to say—and I am glad the member for Lakeshore has the document:

> The plan resembles the one operated by the government of Saskatchewan since 1946. There is no reason other than doctrinare socialism that would prevent private insurers from underwriting such a loss insurance scheme. Its attributes are many—

I am going to skip a few words:

—the defects are few and remedial.

**Mr. J. Renwick:** But the premium level between the provinces of Saskatchewan and Manitoba and this province is iniquitous.

**Mr. Lawlor:** There is a 30 per cent difference.

**Hon. E. A. Winkler** (Minister of Revenue): Who pays the balance?

**Hon. Mr. Wishart:** And Professor Linden prepared another article on the same subject.

**Mr. Pilkey:** Nobody. Do not need it; there is a great return.

**Mr. MacDonald:** They are selling that propaganda myth.

**Hon. Mr. Wishart:** The hon. member for Lakeshore will be particularly interested in this, because he talked about the great cost of pursuing large claims. Now he is aware that this legislation removes from the court the question of establishing fault and provides for speedy payment, that is, up to the level of the benefits which are payable under the insurance.

**Mr. J. E. Bullbrook** (Sarnia): It is very minor, $5,000 limit.

**Hon. Mr. Wishart:** Minor? Listen! Professor Linden says—he made a study, a very thorough study—that "the present system of compensating victims has become a composite one." He is pointing out here that there are many sources from which payments come. "Tort law," that is the lawsuit, and social welfare schemes supplement one another and together, provide a full economic compensation for 54 per cent of those suffering economic losses. Most of those who are not fully compensated ended up with small out-of-pocket losses.

**Mr. J. Renwick:** What about the serious cases and the fatal cases?

**Mr. MacDonald:** Across the board, 40 per cent.

**Hon. Mr. Wishart:** "In only 7.2 per cent of the injury cases did the ultimate economic losses exceed $500, after deducting—"

**Mr. J. Renwick:** These are the serious cases.

**Hon. Mr. Wishart:** "—from total losses the recovery gleaned from all sources and in only 2.4 per cent of the cases, did this amount exceed $2,000. The minimum benefit here in death is $5,000. This indicates that severe economic hardship is only present ultimately in a tiny fraction of the injury cases.

**Mr. J. Renwick:** Oh, that is a complete contradiction of the study which we introduced into the evidence yesterday. An absolute contradiction.

**Mr. Speaker:** Order.

**Hon. Mr. Wishart:** Mr. Speaker, what this legislation is designed to do and I think from some of the comments which are heard from the members of the opposition parties, they seem to have lost sight of the aims of the legislation, which is to provide a prompt, basic indemnity for economic loss suffered by reason of death or injury resulting from automobile accident cases.

**Mr. Bullbrook:** You call $70 a complete indemnity? Can you really do that as a lawyer?

**Mr. Speaker:** Order.

**Hon. Mr. Wishart:** I do not call that a complete indemnity. It may not even be a sufficient indemnity. But insurance is not designed at a premium of $9 to maintain any person, particularly or any family to the full capacity of support. That is not one of the bases of the insurance. This type of insurance at that premium—at that premium, and I stress those words, is designed to give a prompt and basic recovery for injury from accident and death from accident. That is what it is designed to do. And do not compare it—you cannot compare it necessarily with the Workmen's Compensation Benefit or the minimum wage.

**Mr. Bullbrook:** You bet you do not.

**Mr. Pilkey:** Why?

**Hon. Mr. Wishart:** Well you could do it if you wanted to pay for it. If you wanted to pay a premium that would bear that type of benefit, that would—

**Mr. Pilkey:** If it was public automobile insurance we would not need the high insurance, and we could do it.

**Mr. Speaker:** Order!

**Hon. Mr. Wishart:** You could do it if you wanted to pay a premium which would afford a higher benefit and you could get that, of course, by paying a higher premium. But what this legislation was designed to do at the premium of $9, mandatory in every policy, is to provide those benefits which are set forth in the amendment to the Act which is in this bill.

**Mr. Bullbrook:** You mean we have to take your word on the relationship—

**Hon. Mr. Wishart:** No, you do not.

**Mr. Bullbrook:** Yes, we do!

**Hon. Mr. Wishart:** No, you do not.

**Mr. Bullbrook:** Yes, we do!

**Mr. Speaker:** Order. The hon. members have all had the opportunity to speak on this bill without interruptions from other members.

**Hon. Mr. Wishart:** The committee that produced the recommendations for this legislation on that committee—we had our actuaries, very capable actuaries, who went into the whole matter and they have established, to our satisfaction and to their own, that that premium is a reasonable and proper one.

**Mr. Bullbrook:** Not to the members of this House.

**Hon. Mr. Wishart:** Well the members of the House—the suggestion I know the member for Sarnia has made is that a committee of this House should study the matter. As I have told him—

**Mr. Bullbrook:** It has every right to, as its responsibility.

**Hon. Mr. Wishart:** —the members of this House did have a committee which made three reports. Now, I do not think they dealt with rates particularly.

**Mr. Bullbrook:** They did not. That is the point.

**Hon. Mr. Wishart:** That is to the fixation of rates, except to say that there should be a body to fix them. I would like to deal with that briefly although it really does not bear on the principle of the bill. The members know of the section to The Insurance Act which, if proclaimed, would give the superintendent of insurance the right to fix these rates. I have spoken of this before in the course of my estimates. The superintendents of insurance of all the provinces meet and they have at their command actuarial studies to analyze and determine what is the proper rate for an insurance company to charge and I am not at all convinced that if a government stepped into the field and said to industry, "This you must charge,,' it would be any more effective or any closer to the actual cost than is now determined by the superintendents of insurance.

**Mr. Bullbrook:** You not only have a right, but you have an obligation.

**Hon. Mr. Wishart:** However, Mr. Speaker, that is not in the principle of this bill. What this bill does, as I say, is to provide speedy prompt recovery without determination of fault so that we have carried out again for the benefit, particularly of the member for Lakeshore, what Mr. McRuer recommended. Certainly he was concerned with cost of court procedures, litigation, which we have removed.

**Mr. Lawlor:** No, the whole property damage has not been removed.

**Hon. Mr. Wishart:** We have said no-fault—

**Mr. Lawlor:** Anything more than $5,000 is not removed.

**Hon. Mr. Wishart:** It is not necessary to determine whose fault it is at all. You may get payment immediately up to the benefits provided by this bill and, as I pointed out, those benefits are generally in the great, great majority of cases adequate. There is the right to go on. The tort principle is preserved, the right to sue, the right to go to court, the right to determine fault, for benefits over and above those provided by the legislation.

**Mr. Bullbrook:** And all property losses.

**Hon. Mr. Wishart:** That is the principle of this bill: prompt, speedy recovery, no fault—

**Mr. J. Renwick:** Not for property damage.

**Hon. Mr. Wishart:** Not for property damage. Now, I have not been able to find that many jurisdictions, if any, have yet been able to establish a no-fault property damage type of insurance, even in those jurisdictions where there is some form of no-fault insurance. We have some form of it in this province. There

is the deductible portion and in Saskatchewan, I believe, it is $200. In Manitoba, I believe, it is $300. There was not no-fault in Saskatchewan when it was introduced and I am not sure yet that there is no-fault property damage in their insurance scheme. It is very difficult to get facts about the cost to Saskatchewan.

**Mr. J. Renwick:** Oh, no. It is not difficult.

**Hon. Mr. Wishart:** Oh, yes, it is. It is very difficult.

**Mr. J. Renwick:** There is a 20-year study out on the Saskatchewan scheme.

**Hon. Mr. Wishart:** I do not know because we have tried and tried to get figures and facts and I hear these figures glibly quoted—

**Mr. J. Renwick:** Not glibly at all. They were put before a royal commission and they are in a published volume.

**Hon. Mr. Wishart:** —and no one has been able to say what the cost of administration is because—

**Mr. J. Renwick:** Mr. Speaker, on a point of order: There is a study, a definitive study, submitted by the government of Saskatchewan to the royal commission in British Columbia about the 20-year experience of that plan. It outlines exactly what the elements that are included in the administrative costs are. Now for the minister to stand up and say that he cannot find them, Mr. Speaker, is entirely wrong.

**Hon. Mr. Wishart:** Perhaps we will be able to get that before us in committee, Mr. Speaker, but there is nothing to show—

**Mr. MacDonald:** Why has he not got it now if he is looking for the facts?

**Hon. Mr. Wishart:** There is nothing to show what portion of salaries of servants, capital cost of the buildings, of the government buildings, in which they are working, interest on that capital, all these things—they are not apparent in that cost. One other point that I should like to make is that it is simply useless to stand up and try to compare—and I do not plan to do it—Saskatchewan with Ontario in the field of automobile accidents. Why? Because you can stand out on the roadway, and on one roadway beside this building, and in one hour of this afternoon, more automobiles will pass the point at which you stand than are registered in the entire province of Saskatchewan.

**Mr. J. Renwick:** All the more reason why the social problem should be—

**Mr. Lawlor:** All the more reason.

**Mr. Pilkey:** A greater number to distribute the cost.

**Hon. Mr Wishart:** And if you are not capable of appreciating that where you have that volume of traffic that the ratio of accidents is bound to be somewhat higher—

**Mr. J. Renwick:** We have no difficulty in that.

**Hon. Mr. Wishart:** —then you cannot—

**Mr. MacDonald:** All the more reason why you need a public plan to return as much of the premium dollar as possible.

**Hon. Mr. Wishart:** My point is, you simply do not compare that province's problems in insurance with ours.

The member for Riverdale said Saskatchewan's plan is not really adequate. I agree with him. Ours is slightly better. That is not adequate either, but it is a great step forward. It is a very substantial move forward and at this point I want to point out that our committee—

**Mr. J. Renwick:** Not at the premium level.

**Mr. Bullbrook:** Fifty to 70.

**Hon. Mr. Wishart:** —that the committee which we set up, which brought forth these recommendations, is still active, is still working, and one of its main subjects of discussion and study is the property damage feature. We have not concluded with this legislation. This is a great step—

**Mr. Singer:** It took eight years to arrive at this. How much longer? Another eight?

**Hon. Mr. Wishart:** The hon. member for Downsview was not here when I said I was three and a half months here.

**Mr. Singer:** But the minister did not bring in any legisation.

**Hon. Mr. Wishart:** You have it before you now.

**Mr. Singer:** Eight years later!

**Mr. Lawlor:** It was announced last fall, this legislation in November.

**Mr. Singer:** Eight years later!

**Hon. Mr. Wishart:** Mr. Speaker, I think it is incumbent on me to deal with the recent amendment produced by the member for Scarborough West. In the first clause of his amendment he said that the medical expense insurance and the accident benefits insurance be first-loss insurance, and that any other insurance whether of the same type or not, available to the injured person or in respect of a deceased person, is excess only. I can only say that we looked at that, we studied it, we felt that to make that insurance on a first-loss basis, could not be accomplished at the same premium. One of our determinations was that there should be no increase in the cost of this type of insurance, and that certainly to do what the member for Scarborough West suggests, would certainly require an increased premium.

**Mr. MacDonald:** So the minister shelved the cost to another public pocket.

**Mr. Pilkey:** Why does the minister not put the cost where it rightfully belongs?

**Hon. Mr. Wishart:** Except for the first two weeks a payment which is prompt and immediate is on a first-loss basis, on a non-contributory basis. That is as far as we felt we could go without an increase in premium in this legislation.

**Mr. Singer:** How many years was the Department of Insurance under the minister's control when he was Attorney General?

**Hon. Mr. Wishart:** Mr. Speaker, the next clause was that insurance be extended to provide insurance for dismemberment. It is true that dismemberment was usually one of the benefits provided in insurance policies. It is in the report of the committee, but we removed that and replaced it with what I think is a more equitable, a more satisfactory benefit, and one which will, I think, most likely, according to our studies, result in a larger payment, that is, rehabilitation. That you will find in the bill and I think it is more satisfactory, more sensible than payment of $1,000 for an arm or a hand, or $500 for the loss of an eye, or whatever. What this legislation provides is that the person who is injured by dismemberment or in whatever way, shall be restored, rehabilitated and trained to go back into society and be employed.

**Mr. J. Renwick:** By whom?

**Hon. Mr. Wishart:** By the payments under this legislation.

**Mr. Lawlor:** Payments of $25 a week?

**Mr. Singer:** There is no retraining. That is just a cash allocation.

**Mr. Pilkey:** Where is the retraining?

**Hon. Mr. Wishart:** The dismemberment, the replacement of the dismemberment payments, appears in the rehabilitation clauses of the legislation, so—

**Mr. J. Renwick:** Is the minister talking about the indemnity payment?

**Hon. Mr. Wishart:** Yes.

**Mr. Singer:** That is barely subsistence.

**Hon. Mr. Wishart:** We can come to that or discuss it clause by clause and members can examine it then. I merely deal with the principle here.

**Mr. MacDonald:** Having alleged that the Saskatchewan plan was hiding some of its costs, the minister is a past master at hiding some of his.

**Hon. Mr. Wishart:** On clause (c) of the reasoned amendment, Mr. Speaker, "that the insurance be extended to provide insurance for property damage," I have stated that we are studying that and hope we may arrive at some recommendation which will be implemented when received. I trust that is going forward.

"(d) that the insurance be extended to cover partial disability as well as total disability."

Now there is weekly indemnity provided for persons unable to perform their duties for a period of 104 weeks, two years. Now the extension beyond that is on the totally disabled basis.

**Mr. J. Renwick:** It is totally disabled in the first 104 weeks?

**Hon. Mr. Wishart:** Yes.

**Mr. J. Renwick:** You have to be totally disabled to collect?

**Hon. Mr. Wishart:** I would point out that to achieve that result which is clause (d) in the amendment, would definitely result in increased cost, in increased premiums.

**Mr. J. Renwick:** I would expect it would.

**Hon. Mr. Wishart:** Than partial disability—

**Mr. J. Renwick:** There are more people partially disabled in automobile accidents than totally disabled.

**Mr. Pilkey:** Where do you shift those costs? To the victim?

**Hon. Mr. Wishart:** No, they are in the increased benefits which are in the legislation, in the schedule of payments. And you can compare those—

**Mr. J. Renwick:** It is extremely difficult.

**Mr. Pilkey:** Very provocative.

**Hon. Mr. Wishart:** —compare those payments, compare them with Saskatchewan, compare them with British Columbia and you will find that they are better.

"(e) That the discrimination between spouses in respect to death benefits be eliminated." You will not find that in the Saskatchewan policy, they make the distinction. We make the—

**Mr. J. Renwick:** They do not.

**Hon. Mr. Wishart:** They do.

**Mr. J. Renwick:** Well we do not.

**Hon. Mr. Wishart:** Well British Columbia makes it and Saskatchewan—

**Mr. MacDonald:** It is 25 years old, you know, the Saskatchewan plan. Do not pride yourself in having caught up to the year 1946.

**Hon. Mr. Wishart:** We are a little ahead of Saskatchewan in several features.

**Mr. MacDonald:** You are about 1949 then.

**Hon. Mr. Wishart:** But I point out that other jurisdictions, which the hon. members seems to use when they find it useful for their purpose, Saskatchewan makes the same distinction, so does British Columbia.

**Mr. J. Renwick:** But you pride yourself on the non-discrimination of your policy in the province.

**Hon. Mr. Wishart:** No, I do not think I would put it that way. I think the facts of life generally make that distinction.

**Mr. J. Renwick:** In a family unit the loss of one is equal to the loss of the other.

**Hon. Mr. Wishart:** Well we have put in this legislation where the principal wage earner, or if I might use the term, the breadwinner, is injured or killed in an automobile accident, the higher benefit shall be paid to that person as the head of the household. But I do not think we can go so far, certainly at this time, as to treat both the husband and wife, the father and mother, on the same basis economically. That is not one of the facts of our present existence.

And, "(f) That the benefits be extended to dependent children over 21 years of age in regular attendance at approved educational institutions." We have made, I think, quite generous payments for the dependent children compared with other jurisdictions and other insurance legislation. We have not seen fit to meet this proposal as yet, and again I would have to say that such an increase of coverage would simply reflect itself in an increased cost.

**Mr. Pilkey:** It is a worthy ideal, you agree with that?

**Hon. Mr. Wishart:** Yes, I think it would be ideal. I think it would be ideal if you could get insurance for $1 that would pay everything you could wish.

**Mr. Pilkey?** Yes.

**Hon. Mr. Wishart:** I think that would be great.

**Mr. Pilkey:** It is a worthy ideal.

**Mr. T. P. Reid:** We will vote for that. We will support that.

**Hon. Mr. Wishart:** But as long as you are living in a practical world you have to relate cost to benefit.

**Mr. MacDonald:** The savings of a public plan would make it much more.

**Hon. Mr. Wishart:** But you can only get so much for what you pay; there is only so much value available.

**An hon. member:** That is not right.

**Hon. Mr. Wishart:** And that is the way you have to face it.

**An hon. member:** The NDP do not look at it that way.

**Hon. Mr. Wishart:** The next clause of that amendment was on the test of employment; that the test of employment be eliminated in favour of definition, "money value at the time of the insured person." Those words are

taken from the legislation; they are found in the bill.

**Mr. J. Renwick:** Read the whole of the clause, would you, into the record; the whole of the proposed amendment.

**Hon. Mr. Wishart:** I am quite agreeable. I thought it was in the record, because the hon. member for Riverdale last night read it into the record—

**Mr. Speaker:** I would rule out of order reading it as a whole clause, because it was read by the member who introduced it. It will be read by Mr. Speaker, before it is put to the House, therefore it shall be repetitious.

**Mr. J. Renwick:** Mr. Speaker, on a point of order. The minister is dealing seriatim with a series of bases for our reasoned amendment. He has, in making his explanation on each one of them to date, quoted the full text. On this next one clause, it is equally important from our point of view that he quote the whole text of item (g).

**Mr. Speaker:** The text of the—

**Mr. J. Renwick:** Of the single item.

**Mr. Speaker:** I have no objection to that but I thought the hon. member meant the whole of the amendment.

**Mr. J. Renwick:** No, I apologize.

**Mr. Speaker:** I have no objection to that.

**Hon. Mr. Wishart:** Mr. Speaker, I am quite glad to read this clause. I was commenting on the fact that I thought the member for Riverdale had read it last night when he spent two hours, I believe, in what I thought was a rather untypical approach by him. I have always admired his intellect and the way he analyses his subject.

**Mr. Singer:** Here comes the soft soap treatment.

**Hon. Mr. Wishart:** But last night it seemed to be untypical—

**Mr. MacDonald:** The minister means there was more than the usual—

**Hon. Mr. Wishart:** It was political, very political.

**Mr. MacDonald:** —political oomph in it and the minister could not take it.

**Hon. Mr. Wishart:** Very extravagant. Not factual—

**Mr. Pilkey:** Extravagant!

**Mr. Singer:** One thing about the member for Riverdale, he is extravagant.

**Mr. J. Renwick:** I am really flamboyant.

**Hon. Mr. Wishart:** Not very factual and I would say it was pretty much filibustering.

**Mr. J. Renwick:** Extremely so.

**Mr. Singer:** Filibustering? Perish the thought!

**An hon. member:** No longer are we talking about the principle of the bill; we are talking about the election.

**Hon. Mr. Wishart:** Clause (g) in the reasoned amendment reads:

> That the test of employment as the basis for entitlement to accident benefits be eliminated in favour of an extended definition of "the money value of the time of the insured person," to make certain that all persons, whether employed at a particular time or during a particular period of time or whether employable or not, are included as beneficiaries of the accident benefit coverage.

That is the clause.

> Now, the legislation includes as employed:
>
> Those persons 21 years of age or over and under the age of 65 years engaged in occupation or employment for any six months out of the preceding 12 months; the 12 months preceding the accident.

To go to the extent suggested in the amendment—

**Mr. J. Renwick:** There are a number of Dunlop workers who are not qualified.

**Hon. Mr. Wishart:** —would be excessively expensive and it really is a negation of the object of the coverage, that is, reimburse for basic economic loss. If they are employed, the legislation covers them and picks up 80 per cent of their earnings up to $70 per week. If they are not employed that is not contemplated. The contemplation of the legislation is to restore economic loss insofar as the benefits are provided.

**Mr. MacDonald:** Suppose he could start to work a week after the accident?

**Hon. Mr. Wishart:** One has to make some definitions, some rules—

Mr. MacDonald: Sure. And what the government does is shift it all on to the public.

Hon. Mr. Wishart: —some guidelines in any type of approach on which you go.

Mr. MacDonald: The government is relieving the burden of insurance companies at every turn.

Hon. Mr. Wishart: I could think of many situations—

Mr. Pilkey: The minister's reasoning has shifted down the cost to five public plans up to now.

Hon. Mr. Wishart: On clause (h), that specifically the discrimination against the "principal unpaid housekeeper" be eliminated. I say that far from being discrimination, the legislation provides $35 a week for a principal unpaid housekeeper—

Mr. Pilkey: There is an astronomical sum!

Hon. Mr. Wishart: —compared to the present $12.50.

Mr. J. Renwick: For 12 weeks at $35 a week?

Hon. Mr. Wishart: It is not enough—

Mr. Stokes: Is that the minister's assessment of the worth of a housewife?

Mr. J. Renwick: It is wrong.

Hon. Mr. Wishart: It is not an attempt—

Mr. MacDonald: If $70 is in there why does the government not pay her the same amount?

Hon. Mr. Wishart: It is not an attempt to pay actual worth or value—

Mr. J. Renwick: They are persons, and they should have the same coverage as anybody else.

Hon. Mr. Wishart: —it is an attempt to provide a benefit, reasonable or not as the members may think, on this basis of premium.

Mr. MacDonald: We are going to sic the women's lib on the minister!

Mr. Pilkey: The minister's problem there is he has not been able to shift that one. If he could have shifted it somewhere he could have given more.

Hon. Mr. Wishart: Compare that—

Mr. J. Renwick: Very good point.

Hon. Mr. Wishart: —benefit with other jurisdictions.

An hon. member: Very good!

Hon. Mr. Wishart: And:

> (i) that the insurer's right to subrogation be restricted to eliminate claims with respect to medical expense and accident benefit coverage.

That is met, I think members will find, by section 226(2) and 226(c), subsection 2, insofar as it relates to accidents caused by motor vehicles. That is in the bill.

Mr. J. Renwick: That eliminates claims by the insurer?

Hon. Mr. Wishart: That is right. And:

> (j) that the insurers be subject to subrogated rights by Ontario Hospital Services Commission, Ontario Health Insurance Plan, the Workmen's Compensation Board, and other insurers against similar risk.

I would point out there is no conflict between the accident benefits and government plans. OHSC, OHSIP, Workmen's Compensation, will continue to have subrogation rights against the wrongdoer or his insurer. That is the way it has been, that is the way it will continue to be, there is no change in this legislation affecting that.

Mr. J. Renwick: It does not say that in the statute. We will deal with that one in committee too because the statute rules them out.

Hon. Mr. Wishart: Examine the legislation and you will see there is no change whatsoever.

> (k) That a regulatory body be established to determine by public hearings periodically the premium rates for insurance coverage.

That may come. I mentioned sections 337, 338, 339 of The Insurance Act. They could be proclaimed law at any moment. I do think the explanation I gave a moment ago, of the control and the studies which the superintendent has—

Mr. Singer: Yes, that might be—they have been there for 30-odd years, so why not any moment?

Hon. Mr. Wishart: Although the member for Rainy River referred to the insurance industry as a monopoly that is not a fact. There is competition and that is one of the

best guides and protections for the control of rates that I know.

**Mr. Pilkey:** How come they are all the same? How come they are identical?

**Hon. Mr. Wishart:** Mr. Speaker, I would oppose the amendment and ask that the legislation be supported.

**Mr. Singer:** Mr. Speaker, before you put the question I wonder if the minister would permit a question. Is it not true that while he was Attorney General, for a number of years, perhaps as many as six, that were charged with the—

**Mr. Speaker:** This has nothing to do with the principle of the bill.

**Mr. Singer:** No, it has to do with his remarks, arising out of his speech.

**Mr. Speaker:** Yes, but we are discussing the principle of the bill and I do not think that it is a proper question at any time, and certainly not at this time.

**Mr. Singer:** He had six years in charge of the insurance branch.

**Hon. Mr. Wishart:** No, no, Mr. Speaker.

**Mr. Singer:** Yes he did.

**Hon. Mr. Wishart:** Mr. Speaker, on a point of order, if the hon. member is going to be permitted to put that on the record I have to be permitted to correct it.

I was Attorney General from March 26, 1964, until some time in March of this year, but the insurance branch was only in my department as Attorney General until some time in 1966, so that is something like two years.

**Mr. Singer:** Two years was long enough even for him.

**Hon. Mr. Wishart:** During those two years I had many things to occupy my attention.

**Mr. Singer:** He was too busy, I know. A little more than three and a half months anyway.

**Mr. Speaker:** The motion is by Mr. Wishart for second reading of Bill 81, and in amendment thereto it was moved by Mr. Lewis, seconded by Mr. J. Renwick, that the motion for second reading of Bill 81, entitled an Act to amend The Insurance Act be amended by deleting all the words after "that" and substituting the words:

This bill be not now read a second time but be referred to the government with instructions to bring back the bill with the following changes, namely,

(a) that the medical expense insurance and the accident benefits insurance be first-loss insurance and that any other insurance, whether of the same type or not, be available to the injured person or in respect to a deceased person, his excess insurance only;

(b) that the insurance coverage be extended to provide insurance for dismemberment;

(c) that the insurance coverage be extended to provide insurance for property damage;

(d) that the insurance coverage be extended to cover partial disability as well as total disability;

(e) that the discrimination between spouses in respect of death benefits be eliminated;

(f) that the benefits be extended to dependent children over 21 years of age in regular attendance at approved educational institutions;

(g) that the test of employment as the basis for entitlement to accident benefits be eliminated in favour of an extended definition of the money value of the time of the insured person to make certain that all persons whether employed at a particular time or during a particular period of time, or whether employable or not, are included as beneficiaries of the accident benefits coverage;

(h) that specifically the discrimination against the principal unpaid housekeeper be eliminated.

(i) that the insurer's right to subrogation be restricted to eliminate claims over with respect to medical expense and accident benefits coverage;

(j) that the inusrers be subject to subrogated rights by Ontario Hospital Services Commission and Ontario Health Insurance Plan, the Workmen's Compensation Board and other insurers against similar risks; and

(k) that a regulatory body be established to determine by public hearings periodically premium rates for this insurance coverage.

Now as the members know on an amendment such as this, whether it be reasoned or otherwise, the first question to be determined

is whether the bill shall now be read for the second time. Therefore, the question which I shall put to the House is shall the bill now be read the second time and that is the motion upon which the House will vote.

The House divided on the motion for second reading of Bill 81, which was approved on the following vote:

| Ayes | Nays |
|---|---|
| Auld | Ben |
| Belanger | Breithaupt |
| Bernier | Brown |
| Boyer | Bukator |
| Carruthers | Bullbrook |
| Carton | Burr |
| Connell | Deacon |
| Davis | Deans |
| Downer | De Monte |
| Dunlop | Edighoffer |
| Dymond | Farquhar |
| Evans | Ferrier |
| Gilbertson | Gaunt |
| Grossman | Gisborn |
| Guindon | Good |
| Haskett | Jackson |
| Hodgson | Lawlor |
| (Victoria-Haliburton) | MacDonald |
| Hodgson | Makarchuk |
| (York North) | Martel |
| Jessiman | Newman |
| Johnston | (Windsor-Walkerville) |
| (St. Catharines) | Nixon |
| Kennedy | Peacock |
| Kerr | Pilkey |
| Lawrence | Pitman |
| (St. George) | Reid |
| MacNaughton | (Rainy River) |
| Meen | Reid |
| Morin | (Scarborough East) |
| Morningstar | Renwick |
| Morrow | (Riverdale) |
| McKeough | Renwick (Mrs.) |
| McNeil | (Scarborough Centre) |
| Newman | Ruston |
| (Ontario South) | Singer |
| Price | Smith |
| Pritchard (Mrs.) | (Nipissing) |
| Randall | Sopha |
| Reilly | Stokes |
| Reuter | Trotter |
| Robarts | Worton—36. |
| Rollins | |
| Root | |
| Rowe | |
| Rowntree | |
| Smith | |
| (Simcoe East) | |
| Smith | |
| (Hamilton Mountain) | |
| Snow | |
| Villeneuve | |
| Welch | |
| Wells | |
| White | |
| Whitney | |
| Winkler | |
| Wishart | |
| Yakabuski | |
| Yaremko—53. | |

**Clerk of the House:** Mr. Speaker, the "ayes" are 53, the "nays" 36.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be directed for third reading?

**Some hon. members:** No.

**Mr. Speaker:** Committee of the Whole House?

Agreed.

## DEPARTMENT OF ENERGY AND RESOURCES MANAGEMENT ACT

Hon. Mr. Kerr moves second reading of Bill 93, An Act to amend The Department of Energy and Resources Management Act.

**Mr. Speaker:** The member for Rainy River.

**Mr. T. P. Reid:** Mr. Speaker, just a few comments. We will reserve our remarks, Mr. Speaker, for Bill 94, because we do feel that Bill 94 really aborts the principle of Bill 93 and we will give our criticism at that time.

**Mr. Speaker:** Is there any other member who wishes to speak to this bill? Does the minister wish to speak to the bill on second reading?

**Hon. G. A. Kerr** (Minister of Energy and Resource Management): No, Mr. Speaker, there is just a change in name, as the member indicated.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Agreed.

## ENVIRONMENTAL PROTECTION ACT

Hon. Mr. Kerr moves second reading of Bill 94, An Act to protect The Natural Environment.

**Hon. Mr. Kerr:** Mr. Speaker, before proceeding with the debate on Bill 94, as I indicated yesterday there are certain amendments that will be made at committee stage to this bill. Some of them will deal with the principle, and in view of that I gave the opposition party representatives some copies of the proposed amendments, and I would like very briefly to refer to them at this time.

One of the sections to be amended is section 20. That deals with the maintenance of an index record of those companies that are under a ministerial order, or any type of approval, relating to their effluent or their emissions. It was the intention, certainly in drafting the bill, that the record, or those documents that were filed in some central depository, would also be made available. The copies of those records and orders would be made available to the public and therefore we added the words "and shall permit inspection of any order or approval relating to that person." This, of course, is similar to our registry regulations covering office records; it would allow people to view these orders and to make copies of them.

The second section that we are dealing with is section 27, which is under the water section of the Act. In view of the fact that we are now also under this legislation dealing with herbicides and pesticides, it was necessary to include a section similar to that now existing in The OWRC Act, prohibiting people from adding any substance to water that is likely to cause injury and this, of course, would refer to those substances included under part 6.

In section 71 we wanted to also clarify the bill from the point of view of indicating that the provision as to "stop" orders would be, as the phrase or the name indicates, that in spite of any appeal that may be launched under the appeal provisions of this Act, that a stop order would be complied with even while an appeal were proceeding. This is under circumstances where the damage might be such that even another day would cause irreparable damage and therefore under certain circumstances we wanted this type of remedy and power.

Section 78: What we have included there —and I am not exactly certain, Mr. Speaker, whether this is entirely opposed to the principle of the bill, but I might say it is quasi principle. We wanted to include certificates of approval or provisional certificates of approval when referring to anything that the director may do. As far as refusing orders, refusing to issue permits or when he imposes terms and conditions as well as certificates, provisional certificates, the directors should be required to serve notice, together with written reasons why it is being issued or not being issued.

Section 79 really is somewhat similar and related to section 71. We want to clarify the fact that all orders, except a stop order, should not be enforced until the final disposition of the appeal under the appeal section.

The amendment to section 80 is a major one and we feel that this is more in line with McRuer's recommendations in view of any decisions by an administrative tribunal or a quasi-judicial tribunal. This also has been one of the submissions we have received since the printing of this bill. We feel that under the circumstances, and in light of McRuer's recommendations, that the decision of an administrative tribunal under these circumstances should not be final and that there should be a further procedure, either to a court on the question of law or to a minister on any other question.

Section 90 deals with the environmental council. Certainly it is my intention to give this council some substantial responsibility and independence. Because of certain submissions that have been made we felt that the wording of 90(b) should be amended. Again this goes to a substantial principle as far as this tribunal is concerned and it, of course, on its own, can do certain things which apparently the previous section, or the existing section, did not provide.

Subsection 3 of section 102; I will be moving that this be deleted. I think possibly a word of explanation is required. Certainly, Mr. Speaker, there was no intention to inhibit or frustrate valid private actions. Originally one of the reasons for considering this section was because of the experience of my department in dealing with private claims where an information or a summons had been issued and then that private person would ask, for example the OWRC, to gather evidence for the prosecution. And I think without too much explanation, the hon. members can see where this just would not be successful and it would be very difficult under those circumstances to obtain a conviction.

Now also, Mr. Speaker, with the section there requiring reference to the minister, the minister or his officials would be able to assist that private person in obtaining that evidence; advise that person; point out ways and means of gathering sufficient evi-

dence as we have done in many private cases so that there is some chance that the charge would succeed.

However, because the section may be misinterpreted and has been misinterpreted in many ways, particularly if the minister did refuse to act or approve a private claim in spite of the fact that it may not have sufficient reasons or evidence to proceed, there may be some question in the minds of people as to the ministerial refusal, so we simply are going to delete that particular subsection.

Section 103 will be an additional section and really, Mr. Speaker, this deals with part 7 of the Act which deals with private septic systems, septic tanks.

This jurisdiction will be transferred in stages from The Department of Health and I think the hon. members can appreciate that this will be a large task. There are certain areas of the province where possibly it should be done sooner than other areas so that we can make a provision that the Act can apply immediately in stages as soon as the necessary transfers of staff and jurisdiction have taken place.

That is the sum of my remarks at this time, Mr. Speaker.

**Mr. Speaker:** The member for Rainy River.

**Mr. T. P. Reid:** Mr. Speaker, in rising for the official opposition to speak on this bill I cannot help but feel that the debate is going to be an anticlimax. We on this side have waited for over a year to hear this omnibus bill dealing with the environment and we finally got it on June 30 of this year. It was a disappointment and a slap in the face to everybody concerned with the environment and to the people of Ontario generally.

The main point of my remarks, Mr. Speaker, is that this bill is ill-considered, ill-defined and ill-prepared. The minister coming in here today on second reading of the principle of the bill with nine substantial amendments to what has to be one of the most important pieces of legislation introduced in this Legislature only proves that point.

The minister has stood in his place this afternoon and tried to whitewash the difficulties that have been encountered by the press and by us on this side and by the public in general in trying to make any comprehensive sense out of this bill and understand any underlying philosophy behind it. I suggest, Mr. Speaker, that the bill should be withdrawn entirely and completely redrafted then presented to the Legislature outlining the philosophy of this government in regards to the protection of the environment in the Province of Ontario.

I say, Mr. Speaker, that I am struck by the sheer incompetence and cynicism of the present Conservative government in introducing this legislation. The Legislature and the people of the Province of Ontario have been promised for a great deal of time an omnibus bill that would protect our natural environment and ensure a safe and healthy water and land supply. Instead we are treated to what I consider to be the most flawed, half-baked, ill-conceived, contradictory, confusing, fraudulent, hypocritical, cynical and insidious piece of legislation that has been brought forth in my almost four years in the Legislature.

**Hon. Mr. Kerr:** Who wrote that for the member?

**Mr. Nixon:** He wrote that himself.

**Mr. G. Bukator** (Niagara Falls): If he can think of a few more words, he should put them on it.

**Mr. J. Renwick:** Did the minister get all those adjectives?

**Mr. Singer:** The same adjectives apply to the minister, too.

**Mr. T. P. Reid:** Mr. Speaker, because of the importance of this bill and the far-reaching effects it will have, and because it is so flawed, the Liberal Party is going to vote against this bill; and as I have suggested request that the government withdraw and draft a new bill which will assure the people of Ontario a safe and healthy environment.

**Mr. Nixon:** Good!

**Mr. Singer:** Right!

**Mr. T. P. Reid:** It is unconscionable that the prospective Minister of the Environment would introduce this bill on June 30 of this year after having had so long to prepare it, but giving so little time for it to be debated and digested by the Legislature and the public at large. It is further unconscionable that, in a matter of such great import, this bill should be so seriously flawed and devoid of any philosophy in regards to the environment and pollution.

Particularly when this minister has held this responsibility, this post, for over two

years—having been appointed on June 5, 1969—to come into this Legislature two years later with such an ill-prepared Act is almost beyond belief.

**Mr. J. Renwick:** What has he been doing for two years?

**Mr. T. P. Reid:** The principle of this bill states that it is to protect the natual environment. The Premier of the province (Mr. Davis) has stated that this is an environmental bill of rights for the people of Ontario.

I am certainly glad, Mr. Speaker, that in the introduction of this bill the Premier takes full responsibility because he must bear that responsibility. Newspaper and other media accounts and any objective analysis of this bill can only indicate that the Premier has lost complete touch with reality and is living in a fantasy world all his own.

The only ones that are protected in this bill are the members of the cabinet under the guise of the Lieutenant-Governor-in-Council who may, or may not, make regulations, who may, or may not, make exemptions, to any environmental legislation and regulations if they care to do so.

This bill is a hodegpodge of ideas thrown together in one piece of legislation which raises more questions and problems than it solves.

Perhaps, Mr. Speaker, the most cynical and fraudulent part of the bill is section 102, subsection 3, which reads:

> Except with the written consent of the Minister no information shall be laid or summons issued for any contravention of this Act or the regulations.

This has probably been the most heavily criticized of all sections of this bill, and the minister has responded to that pressure and withdrawn that section, but he cannot whitewash the underlying philosophy behind that and that is not to give the people of Ontario, the individuals in society, a right to take before the courts an individual or a company who is causing pollution in the Province of Ontario. This, Mr. Speaker, is almost unbelievable—

**Hon. Mr. Kerr:** Get the member for Downview to tell the member about civil law.

**Mr. T. P. Reid:** —that a government that is truly concerned with the environment and fully aware of public opinion, could conceivably enshrine such a retrograde, insidious and cynical section in such an Act is almost beyond belief.

We in the Liberal Party, Mr. Speaker, look upon environmental problems as a total community and social concern. Pollution of the environment affects both the individual and the community as a whole. The individual and the community must have a part to play and something to say in the safeguarding of their natural surroundings.

The people of Ontario have responded to the danger and threats to the environment by taking action as individuals by, amongst other things, laying charges against polluters and they have taken action as groups, such as Pollution Probe on a community basis to fight pollution. They have received little or no support from this government and the final blow came with this minister reserving all rights and all discretion to himself as to who shall and shall not be prosecuted.

With all due respect, Mr. Speaker, I suggest the minister is developing a Messianic complex.

**Hon. Mr. Kerr:** The Leader of the Opposition should edit that.

**Mr. T. P. Reid:** We must ask ourselves why in heaven's name should this have been included in this bill? What is the rationale for it?

**Hon. Mr. Kerr:** Did the member's leader not give him those amendments?

**Mr. T. P. Reid:** Yes, I have them.

**Hon. Mr Kerr:** Well why—

**Mr T. P. Reid:** I am talking about the philosophy and the thinking that went into drawing up this bill in the first place.

Interjections by hon. members.

**Mr. T. P. Reid:** The only philosophy that was apparent in this bill was contained in section 102, which disallows—

**Hon. Mr. Kerr:** The member has not read the bill.

**Mr. T. P. Reid:** —any private action on the part of an individual in the community and it has been only because of the storm of public criticism directed against the minister and this bill that he now withdraws it.

**An hon. member:** Reluctantly!

**An hon. member:** Not reluctantly. Who said that?

**Mr. T. P. Reid:** But I am suggesting to the minister that this bill is full of that kind of philosophy and it is apparent in the exceptions and exemptions that are made in this bill. We are talking about the principle of the bill and I say the principle is that the public is not going to have any part or say in the drawing of environmental regulations or in the protection of the environment.

**Hon. Mr. Kerr:** Who does the member represent here?

**Mr. T. P. Reid:** I am representing the public.

**Hon. Mr. Kerr:** The public, right.

**Mr. T. P. Reid:** I am sorry I do not have that Messianic complex. Pollution is one of those areas that affect each one of us, not just the members of this Legislature, but the people in Rainy River and the people in Ottawa, and in the community generally.

**Mr. Singer:** Right, absolutely.

**Mr. T. P. Reid:** Surely they should have a part to play in the kind of environment that they are going to live in.

**Hon. Mr. Kerr:** They are going to have.

**Mr. T. P. Reid:** And if we could depend—

**Mr. Speaker:** Order. The type of debate, which is on second reading, is not the type which the minister now, and others, have been engaging in. We allow a member to make his speech with reasonable interruptions and not continuous interruptions, so from now on I would ask the minister to allow the member to make his speech and when the time comes, that the members on the other side should extend the same courtesy to the minister.

**Mr. Singer:** We will be kind to the minister too.

**Mr. Deans:** He is just being provocative.

**Mr. T. P. Reid:** Mr. Speaker, speaking to the principle of the bill, I am saying that these provisions, even though they have been withdrawn, indicate the principles underlying the bill we are debating. I suggest that that principle is a complete denial of the people's rights to protect themselves on an individual community basis from pollution in their surroundings.

I would say further, Mr. Speaker, that if we on this side, on behalf of the public that we represent, could be assured that the government was going to take strong and protective action and prosecute polluters, we might not be half as concerned as we are about the provisions of this bill.

**Mr. Nixon:** Try to keep him calmed down!

**Mr. T. P. Reid:** Mr. Speaker, we in this party are not prepared to give this kind of power to the minister, and we affirm at the same time that the people have the right to lay a charge against anyone who is polluting their air, water or land and who constitutes a threat to their health.

**Mr. Nixon:** Even the minister.

**Mr. T. P. Reid:** How could the Premier have stood in his place and called this an environmental bill of rights for the people of Ontario when the people have had no say in the drafting of the legislation and even the right to protect themselves from pollution is taken away from them by the arbitrary and cynical act of this government?

There are other things in this bill, Mr. Speaker, that make the Premier's statement one of nothing but hyprocrisy and window-dressing. The bill gives authority to the Lieutenant Governor-in-Council, which is a euphemism for the cabinet, to make regulations in regard to pollution control. The last seven pages of the bill encompassing section 94 deal with regulations that the Lieutenant Governor-in-Council may make in regard to the various sections of the bill. Neither the Legislature nor the public is to be allowed to know why, or on what basis, or what the rationale is for any of the regulations that are so presented. We will read them, I suppose, if we are lucky, in the Ontario Gazette, which I understand Mr. Speaker has a little smaller circulation than does the TV Guide in the Province of Ontario.

This raises many problems in law and flies in the face of the recommendations of Chief Justice McRuer, who in volume 1 of his report on the inquiry into civil rights indicates that regulations should be kept to a minimum for the protection of individual rights. As a Liberal, Mr. Speaker, this is something that touches a nerve.

In the introduction to volume 1 of the McRuer report McRuer notes that there are several safeguards in our system which are

both useful and necessary to protect the individual from arbitrary governmental interference. He says:

> —these safeguards include the recognition that powers of encroachment by governmental action on rights of individuals should be conferred, only where necessary, and only to the extent necessary.

Fair procedures are to be followed before the exercise of governmental authority. There should be requirements that reasons be given to an individual explaining and justifying action adverse to his interest. Judicial supervision to control the proposed or purported exercises of governmental powers from the point of view of legality and rationality must be included.

It should be noted that when McRuer was writing he was particularly concerned with the various administrative tribunals which administer various function of government. This legislation, Mr. Speaker, is full of this kind of power and these kinds of tribunals. However, McRuer's comments should apply no less to the direct action of government, than to its indirect action. In this bill, we are faced with shocking and arbitrary encroachments on individuals with no protection for the individual against the unfair action of government.

McRuer noted the individual who suffers from an unjust decision made by a statutory tribunal suffers just as acutely as from an unjust decision made in the ordinary courts. In fact, he may suffer more acutely, because in many cases he has no right of appeal. He does not know on what material a decision is based nor the reason for that decision.

These comments also apply to decisions by the Lieutenant - Governor - in - Council. The individual who is affected by such decisions must know on what material the decision was based. He must know the reasons for the decision and he should have a right to appeal or, at a minimum, the right to a hearing.

The protection of the environment is a serious concern of all of us. However, in protecting our surroundings we must not do it at the expense of the protection of our citizens from arbitrary decisions of government. Frightening is the only word to describe the power of cabinet under this bill. Cabinet may, in section 94, subsection 1(f), "Classify persons for the purpose of this Act and exempt any class from any provision thereof."

Surely, Mr. Speaker, we could have expected from this minister after two years an outline of the particular regulations relating to the various responsibilities that fall under his department. On what criteria will they decide who is to be exempted and who is not to be? Will they decide on any rational basis or will it be just on whim? How will we know on what basis those decisions are made? The point is that we will not know and will have no means of knowing. In a government that is as susceptible to political pressures from its high-priced friends and corporate friends, we on this side cannot agree with the provisions under section 94 of this bill.

Similarly, under section 94, subsection 2(a),

> Cabinet can classify motor vehicles for the purpose of any regulation and exempt any class of motor vehicle from any regulation.

On what basis will such classification take place? On what basis will an exemption take place? On criteria decided by the cabinet in one of their secret sessions or with no reasons to anyone? How are we to know?

And surely the new Minister of the Environment, and such he is almost, does not agree with the Attorney General when he says: "The people have no right to know. You have no right to know". Surely in something like this the people have the right to know.

No redress to the individual affected is possible under any of these wide and general powers. Let us remember that McRuer warned that the powers of encroachment by governmental action on the rights of individuals should be conferred only where necessary and only to the extent necessary. He also warned that fair procedures should be followed before the exercise of governmental authority and that there should be a requirement that reasons should be given to the individual, explaining and justifying action adverse to his interests.

Mr. Speaker, none of these necessary protections are evident in this bill. The bill is ill-refined, ill-considered and ill-prepared. We are left with a spectre of a government which has not really given any thought to controlling pollution and presenting us with a list of powers so great that the individual will not even receive the most basic protection.

Mr. Speaker, when the McRuer report was presented to this Legislature, the government enthusiastically accepted many of its provisions and even put many of them into legislation. I suggest that this bill before us today flies in the face of that acceptance and

is a regression in the legislation in the Province of Ontario.

Further to that, the Lieutenant-Governor-in-Council may, or may not, do things. The Lieutenant-Governor-in-Council, again the Cabinet, may make exceptions or exemptions. Are we prepared to trust this government with the discretionary powers of exempting whoever they want, for whatever reasons, from various standards of pollution control? As I have said, Mr. Speaker, we on this side are not prepared to do this, never.

Mr. Speaker, if we draw the analogy between possible exemptions and action taken already by one of the pollution control bodies of this government, the OWRC, we will see that there is very little reason for trust in this government either in allowing them these discretionary powers or in enforcing existing legislation .

The OWRC was established in 1956 and the first prosecution taken by this commission was in 1964 and resulted in a $25 fine. The commission then took polluters to court three times in 1965; twice only in 1966; ten times in 1967; five times in 1968; three times in 1969 and at least 22 times in 1970.

**Hon. Mr. Kerr:** Ah, see!

**Mr. T. P. Reid:** Except for eight cases, the fines averaged only $275.

**Hon. Mr. Kerr:** So 1970 was a big year.

**Mr. T. P. Reid:** And this, Mr. Speaker, in Ontario where all one has to do is look at the state and condition of some of our rivers and lakes to know that this is a sorry record indeed. Yet this minister comes before us expecting and asking for our trust and he says to us: "Give me the powers and maybe I will do this and maybe I will do that."

Already Mr. Speaker, for instance, exemptions have been made in the bill to agriculture and associated industries, as well as, in some regard, municipal dumps.

**Hon. Mr. Kerr:** Associated industries, where does it say that?

**Mr. T. P. Reid:** Well industries asociated.

**Hon. Mr. Kerr:** Has the member read all this before it was handed to him, before it came down?

**Mr. T. P. Reid:** Yes, I have read it all and I felt sad as I read it. It seemed to get worse.

**Hon. Mr. Kerr:** Associated industries!

**Mr. T. P. Reid:** The minister has a great power for drama because he led up to a climax. Really it got worse as you went along and culminated in that section of 102, subsection 3.

Where will it all end if the government is so easily pressured by political forces? What hope have the people of Ontario that the government and this minister, who has already bowed to political pressure, will not again bow to further political and economic pressure and allow pollution to continue in our environment?

Again, Mr. Speaker, subsection 102, subsection 2, gives the minister, or even the director, fantastic power to prevent the public from protecting themselves in regard to pollution matters.

I suggest that the government have another look at section 94, subsection (f) which gives the government the power of classifying persons for the purpose of this Act and exempting any class from any provision thereof.

What is the philosophy behind that? Why? What is the reason? What is the principle behind that kind of a clause in this bill?

We on this side require a little more information than we have been given before we will accept such provisions as this.

Mr. Speaker, the government is giving itself wide powers of exemption in this Act, which we on this side fear.

They have even in this legislation exempted the public from taking an active part in their own protection and safety. In part 10 of the bill, on the appeal board, and sections 77 to 81, there is no provision for a third party, or a third person, to make a submission to the appeal board. Indeed section 81 states that the person requiring the hearing, the director, and any other person specified by the board, are parties to the hearing. The public at large is not allowed to take part in these proceedings.

**Hon. Mr. Kerr:** Where does it say that?

**Mr. T. P. Reid:** Surely it should have been part and parcel not only in this area of the bill—

**Hon. Mr. Kerr:** Where does it say that?

**Mr. T. P. Reid:** —but in the bill as a whole that the public not only has a right to know what is going on, but has the right to participate in this kind of proceeding and

this, Mr. Speaker, is one of the most serious lacks of this bill.

The minister and the Premier talk about an environmental bill of rights. If they were serious they should have enshrined in legislation the right of people to participate in actions of this kind. It should have been in the legislation.

**Hon. Mr. Kerr:** They can. It is here.

**Mr. T. P Reid:** Where is it?

**Hon. Mr. Kerr:** In sections all through the bill. The one he just mentioned—81.

**Mr. T. P. Reid:** Well, myself and all the media and other interested people, including the Canadian Environmental Law Research Foundation, say they are obtuse

**Hon. Mr. Kerr:** That is the one the member is reading from, is it not?

**Mr. T. P. Reid:** It seems to me, Mr. Speaker, there is no reason why the minister in the very first section of the bill did not outline the environmental rights of the people of Ontario to participate in the making of laws and regulations; and particularly in appeal cases enshrine in that legislation the power of the government to assess polluters in civil actions before the courts.

Further in this regard, section 20 of the bill provides for an index record of all persons to whom orders for approval have been made under this Act. Before the minister brought in his amendment the only information that we could glean from this Act was that the only information that was to be provided to the general public—upon the public asking for it—was whether or not a firm or person was listed in the index.

The minister comes in today, Mr. Speaker, with an amendment which will allow the public at large to have a complete copy of the approval that is on the record and we applaud that. We just wonder why it was not done in the first place? Again, it is part of the philosophy of the government opposite not to give the public a chance to participate in problems dealing with the environment.

**Mr. Speaker:** I hate to interrupt the flow of oratory, but I am sure the hon. member will realize that the hour is now six and I do therefore leave the chair.

It being 6 o'clock, p.m., the House took recess.

# CONTENTS


Wednesday, July 21, 1971

**Availability of Mercer lands for Tent City, questions to Mr. Potter,** Mr. Nixon, Mr. MacDonald, Mr. Trotter ..... 4383

**Meeting with Hamilton delegation re civic centre project,** statement by Mr. Davis ..... 4385

**Hamilton civic centre, questions to Mr. Davis,** Mr. Nixon, Mr. T. P. Reid ..... 4387

**Some universities holding mortgages on homes of faculty and staff members, question to Mr. White,** Mr. Good ..... 4389

**"Crime family" in Toronto attempting to take over rackets, questions to Mr. A. F. Lawrence,** Mr. Nixon, Mr. Shulman, Mr. Lewis, Mr. T. P. Reid ..... 4389

**Removal of ivy from front walls of Queen's Park legislative building, question to Mr. Davis,** Mr. Nixon ..... 4391

**Allocation system used by builders for HOME lots, questions to Mr. Grossman,** Mr. Lewis, Mr. Singer, Mr. Braithwaite ..... 4391

**Announcement on Malvern project in Scarborough, questions to Mr. Grossman,** Mr. Lewis, Mr. Trotter ..... 4393

**Bringing bill on pits and quarries for second reading without amendment, questions to Mr. Bernier,** Mr. Lewis ..... 4393

**Possible amendments to Mining Act, questions to Mr. Bernier,** Mr. Lewis ..... 4394

**Export of national gas from Canada leaving sufficient reserves for Ontario, questions to Mr. A. F. Lawrence,** Mr. Lewis, Mr. Makarchuk, Mr. Bullbrook ..... 4394

**Company granted licence to tear out Quinte sand dunes, question to Mr. Bernier,** Mr. Lewis ..... 4395

**Cases of asbestosis verified by Workmen's Compensation Board re Johns-Manville, question to Mr. Carton,** Mr. T. Reid ..... 4395

**Putting before law society questions about U.S. staff at Windsor law school, questions to Mr. A. F. Lawrence,** Mr. Peacock ..... 4395

**Settlement affecting Oshawa Co-Operative Supplies Limited, question to Mr. Carton,** Mr. Singer ..... 4396

**Discarded U.S. Army bandages sold to Ontario industrial plants, questions to Mr. Carton,** Mr. Makarchuk ..... 4396

**Sandblasting legislative building at Queen's Park, question to Mr. Auld,** Mr. Yakabuski . 4397

**Prevention of noise pollution and air pollution by aircraft,** bill to provide for, Mr. Braithwaite, first reading ..... 4398

**Insurance Act,** bill to amend, Mr. Wishart, second reading ..... 4398

**Department of Energy and Resources Management Act,** bill to amend, Mr. Kerr, second reading ..... 4421

**Natural Environment,** bill to protect, Mr. Kerr, on second reading ..... 4421

**Recess,** 6 o'clock p.m. ..... 4428

# Legislature of Ontario Debates

No. 109

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Wednesday, July 21, 1971

**Evening Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

## CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO



The House resumed at 8 o'clock, p.m.

## ENVIRONMENTAL PROTECTION ACT
*(continued)*

**Mr. T. P. Reid** (Rainy River): Mr. Speaker, before the dinner recess I was speaking about the rights of the public to be part of any pollution legislation and to take part in any hearings that there might be, whether it be before an appeal board or something else. In the comments that I made, Mr. Speaker, at that time, the designated Minister of the Environment, if I may call him that, interjected in regard to some of the remarks I made, particularly in the exemptions that I was talking about, and he said, "What is exempted in agriculture, and have I read the bill?" Well, I draw the minister's attention to page 4 of the bill, section 5, which states:

> Nothing in this Act or the regulations prohibits the disposal of animal waste in the normal operations of the farm.

There is an exemption, Mr. Speaker, and no one in this House—

**Hon. G. A. Kerr** (Minister of Energy and Resources Management): It is not an ancillary industry, it is farming.

**Mr. T. P. Reid:** No one in this House, on any side of this House, Mr. Speaker, is more aware of the problems on the farm than this party. Surely these things have to be controlled because if you let them go on too long the problem gets worse and not better.

I would also draw the minister's attention to section 9 of the bill, on pages 4 and 5, and subsection 4, which states:

> Subsections 1, 2, and 3 do not apply to any plant, structure or thing used in the pursuit of agriculture.

**Hon. Mr. Kerr:** Agriculture only.

**Mr. T. P. Reid:** Well, that is certainly a sweeping proposition and with the discretion given in this bill to the minister or a director or a provincial officer, I am sure that it could be widely interpreted.

Mr. Speaker, the minister also made some remark in regard to an organization that has come to light and has, in fact, criticized the minister rather severely by way of two briefs on the provisions of this bill that the minister has presented. This organization is called the Canadian Environmental Law Research Foundation, and the minister kind of pooh-poohed this organization, indicating that he did not have much use or respect for it or its views. I would point out to the minister that some of the people on this law research foundation are Donald Chant, head of the University of Toronto's Pollution Probe, a fellow who may or may not be known to the minister; E. A. Goodman a former national director of the Progressive Conservative Party—

**Mr. H. Worton** (Wellington South): No wonder he pooh-poohed it.

**Mr. T. P. Reid:** Toronto Alderman John Sewell, and—

**Hon. Mr. Kerr:** Do you think they wrote that?

**Mr. T. P. Reid:** —and Conservative lawyer Arthur Maloney who might like—well I understand they are lending their name and—

**Hon. Mr. Kerr:** To the letterhead.

**Mr. T. P. Reid:** —and their prestige to it so there must be something to it. I suggest to the minister, however, that the criticisms I am dealing with here come from a variety of sources in my own research.

Further, Mr. Speaker, I was talking about the rights of people to participate in pollution problems, and I say, Mr. Speaker, that in section 20 of the bill, there is provision for an index record of all persons to whom orders or approvals have been made under this Act, and I went into that at some length and I will not bother repeating it. But it is symptomatic of the confusion and contradiction of the bill that this right should be given, if a right it can be called, and then in section 102 which was subsequently withdrawn, the person or individual or group should be

denied the right to prosecute except with the minister's approval. Surely these things are contradictory and confusing and the bill should be withdrawn and redrafted.

Mr. Speaker, a further example of the window dressing and fraud that is being foisted on the public in this bill is that section that deals so very briefly with an environmental council. Again, the minister, in response to the criticism in the news media has brought in an amendment which is about as innocuous as one can get. It still does not, in my mind, make the council independent of the government, and of the minister, and there is no indication that it will be anything but a tool, a tame tool of the minister to direct and use as a cover-up for the incompetence of the minister and the various branches of The Department of the Environment.

It would seem that in this legislation that this inclusion of an environmental council was almost an oversight on the part of the government and is nothing but a sop to those environmentalists and conservationalists, and this party in particular, who have been asking for such a council. The duties of the council as laid out in section 90 could not be more innocuous.

The environmental council is obviously to be a tame tool of the Minister of Energy and Resources Management and, no doubt, an apologist for the incompetence of the minister and his department. I would refer the minister to Bill 105 which I introduced last year in this chamber entitled, The Environmental Council of Ontario Act, 1970. The explanatory note in regard to Bill 105 stated that:

> The bill establishes the Ontario Environmental Council as an independent advisory body empowered to study and investigate pollution problems, and the appropriate techniques and legislation for their prevention or abatement, and to make such recommendations respecting these matters as it considers appropriate to government, industry, agriculture and the public generally.

My bill outlined the duties of the council which numbered 13. One of these studies was to recommend legislation and regulations for more effective pollution control in Ontario. There is no such direction under the bill the minister is presenting. Another provision of the bill was that the council should make an annual report on the state of the environment to the Minister of Energy and Resources Management and such report should be laid before the legislative assembly.

Surely, Mr. Speaker, provisions of this kind would ensure the public of Ontario that there was an independent watchdog with sufficient funds, sufficient research and completely independent from the government, looking after the pollution affairs and acting as a watchdog in this regard.

I recall, Mr. Speaker, about a year ago in this Legislature that we were debating the Dow Chemical mercury pollution that the minister jumped to his feet and hammered the desk and in ferocious tones yelled: "I am tired of being a watchdog, a policeman of companies in the Province of Ontario." At that time, Mr. Speaker, he sounded like a lion and the result since then has been that we have a bill such as this brought in more like a pussy cat than a lion.

Mr. Speaker, there are other serious flaws in the bill. The member for York Centre (Mr. Deacon) will discuss those problems related to waste management, and the member for Huron-Bruce (Mr. Gaunt) will discuss the weaknesses of the bill in regard to litter pollution. The definition of litter in that bill is certainly a weird and wonderful thing and one wonders how it could have possibly taken the minister's department two years to come up with something like that. The member Etobicoke (Mr. Braithwaite) will discuss noise pollution and aircraft pollution. I must say, again, Mr. Speaker, that another weakness of the bill is the hardly even passing reference of this minister to the problems of noise pollution in our environment.

We must report, Mr. Speaker, that we, on this side, find it inconceivable that such a poorly and cynically drawn piece of legislation could be brought forward by this minister who has had this responsibility for over two years and who, obviously, given the weaknesses and flaws of the bill has little energy and obviously no departmental resources to lead the attack on pollution in the Province of Ontario.

Mr. Speaker, we intend to oppose this bill on principle in second reading because we feel that the principle of the bill is one of a cynical disregard of the people of Ontario and the protection of their environment. Before we will give any consideration to approving an environmental bill we want to know why the regulations in regard to pollution control have not been spelled out since the minister has had the responsibility for this department for over two years. We want to see enshrined in this bill the rights

of the people of Ontario to prosecute in civil court people who are polluting the environment

We want to see enshrined in this legislation the idea that the government will assist the public to prosecute polluters where there is clear evidence that the individual or the community has suffered because of the obvious polluting actions of some company or individual. We want to see that the rights of the individual are protected from arbitrary decisions in regard to regulations and actions by the government. We want to see included in this legislation the right of third parties, the public at large, to participate in the formation of such regulations and legislation in regard to pollution problems.

We want to see the rights included in this legislation for third parties to appear before appeal boards and to participate to the extent that they wish in these cases. We want to see an independent environmental council of Ontario which will have some concrete duties and responsibilities and which will be independent of direct governmental control. We want to see also included in this legislation a bill of environmental rights for the people of Ontario and other living organisms that are entitled to clean air, clean water and clean land as far as that is possible in today's world. We want, in effect, Mr. Speaker, to ensure that this legislation is in fact an environmental bill of rights for the people of Ontario.

We ask, Mr. Speaker, therefore that because this bill is so ill-defined, so ill-considered and so ill-prepared that the government withdraw it and return to this Legislature with a bill that will satisfy and ensure that the people of Ontario do indeed have a bill of environmental rights.

**Mr. D. C. MacDonald** (York South): Mr. Speaker, I am not going to attempt to match the purple passages of the hon. member for Rainy River in his description and condemnation of this bill. I can understand his sentiments because this is a shockingly inadequate piece of legislation. Somehow or other I find that my reaction is more one of sorrow and indignation than of anger. If pollution were a relatively inconsequential matter, one could slough the whole issue off and say this is just another instance of a Tory government failing to come to grips with the real problem.

But pollution has literally become a matter of life and death. And the rather terrifying revelation which this bill shows to us is that apparently this government does not really grasp the complexity of the problem, and more important they certainly have not devised any effective means for coping with the problem.

In fact, Mr. Speaker, this bill is regressive. It is not moving forward in spite of the long gestation period, the long wait that we had when we were led to believe that the government was attempting to come up with a completely new approach to all of the ramifications of pollution.

It is moving backwards in terms of involving the public in everything from the definition of a tolerable pollution level in any given community to eliminating the sources of pollution itself.

The hon. member for Rainy River said that the bill was ill-prepared. Well, he is at least half right. This bill is ill-prepared. Even given the government's approach and its manner of grappling with the whole problem, this bill, as it was originally presented, was so ill-considered that the minister had to come in with no fewer than nine amendments, four of which he described when he first revealed this to the House as being amendments to the principle of the bill.

Mr. Speaker, in my recollection in this House, and as far as I have been able to discover by inquiring of a few old timers, this is absolutely unprecedented that a piece of major legislation, brought in by the government itself, should, before we get to second reading, have to be accompanied by no fewer than nine amendments.

The minister protested against the suggestion of the hon. member for Rainy River that all of these amendments, such as for example the amendment to clause 102, subsection 3, were being ignored as he was talking about the whole underlying principle of the bill, that one should take into account the amendments as well as the original bill itself. Does the minister really believe that the philosophy and the approach of this bill have been changed by these 11th-hour amendments which he has brought in? Of course, they have not.

Now I do not want to get down into the details of the amendments at this particular time. I think it is far more appropriate that we should do so when we get into the Committee of the Whole House. It is possible to summarize the impact of these amendments and to do it rather briefly, Mr. Speaker, because the general impact of these amendments—apart from the one amendment deleting the third subsection of section 102, which

made it necessary for any citizen to get the permission of the minister before they could take court action—apart from that one, generally speaking, all of the amendments are to sort of liberalize the procedural aspects between the polluter and the government.

It is interesting to take a look at a few examples. For example, the amendment to section 71 and section 79, gives the polluter an extra 15 days in which he is able to prepare for a hearing. The amendment to section 78(2) allows the polluter to require a hearing with respect to items that are being mentioned, such as certificates and provisional certificates of approval.

Now this is an improvement, but it is an improvement on behalf of the relationship between the polluter and the government.

In short, the whole impact, the whole thrust of most of the amendments that the minister has brought in is not to deal with the involvement of people—a point that I want to emphasize and re-emphasize again tonight—but rather to facilitate, to assist in the relationship between the polluters and the government itself.

While agreeing with the former speaker, that the bill is ill-prepared, certainly, it is that—even more important it is ill-conceived. In fact, one can put it more strongly—that it is misconceived.

**Mr. T. P. Reid:** It is an abortion.

**Mr. MacDonald:** I was going to suggest that, in this era of a more liberalized approach to abortion, it might be the appropriate way to cope with the situation. But let me not go off into the purple passages of the hon. member for Rainy River.

I want to try to illustrate my point. I am not going to attempt to cover all bases on this bill, Mr. Speaker. My colleagues, many of whom are very anxious to speak on this important piece of legislation, will be dealing with the broadening and the detailing of our wide-ranging criticism. But let me go back to the beginning, when the Prime Minister (Mr. Davis) introduced this legislation in the House. He started out by describing it and its companion piece, Bill 91, as being an environmental bill of rights for the people of our province.

Mr. Speaker, this is no environmental bill of rights. It is long awaited. It was supposed to be comprehensive and what he does is to roll everything into a new sort of schematic presentation, in terms of all of the kinds of pollution and the bits of legislation that were dealing with pollution. But it misses the essential element of the involvement of the public. Whether it be the definition; whether it be standards; whether it be regulations; whether it be hearings, everything tends to be drawn into the control of the minister and his bureaucracy. The people are on the outside looking in.

Down through the years—this is the appalling thing about this particular aspect of the bill that persuades me that the government simply does not comprehend the nature of the problem—pollution control has been ineffective. It has been ineffective partly because of the complexity of the problem and partly because of lack of will on the part of the government to do something about it.

Public pressures have gradually built up. If one looks back over the last 15 years, one has to give full credit to individuals—sometimes lowly, little-known individuals—through to civic organizations such as Pollution Probe, and give them credit—for the most part, young people, students—who have seized upon this subject, have developed a public consciousness about it and have put pressure on the government.

Surely the lesson of those last 15 years has been the public involvement in the defining of pollution and the forcing of a government action. And in the ultimate elimination of pollution, it is absolutely vital. Without it, one can say with confidence that this government would not have moved at all.

This is precisely what Bill 94 ignores. The amendments are just something of a gesture toward the read need. The basic weakness of this bill, the massive flaw in its principle, is that it removes whatever power the individual citizen may have had and it bestows it upon the ministry. Citizens have no access to any real information—and that remains true even with the amendments which the minister has given notice he will introduce. The citizen has no opportunity to take action in cases of violation of the proposed Acts. And even in the instance where there is one significant amendment in relation to the citizen's role—namely, the fact that he does not have to go and get permission from the minister before he can initiate court action—even that just restores the status quo, the situation which has existed down through the last few years. And while it was a necessary right, it was a right which the citizen in many instances simply did not have, either the capacity or the statutory backing to be able to take effective action.

Let me give you an example, Mr. Speaker, in section 20, subsection 4. Let me read it:

> The department shall, upon the request of any person, make a search of the index record and inform the person making the request as to whether or not the name of a particular person appears on the index record.

Now, that was the approach, believe it or not. That was the original approach of the government: If we wanted to find out about a polluter we could go and we could inquire. They would search the record and they would give us the name. And that was that. No more. How completely futile in terms of either an encouragement of, or providing a capacity for the citizen to play his role!

To be fair, the minister has added an amendment. "And the department shall permit the inspection of any order or approval relating to that person." In short, now they can inspect the orders. Well, how condescending! How completely condescending of the minister, that he should now have gone so far as to say, "We will not only get the name from the index and give it to you, but you will now be able to inspect the orders," when incidentally he had no knowledge of, or involvement in, the shaping of them in the first instance.

Under this Act, Mr. Speaker, pollution becomes a relative term. There is no need to establish norms, or at least to adhere to norms, in situations where those who live with the effects of pollution have no direct involvement in establishing, policing or complaining about the levels of emission. An acceptable level may vary from industry to industry, from riding to riding, depending perhaps on the lobbying power of the industry or the constituency.

This kind of legislation, Mr. Speaker, is against the trend, the massive irresistible trend, which has the support of practically everybody who is in touch with modern society, the trend to involve people. It is not enough, in some paternalistic way, that government should take charge of the problem. The public must be aware of the grounds upon which the government makes its decisions and the proposed Act in some respect overtly prohibits such involvement.

Let me go back once again, Mr. Speaker, to the Prime Minister, in his original announcement. When he spoke of this environmental bill of rights, he went on to divide pollution into two broad categories. One is what I might describe as the traditional kinds of pollution—water, soil and air—and then the second would be the new kinds of pollution that have been brought into this omnibus bill, such as noise, heat, radioactivity, herbicides, pesticides and litter. And it was interesting that when we—

**Mr. R. M. Johnston** (St. Catharines): And verbal pollution too. Include that.

**Mr. MacDonald:** As a matter of fact, that is something the member should know a lot about.

**Mr. I. Deans** (Wentworth): He is an expert on that.

**Mr. B. Gilbertson** (Algoma): Did the member read tonight's paper?

**Mr. MacDonald:** Yes; go and read Fraser Kelly this afternoon.

**Mr. Gilbertson:** Did the member read about antipollution material?

**Mr. R. M. Johnson:** Come on over, boys. We will take you all on. Every one of you.

**Mr. R. Gisborn** (Hamilton East): The Niagara peninsula is polluted and now I know by what.

**Mr. M. Shulman** (High Park): Did you see the article in today's paper about St. Catharines and how dangerous the seat is for the Conservatives? They said your 4,000-vote margin was not enough.

Interjection by an hon. member.

**Mr. MacDonald:** I wonder, Mr. Speaker, if the hon. member for St. Catharines wants to get in on this debate, whether or not it is possible that you could persuade him that as far as I am concerned he can have the floor after I am finished, but for the moment I would like to complete my remarks.

**Mr. Gisborn:** He could not speak his way out of a cup.

**Mr. W. Ferrier** (Cochrane South): He does not know how to make a speech.

**Mr. Shulman:** We are going to miss you next year.

**Mr. MacDonald:** Well, his remarks are spirited if not substantive anyway.

**Mr. Deans:** Spirited is the word.

**Mr. MacDonald:** When we queried the designated Minister of Environment concerning regulations following the introduction of these bills, rather an interesting situation emerged. The minister stated that as far as the regulations were concerned in reference to the new kinds of pollution, they had not yet been drafted. As far as the old kinds of pollution were concerned, well, the regulations have been in existence for quite some time and we will continue to operate with those regulations.

Let us just pause for a moment now and take a look at these two categories in light of the situation which the minister detailed. On the matter of the absence of regulations with regard to the new kinds of pollution, here once again, Mr. Speaker, we have this government in the most blatant, offensive way, refusing to respond to the recommendations of the McRuer commission. Relentlessly, with every major piece of legislation that comes in in this session, one can only conclude that the government, having read the McRuer report, is publicly and defiantly dismissing it.

What was the basic suggestion of Mr. McRuer? It was that "where a statute confers a power of decision, rules or standards to govern the exercise of the power capable of judicial application, should be stated in the statute" and not in the regulations themselves. Mr. McRuer, as the Globe and Mail pointed out:

> —was solidly against vague legislation which outlined a government's intentions and left them to be implemented by regulations.

The Globe continued later:

> It is the elected representatives of the people who should make the laws to govern the people; the laws passed by the Legislature should be very precise about what they intend to do and how they intend to do it. Regulations should be written very carefully to go no further than the law and should be under constant review by the Legislature. In other words legislatures and not civil servants and not appointed quasi-judicial bodies should make the law.

Now why does the government persist in defying that recommendation? It does not have to be done, as was pointed out this afternoon in another debate, in another context, with regard to car insurance. In the instance of Manitoba and Saskatchewan the great majority of the regulations are incorporated as part of the statute so the people know where they stand. This we do not do as far as the new style or new kinds of pollution are concerned. Some of them are very old, as a matter of fact, but new in terms of this government's at least being willing to do something about them.

But for the main burden of my comments, Mr. Speaker, tonight I want to go back to the old style of pollution, the traditional pollution —water, soil and air—because here we know where we stand. Here we know what the regulations are. We have been attempting to live with these regulations and here we come to one of the fundamental weaknesses in principle in the bill that we have before us at this time. If you take a look, Mr. Speaker, at the general provisions of the bills, in part 2, and subsection 6, we have a section which reads as follows:

> No person shall deposit in, add to, emit or discharge into the natural environment any contaminant, and no person responsible for a source of contaminant shall permit the addition to, emission or discharge into the natural environment of any contaminant from the source of contaminant in an amount, concentration or level in excess of what is prescribed by the regulation.

Now, significantly, Mr. Speaker, the heading beside that section reads: "Prohibition." It is not an offence, it is merely a prohibition. Nowhere throughout this Act have you spelled out an offence, namely that pollution is an offence. We go on to another of the key sections, section 15. Once again the phraseology is remarkably similar though somewhat more detailed. I quote:

> Notwithstanding any other provision of this Act or the regulations, no person shall deposit, add, emit or discharge or cause or permit the deposit, addition, emission or discharge into the natural environment of a contaminant that (a) has an offensive odour, (b) may endanger the health or safety of any person, (c) may endanger, injure or damage or cause injury or damage to (1) real or personal property or (2) plant or animal life.

Once again, the head beside that section reads: "Prohibition." There is no offence. It is not an offence in both of these key sections. You have to go—the minister is correct—you have to go to the regulations and when you go to the regulations, only when you violate the regulations do you begin to create an offence for which there may be some penalty.

You know, three or four weeks ago I happened to be driving along the highway somewhere in southern Ontario—I have forgotten exactly where now—and heard a broadcast in which somebody noticed the fact that away back in the first decade of this century, I think it was 1905 or 1906, a law was passed in the federal House of Commons saying that it was illegal to pollute the Great Lakes.

Well, one pauses and contemplates the enormity of what has happened since then. It is illegal to pollute the Great Lakes and yet the pollution has gone on for something over 60 years until we have lakes which are now becoming dead seas, the biologists tell us.

Well, once again, we have a situation in the instance of this legislation here. We have not moved to making pollution an offence. It is only a prohibition and then the government moves through this elaborate, confused, belaboured kind of procedure in which you finally come up with a regulation, a process in which the people who have to live with it, who are interested in it, who want to correct it, are virtually completely excluded.

Now, that is not good enough and I want, Mr. Speaker, just to invite the House to bear with me for a few moments tonight to show the kind of situation that the people of this province have had to contend with.

Fortunately—I say fortunately in one sense—it is most unfortunate, because it happens to be a situation which constituents of mine have lived with for well over a generation. And I want to put on the record, Mr. Speaker, the wearying tale of involvement and effort by citizens, of medical officers of health, of local municipal councils to get somebody to move to cope with an obvious case of pollution, namely that of Canadian Gypsum on Oak Street in the town of Weston. Now, just bear with me for a moment. I have here, and believe you me this is rather a carefully culled selection of a file that is as thick as my wrist, that was accumulated over the last 25, 30 or 40 years.

The first letter I want to draw to your attention is a letter that is dated October 19, 1939, when the medical officer of health is writing to one, Mr. W. H. Owens of the Canadian Gypsum Company on Oak Street in Weston, and the letter is brief:

Dear Sir:

You will remember the conversation Mr. Evans and I had with you regarding complaints of noise, dust and especially the smell of irritating fumes and smoke from your plant by residents in the north end of the town. I am still receiving these complaints and I hope following this letter that you will be able to prevent these conditions.

Yours truly,

The Medical Officer of Health.

Ten years later, almost 10 years later, May 9, 1947, the clerk and treasurer of the town of Weston, Mr. G. H. Clarkson, writing to Mr. C. H. Rosier, works manager of the Canadian Gypsum Company:

Dear Mr. Rosier:

You will recall that His Worship Mayor T. E. Dougherty and the writer visited your office on March 19, 1947, relative to a petition that had been presented to the municipal council by a number of citizens residing in the vicinity of your plant, complaining of the nuisance created and the unsatisfactory conditions prevailing at your plant.

And a later paragraph:

As explained to you during our interview the corporation feels that the residents in the area have justification for complaining and with this in mind we earnestly request that steps be taken forthwith to rectify the situation. Thanking you in anticipation of your co-operation.

Yours very truly,

G. H. Clarkson.

A few months later, August 12, 1947, the same clerk, Mr. Clarkson, writing to the same Mr. Rosier, the works manager of the Canadian Gypsum Company:

Dear Sir:

The writer would be pleased if you will advise what progress, if any, has been made by your company relative to its programme for eliminating the odours and nuisances from your plant.

During a meeting of the municipal council held yesterday it was reported that up to the present no improvement seems to have existed in the area.

Again, a few weeks later, August 14, 1947, the clerk-treasurer—now note this, Mr. Speaker, because the last time I raised this in the House, the neanderthals in the back benches led by the former Minister of Trade and Development (Mr. Randall), interjected and said "You want to close the plant down? You want to destroy the jobs?" I want to

introduce this theme and ask you to note how persistently down through the years the local councils and people have sought to get the power to close the company down. So they should not raise that old red herring and challenge about "Do you want to close the company down?" And here was the first one, on August 14, 1947, the clerk-treasurer, writing to Mr. G. W. Gardhouse, barrister, 330 Bay Street, Toronto.

**Mr. G. Ben** (Humber): Is that George Gardhouse?

**Mr. MacDonald:** The letter reads:

Dear Sir:

As you are no doubt aware the municipal council has for some months been receiving complaints about the nuisances created by the Canadian Gypsum Company. I have been directed by the municipal council to inquire from you if the corporation can take action to have the company cease operations until such time as improvements are made which will eliminate the nuisances. If it is at all possible for us to take such action, please advise what we shall do.

A year goes by, November 8, 1948, and interestingly enough a letter from Charlie Millard, four months after, five months after he was elected as the representative in this Legislature for York West writing to the clerk of the municipality of the town of Weston, Mr. Clarkson and saying—

Dear Sir:

Since the election last June I have received a number of complaints regarding the constant noise and irritating fumes from the Canadian Gypsum Company in Weston.

Then it goes on to state that he wanted to get all the facts of the situation before he moved to see what he could do to help to correct it.

A year goes by, February 4, 1949, the clerk-treasurer is writing this time to Mr. N. H. Basquin, operations staff manager of the Canadian Gypsum Company. I should note this, Canadian Gypsum Company, 300 West Adam Street, Chicago, Illinois, USA. He was writing to the parent company.

Dear Sir:

Many months ago we had correspondence with your office regarding the nuisances created by your plant on Oak Street.

A later paragraph:

This condition definitely creates an annoyance to our citizens, when housewives are obliged to rewash a week's laundry. One instance was drawn to our attention where a roof was so heavily coated with this substance that where rain came in, it washed the flakes into the eavestroughs and ultimately caused an interruption in the sewer.

Then he goes on—well, that was 1949. A few months later, again, we have Mayor K. L. Thompson writing to Mr. O. B. Eustis, design and production engineer of the Canadian Gypsum Company Limited, 300 West Adam Street, Chicago, Illinois, USA.

Dear Mr. Eustis:

You will recall our conversation of March 10 with regard to the nuisances created by your plant in the town of Weston. At that time you stated that the company was working on remedies as follows:

And he lists the remedies, and concludes:

Council is quite anxious to have this unsatisfactory condition remedied at a very early date, and I would appreciate your advice as to the progress that might have been made in this connection.

Well, Mr. Speaker, three more years go by—

**Mr. R. M. Johnston:** Garbage.

**Mr. MacDonald:** October 5, 1952, to the town council, a letter written by Dr. W. K. Cameron, a medical doctor at 316 Main Street North, Weston, Ontario.

Dear Gentlemen:

I wish to draw your attention to an extremely annoying situation, and in my opinion, detrimental to public health—the nasty-smelling, stinging smoke from the Canadian Gypsum Plant. The plant should not be operating inside a town, and one wonders who was responsible for their building permit when so many clean factories might have been built on this property.

I as a taxpayer, a long resident, and a physician of this town, wish to express my displeasure at the handling of this situation. In addition, I wonder why little factories, such as Eadie Wood Products, can be closed because of their local nuisance value, while a larger, noisier and smokier factory is still allowed to operate and irritate periodically huge areas of the town.

Yours sincerely,
Dr. W. K. Cameron

Well, oh, this is wearying, Mr. Speaker, this is wearying, but let us suffer with the citizens rather briefly through their 32 years of attempting to grapple with this problem.

I have now a photostat of a news story in the local paper in Weston, the Times and Guide of July 16, 1953: "Angry citizens petition council." And there are letters from the files written by the clerk-treasurer to various citizens in the town of Weston, noting that petition on behalf of Mayor R. C. Seagrave:

> I wish to acknowledge receipt of your communication and indicating that this matter has been discussed with council and they are doing their best to try to cope with it.

June 1, 1953, Dr. Cameron once again, writing to the chairman of the board of health:

> I am writing this letter as both an appeal and a protest. The part of the town north of Church Street is continually sickened by the foul fumes of the gypsum plant. This town is being disgraced by this dirty factory. It is claimed these fumes are harmless and yet I can get the signed names of dozens who suffer from burning nostrils, headaches, nauseau, the writer included.

May I intervene, Mr. Speaker; this is a medical doctor speaking, not just a layman.

> Mr. Crocker of the Canadian Gypsum claims these fumes are exempt from the anti-smoke bylaw because it is only steam and not opaque.
>
> We all know that some of the most deadly gases are colourless, white or yellow and thereby by the same token, exempt from the said bylaw. Fumes are fumes, whether they are mixed with steam vapour or black smoke and they should all be treated as such. The only way to quickly rectify the situation is to insist on a much higher chimney which will carry it farther, so as it can rarify in the atmosphere. Cannot something be done to rectify this state of affairs, rather than just empty promises and investigations?
>
> Yours truly,
> W. K. Cameron, M.D.

Then, a few weeks later, a memo dated August 28, 1953. The memo reads as follows:

> Dr. A. E. Barry telephoned and stated that officials of the department—

This, of course, is the provincial department—

> —including the deputy minister and the solicitor have given serious consideration to the case of the Canadian Gypsum Company and were of the opinion that it was not possible for the department to take action against the company under The Public Health Act. In their opinion it was a matter for individuals to take personal action against the company for injury to property values.

A shocking kind of statement, Mr. Speaker, when you have had medical doctors, medical officers of health stating that the health of the community was being injured and here you have a responsible official of the department contending that they could take no action under The Public Health Act, and telling the ordinary citizens to take action themselves.

Let me go on. Two years go by. September 23, 1955. The clerk-treasurer of the town of Weston writing to Mr. M. A. Crocker, works manager, Canadian Gypsum Company Limited, Oak Street, Weston—you will have noted that works managers come and works managers go but the pollution goes on forever:

> Dear Mr. Crocker:
>
> At a meeting of the municipal council held on the 19th instant the writer was directed to inform you that individual members of the council had received complaints from citizens at the north end of the town that flakes of wool are still at times being discharged from the stack of your plant and requesting your co-operation in this regard.

Let another year go by, October 23, 1956. The clerk-treasurer. This time a new venture: To the Aid Pollution Control Division, Department of Works, Municipality of Metropolitan Toronto, 20 Eglinton Avenue East, Toronto 12.

> Gentlemen:
>
> For some years the municipal council and the local board of health have received complaints concerning the smoke and fumes emanating from the plant of the Canadian Gypsum Company Limited at No. 21 Oak Street, Weston, and while the company has made major improvements to their equipment the nuisances have not been eliminated. The local board of health at a meeting held on the 17th instant passed a resolution requesting that the smoke abatement division of the department of works, municipality of Metropolitan Toronto, investigate the situation with a view of endeavouring to have conditions rectified.

Accordingly, any assistance that can be rendered will be deeply appreciated by both the municipality and the company.

A couple of years go by. 1958, September 22. Once again another medical doctor, Dr. F. D. Cruikshank, writing to Dr. G. A. Bull, the health officer of the town of Weston:

Dear Mr. Bull:

Re: Canadian Gypsum Company

The smoke from the above company has been particularly annoying for the last 10 days and we feel that the barrage has lasted long enough.

You know that old medieval prayer, "How long, oh Lord, how long?" Well, it lasted long enough, said Dr. Cruikshank.

As you no doubt know, it descends just above Church and Main Streets and is invariably most offensive sometimes during the night. Several times we have been wakened by the smell which recently is stronger than we have noticed for several months. Dr. D. A. and I both feel that this must be extremely harmful to the health of our families and are most anxious that some action to eliminate this hazard be undertaken.

I would appreciate a formal reply to this letter.

Sincerely,
F. D. Cruikshank, MD.

However, we move on. October 2, 1958, and the air pollution control officer comes back into the picture, Mr. H. A. Belyea, writing to G. H. Clarkson, clerk and treasurer of the town of Weston:

Dear Mr. Clarkson:

Replying to your letter of September 24, we would advise you that we have been constantly observing the types and distribution of emissions from the above plant for the past two months to assess the improvements made by the changes which were effected in July.

Unfortunately, the problem still exists and in fact the nuisance is being carried to a greater distance.

I will not read the rest of the letter, it is just part of the weary tale.

Let me go on: 1959, August 13. The clerk-treasurer of the township writing to Mr. Belyea:

Re: Canadian Gypsum Company Limited, 21 Oak Street, Weston:

Dear Sir:

At a meeting of the municipal council held on the 10th instant, individual members of council reported that they had received complaints and had personally experienced a nuisance caused by emissions from the above-noted premises, and the council at that time requested me to obtain, if possible, information on any progress that is being made to correct the situation.

Well, a week later, Mr. Clarkson gets a reply from Mr. Belyea dated August 19.

Dear Mr. Clarkson:

Replying to your letter of the 13th, we would state that we too have received numerous complaints in the last two months of nuisances from the above-mentioned plant. Accordingly, we have instructed the company to take definite and immediate steps to install control equipment and make other changes to eliminate the nuisances.

We are awaiting their reply advising us of the precise action they have taken.

(*Signed*) H. A. Belyea,
Chief Air Pollution Control Officer.

A year later, November 15, 1960, a letter by L. W. Farr, chairman of the medical board of health in the town of Weston to the municipality of Metropolitan Toronto.

Gentlemen:

Pursuant to our recent telephone conversation, I am writing in connection with the situation at the plant of Canadian Gypsum Limited located at 21 Oak Street.

Smoke is constantly being emitted from their stack along with dust or ash which is a continual nuisance to residents in the area. Dr. F. D. Cruikshank, a member of the board, is alarmed at the potential danger to health being caused and his opinion is corroborated by a medical officer of health, Dr. Cameron.

A greater number of our residents will now be affected because of the erection of several large apartment buildings near the plant in question. Many complaints have been received over the years, and although the company has been notified, only limited co-operation has been received from them.

In view of all the circumstances, our board of health respectfully suggests that you take whatever steps are necessary to satisfy yourself of the actual situation and then deal with the company concerned,

using the most effective means at your disposal. The members of the board will co-operate in any way that you might suggest.

Yours very truly,
(*Signed*)
L. B. Farr.

Another year goes by—July 24, 1961. Mr. Belyea is writing to the town of Weston, to the local board of health.

A letter addressed to us by the department of health, town of Weston, dated November 15, 1960, and signed by L. W. Farr, chairman, indicates that Dr. F. D. Cruikshank is alarmed about the potential danger to health being caused.

It goes on to state that members of the board will co-operate with this department in any way we suggest. We would like to ask if the board of health has made a survey of the health aspects in the vicinity of the plant to ascertain the nature and number of persons having chronic or other effects. If such a survey is contemplated, it is possible that the board can get the assistance of the industrial hygiene division of the Ontario Department of Health, which has undertaken somewhat similar air pollution health surveys in other municipalities.

It is our opinion that unless drastic action is taken by the company, there will continue to be a number of complaints. As complaints of health effects constitute a large percentage of all complaints, it seems apparent that all evidence of this nature that can be obtained is necessary to force the company to act. Any assistance you can provide in this way would be greatly appreciated.

(*Signed*) H. A. Belyea,
Chief Engineer, Air Pollution Control.

Control! One wonders. Well, let me go on.

October 29, 1963—we are getting closer to the present time, Mr. Speaker—a letter from Mr. Belyea, once again, to the Canadian Gypsum Company.

We thank you for your letter dated October 24 concerning a complaint about fumes from the slag deposits in your yard. Your description is most plausible and we trust that with a concerted effort no further complaints will be received in this connection.

A copy of your letter is being mailed to Mr. Clarkson for his information.

The discharge of rock wool from the brick stack serving the rock wool blow room processes is still a matter of grave concern—

And on the letter goes with what now had become a rather familiar complaint.

Well, in the same year—and it is too bad that the hon. member for Don Mills (Mr. Randall) is not here—in the same year, a letter by the clerk-treasurer of the town of Weston to Mr. H. A. Belyea, chief engineer, air pollution control, regarding Canadian Gypsum; I will read the last paragraph:

The council, after considering the recommendation, adopted the following resolution:

Resolved that this council hereby adopts the recommendation made by the local board of health of the town of Weston and requests the smoke abatement division, department of works, municipality of Metropolitan Toronto to close the plant of the Canadian Gypsum Company Limited on Oak Street if the conditions caused by the emission from the stacks of its buildings are not corrected by August 15, 1963, and that the plant remain closed until such conditions are remedied.

(*Signed*) Mr. Clarkson,
Clerk-Treasurer.

**Mr. J. E. Stokes** (Thunder Bay): Does the member for Wellington-Dufferin (Mr. Root) hear that?

**Mr. MacDonald:** October 25, 1963; from the clerk-treasurer to Messrs. Heakes and MacDonald, barristers, 1923 Weston Road, Weston, Ontario,

Re: Canadian Gypsum Company Limited, 21 Oak Street.

Gentlemen:

Since as far back as 1947—

I assume he became clerk-treasurer in 1947, because obviously it was a little further back than 1947—however:

Since as far back as 1947 the municipal council and the local board of health have made repeated requests to the Canadian Gypsum Company Limited that it eliminate nuisances and annoyances caused by the emission of mineral wool, of noxious gases and smoke from the stacks of its plant.

Since 1956 such representations have been made through the air pollution control division, department of works, municipality of

Metropolitan Toronto, which assumed responsibility for the control of such nuisances in 1956.

There is no doubt that the company has attempted to improve conditions, but such attempts have not produced the desired results, and the council has requested that I obtain an opinion from you as to whether or not the town of Weston or the municipality of Metropolitan Toronto has authority to force the company to cease operations until conditions are rectified.

An early reply would be appreciated.

Yours truly,
G. H. Clarkson.

July 11, 1968: a letter to Mrs. G. H. Devries, 48 Lamont Avenue, Toronto, Ontario.

Dear Mrs. Devries:

I am advised by my executive assistant, Dr. G. Hyland, that you have been in touch with my department regarding an air pollution problem in your neighbourhood. Let me assure you that I am taking this matter up with my staff and will attempt to reach a satisfactory solution. Thank you for bringing the matter to my attention.

Yours truly,
M. B. Dymond, MD,
Minister of Health.

After nearly 30 years. October 6, 1960, to Mrs. G. Devries. She is a persistent woman; she is still alive despite the pollution. This time she has written to the current minister and he is replying.

Dear Mrs. Devries:

Re: Canadian Gypsum Company, 21 Oak Street. Thank you for your letter of September 10 outlining your difficulties with the air pollution from Canadian Gypsum. I have reviewed the history of this air pollution problem with the air management branch and can understand your loss of patience with the situation. By the time you receive this letter it is expected that the situation will at long last be under control.

The delay in controlling this particular source was not due to lack of attention by the air management branch or lack of co-operation from the company. Three separate approaches have been made to control this source and the list of malfunctions and other problems reads like a script from a soap opera. The air management branch are confident that the newly installed method of control will be successful.

The letter goes on with another paragraph or so; then: "George A. Kerr, QC. 1970."

Interjection by an hon. member.

Mr. MacDonald: Not 1960, 1970.

And, as a matter of fact about two months after that, on December 23, as a little Christmas present, the minister wrote another letter, obviously in reply to the same Mrs. Thelma Devries, of 48 Lamont Avenue, Weston. They not only survive, but they have fighting capacities out in Weston.

Dear Madam:

Re: Canadian Gypsum Company, 21 Oak Street, Weston, Ontario.

Your letter with the attached clipping concerning the Canadian Gypsum Company, 21 Oak Street, is acknowledged. First, let me assure you that the air management branch have in no way coddled this firm; and in fact both the company and officers of my department have expended considerable time, effort and money to effect a solution.

However, the problems connected with this company's operation have proved to be unusually difficult to solve. Comparable plants outside Canada have encountered similar difficulties.

Abatement work under The Air Pollution Control Act, 1967, began in 1968, when the air management branch of my department assumed responsibility. The first step was the installation of control equipment for particulate matter in 1969. This equipment was expected to be most effective. However, unforeseen breakdowns of the filtering medium have occurred. Modifications have been made and a regular inspection and maintenance schedule is now in effect to ensure that the equipment will work to the best effect. Two years of testing and engineering work were required to solve the odour problem.

What we believe to be a practical solution was found in the fall of 1969. It has taken about a year to design, manufacture, deliver and install the necessary equipment. When the size and complexity is considered this is not an unreasonable time. Unfortunately, after installation it was found that modifications were necessary to ensure satisfactory operation at all times. This work should be completed in the very near future.

You may be assured that we are fully aware of the situation and are closely following the progress of the modification work. I appreciate your interest in the air pollution control and regret that an early solution to this problem is not possible.

Yours very truly,
George A. Kerr, QC

Well, Mr. Speaker, do you know what happened? After 32 years, the government began to issue ministerial orders last fall. It has been obvious down through the years that this company was not playing the game—had no intention of playing the game. They had led everybody from the ministers of the Crown to air pollution officers to local council and everybody—they just led them a merry chase. Finally the minister issued orders and need he be surprised. By March of this year, I began to query him. The orders had not been lived up to. Well, there was no alternative, I suppose. The department ultimately had to move, so they sued the company. They brought them into court and on June 28, 1971, over 30 years from the first complaint of the local citizenry, they were brought into court and, God help us, they were fined $1,000. The excuse of the judge and the excuse of the minister was: "It was a first offence." A first offence! Well, let me be fair with the minister, there are two other charges—

**Mr. Gisborn:** There are 35 cases like that, within 50 miles.

**Mr. MacDonald:** There are two other charges coming up on August 9 and the minister, though a lawyer, presumed to guess what the judgement might be and said that since it was not a first offence, it was possible—maybe I should go back and examine his wording. I do not know whether he said flatly that they would likely be fined the maximum fine. Suppose they are fined the maximum fine, $5,000; on two charges, $10,000; $10,000 plus the one they have been fined now, $11,000 as a licence to pollute, Mr. Speaker. Where do we go from here? Where do we go from here?

I am back to the bill. I have drawn your attention to the fact that in the bill there is nothing that states that it is an offence to pollute. It is a prohibition that you should not pollute, and only after there has been some violation of that prohibition does the laboured, laborious, lumbering machinery—excluding the citizenry who have been involved for 32 years in the instance I have just given you; they are going to be excluded—only then do you come up with regulations, and if perchance they violate the regulations they may be brought into court, and if they are brought into court they may be fined.

You remember what happened a few months ago, Mr. Speaker. A few months ago it was individual citizens who began to take action—though I think the department took it over after that—against KVP or their successors up in Espanola. And what were the number of fines? Four fines?

**Mr. E. W. Martel** (Sudbury East): Four. A thousand bucks each.

**Mr. MacDonald:** A thousand bucks each of four fines. And the judge made the comment that they could have been fined 50 times if the evidence had been brought in. But we know the problem. The problem is to get the evidence that will stand up in court. Mr. Speaker, this is not an effective way to deal with pollution.

The main import of my comments and my taking the time is to draw attention to the fact that the minister has said, on what I describe as the traditional kinds of pollution—air and water and soil—on air pollution we are living with the old regulations. Plus ça change, plus c'est la même chose—nothing has changed.

**Mr. J. Renwick** (Riverdale): Did the Minister of Trade and Development get that?

**Hon. A. Grossman** (Minister of Trade and Development): Showoff.

**Mr. J. Renwick:** No showoff.

**Mr. MacDonald:** The minister has said so. And I raise the instance of my own constitutents—very rarely do I raise instances specifically in my own constituency—I raise it not only because this is an unconscionable kind of situation, but it is a situation which is duplicated in literally hundreds of thousands of places across the Province of Ontario.

Now what does this bill do to suggest to us that the situation is going to change? Mr. Speaker, there is nothing in this bill to suggest that the situation is going to change.

The Prime Minister when he introduced these bills with that little political trumpeting, that flourish of his trumpet, said: "These two companion bills assure our people, including our children, a high standard of air, soil and water quality." Mr. Speaker, they do nothing of the kind. There is nothing in this bill that is going to give us any more assurance of a higher quality of air, water

and soil than we have had in the past. The reason, why, presumably this bill was brought in was because the experience in the past was not good enough. And, heaven knows, do you need any more documentation than the weary tale that I put on the record here tonight?

The Prime Minister went one step further, and he said: "We shall have within our province the legislative authority to prevent abuses of our natural environs." Mr. Speaker, we have no such legislative authority. The bill which the minister has brought in has prohibitions; it has no offence. It is not an offence to pollute in the Province of Ontario.

**Hon. Mr. Kerr:** Read the definitions.

**Mr. MacDonald:** It is a prohibition until you get into the regulations in this whole laborious procedure.

**Hon. Mr. Kerr:** That is 102, section 102.

**Mr. MacDonald:** Well, Mr. Speaker, I think that in one of his comments when he assessed this bill Harold Greer was pretty close to the mark. His article was entitled, "Ecology Bill Potential Bureaucratic Nightmare." That is what it is, and in one paragraph he adds toward the close:

> It is, however, an unavoidable nightmare as long as government refuses to take the one step which can get to the heart of the pollution problem, which is to make polluters liable in civil law for damages to the natural environment. A statutory law which holds persons and corporations responsible for pollution which they cause so that they can be sued for damages instead of simply being liable to a fine in a court would appear to be necessary.

We have a classic example of it at the moment. As a pre-election grandstanding effort the government launches all the charges against Dow. And what is going to happen? It will be in the courts for four, five or six years. Does anybody have any doubt for a moment that the thing is not going to be taken to the highest court in the land—four or five years with all of the carefully calculated and engineered remands. Meanwhile, is the pollution going to continue? Have you solved it? Where do we go from here?

You see, Mr. Speaker, this legislation is inadequate. It is shockingly inadequate, because it is more of the same in the areas where we will be living with the old regulations. That is the reason why we are going to oppose the legislation. We shall present a reasoned amendment as to why. My colleagues will detail that reasoned amendment more fully and we shall vote against it on second reading.

This legislation as much as anything else—and heavens knows we have had many other instances—gives conclusive evidence as to why this government has forfeited its right to govern. All we have got to do is to get the people to say so at a very early date.

**An hon. member:** That is all.

**Mr. Speaker:** The hon. member for Sandwich-Riverside.

**Mr. F. A. Burr** (Sandwich-Riverside): Mr. Speaker—

Interjections by hon. members.

**Mr. J. Renwick:** Does the minister want to withdraw the bill now? We want to give him the opportunity.

**Hon. Mr. Kerr:** No. Good bill. Just read it.

**Mr. Martel:** Good for what?

**Mr. Ferrier:** Good for the polluters.

**Mr. Burr:** Mr. Speaker, my first reaction to The Environmental Protection Act, 1971, was one of satisfaction, especially when I had heard the Prime Minister—

**Hon. Mr. Kerr:** See!

**Mr. Burr:** —announce that "this bill includes provision for new programmes dealing with noise, heat, radioactivity and litter." Unfortunately, when I worked through the bill I found no programmes at all. The key word was "provisions." This bill makes "provisions for programmes." It is merely enabling legislation enabling the government to make regulations for the newly discovered fields of concern, pollution by noise, heat, radioactivity and litter.

Just what these regulations will be of course we are not told. There are as yet no programmes. The bill merely makes undefined provisions for such programmes. We are merely being asked to give the government carte blanche to devise programmes and establish regulations without further reference to the Legislature. The bill will encourage the trend toward government by regulation instead of government by legislation or statute.

Just recently we have had an example of this in The Department of Health. At the end of June, apartment tenants, hotel and

motel guests, suddenly found that the swimming pools upon which they depended for relief during the heat wave, had become unavailable to them. The owners of these establishments had become aware of a provincial Department of Health regulation requiring the presence of lifeguards. For financial reasons, probably in some cases justifiable, some apartments, hotel and motel owners closed their pools. MPPs were bombarded with phone calls from tenants and guests angrily wanting to know who had made these rules.

The regulation arose from a civil service decision. It should have been debated in the Legislature where alternative safety measures could have been suggested, discussed and worked out.

For example, pool safety responsibility might have been assigned to a tenant swimming club or, in the case of motels some type of supervision might have been worked out other than that supplied by a lifeguard. Since I prepared these remarks, Mr. Speaker, this regulation has been revised and modified, but it is an example of government by regulation instead of government by statute.

If I may take the liberty of referring to the opinions of Chief Justice McRuer, I should like to remind the hon. members that he fervently opposed the kind of vague legislation present in this bill, which merely adumbrates the government's intentions and leaves the real programme, with all its details, not to mention important principles, to be drafted at a later date by the civil service. This is a dangerous drift from democracy.

One of the chapters, or, as the bill calls them, modules, that turned out to be particularly disappointing is the one on herbicides and pesticides, known as part 6. Despite all the discussion over the past few years in the media and in this House about the futility of depending on chemical pesticides as a means of improving the quality of the earth's food supply, this bill, The Environmental Protection Act, 1971, gives no hint that in order to protect the environment other methods of pest control must be discovered, developed and put into use in place of a reliance simply on toxic chemicals. Because the latter all too often kill off not only the target pest but also beneficial insects and organisms, including the natural predators that have been keeping the target pests under reasonable control for long periods of time, we simply cannot rely upon the chemicals.

Almost any biologist not employed by or associated with agri-business will tell you that in the long run many pesticides will not turn out to be beneficial to man. In addition to the numerous casualties among farmers and farm workers, including spray pilots, there is cause for concern in the increase in the indiscriminate lethal power of many of these pesticides. A typical situation is the following:

First, because a treated area is often free from natural predators because they have been killed off along with the target pest, pests of the same species are able to move in from outside the treated area and multiply in even greater numbers than before because their natural enemies have been wiped out or greatly reduced, thanks to man's activities with pesticides. The last state is worse than the first.

Second, pests previously quite insignificant become major pests if and when their plant-eating competitors which were previously major pests are successfully eliminated together with their own natural predators by insecticides used by man. Again, the last stage may well be worse than the first.

And third, increasingly intensive use of insecticides hastens the development of resistant strains which in turn provokes the invention and use of more lethal pesticides. They, in turn, cause the development of super-resistant strains of pests.

The Act totally ignores the fact that there is another method of controlling pests, the biological control method, which has many advantages including its lack of injury to the environment which should be the whole purpose of this bill.

Biological control protects the environment and yet there is no suggestion that this is one of the programmes for which provision is being made in The Environmental Protection Act, 1971. Francis Lawson, the retiring director of The United States Department of Agriculture's biological control of insects research laboratory in Columbia, Missouri, asserts:

> On a world-wide basis, a concentrated research effort on five crops that supply 80 per cent of the world's calories and proteins, namely, wheat, corn, rice, barley and oats, might result in non-insecticidal controls for most of the major pests, which number only 12 or so, in five to 10 years. But the cotton growers of Nicaragua, Guatemala, Mexico and Texas and the growers of cabbage, collards and other cole crops, do not have five or 10 years. They already have suffered disaster or now are facing it.

He was referring, Mr. Speaker, to the cabbage loopers in Missouri, which could not be controlled even by applications of insecticides every other day. He was referring also to super-pest strains of the tobacco budworm, which have threatened the cotton fields.

In 1967 this pest caused 700,000 acres of cotton farmlands to be abandoned in Mexico and in 1970, last year, the same pest ruined 75,000 acres of cotton in Texas, despite many repeated applications of powerful organic phosphorus and, the most toxic of all, carbamate insecticides.

Yet this environmental protection Act speaks only of giving permits and licences to those who use herbicides and pesticides. There is no hint or suggestion that there is any programme, or any intention, to reduce the amount of poisonous pesticides we are adding annually to the air, soil and water of this province.

Perhaps this is not surprising because the Ontario Department of Agriculture is doing absolutely no work on biological control as an alternative, or even as a supplement to the use of pesticides. Although there is about 200 agricultural researchers associated with the provincial Department of Agriculture, no research of this kind is being done.

When I inquired about this in the agricultural estimates a year or so ago, I was told that this phase of agricultural research is left by agreement to the federal Department of Agriculture. Francis Lawson points out:

> We have always gone from a less toxic to a more toxic compound. We went from DDT to toxaphene, to dieldrin to aldrin to parathon and now to temik, a carbamate compound.

This bill gives no indication that this trend is a matter of any concern to the government in protecting the environment. Lawson also says:

> Any biological control specialist will tell you that when biological control of pests works it works so well that it is almost the ideal system.

Yet the bill does not even hint that biological controls are in the government's mind. It may be, of course, Mr. Speaker, that it is the minister's intention that the environmental council, for which this Act makes provision, will come forward with recommendations such as I have indicated for non-insecticidal control of pests. And yet when I look at the functions of the proposed environmental council I found only two, (a) to advise the minister as to the results of current research related to pollution and the natural environment—and, (b) to advise the minister on such matters as he refers to it. If I interpreted this correctly, the council would have little or no opportunity for initiative. According to the Act, its job is to report on research and advise the minister only on matters the minister refers to it. The council, apparently, will be restricted by the interests and the concerns, be they wide or narrow, enlightened or benighted, of the minister who happens to be in office at any given time. There should be a clause permitting the council to make recommendations on ecological matters of which the minister may not be aware or in which he may have little interest.

It is true, Mr. Speaker, that the minister has today broadened the scope of the environmental council in his announcement, but not sufficiently. The environmental council should make annual reports on the state of the natural environment. It should also have the right, indeed the obligation, to make public its findings and its recommendations. Even with the minister's amendment, the environmental council will not be an adequate force in protecting our environment.

Let me refer briefly to Sevin or Carbaryl, an insecticide that is now gradually replacing DDT. There are dozens of cases in which Sevin has been reported to upset natural control systems, resulting either in the resurgence of the target pest or in outbreaks of other pests. A spray programme aimed at one species is very likely to upset an effective control system for at least one other species. Yet when I read part VI of this Act, "Herbicides and Pesticides," and when I look at the kind of regulations that will govern part VI, I see no suggestion whatsoever that the minister is not wedded to, or perhaps is resigned to, the futile attempt to control agricultural pests by exclusive use of ever more toxic synthetic chemicals. I see no provision in the bill for the proposed environmental council to enlighten the minister on this subject.

My idea of an environmental council or an ecological advisory board is one that would be independent and would enable the minister to be made aware of all the ramifications of programmes that have an effect upon the ecosystems and to make recommendations arising from "the result of current research related to pollution in the natural environment"—not merely to report to the minister.

As I see the environmental council proposed by this bill, it will be little more than

a branch of the civil service. As I have indicated before, the bill does not hint at any programme for integrated pest control, which is based on a many-pronged attack on any given pest. This includes baiting, sterilization of males, the planting of occasional rows of crops that the target pest find repellent and other sophisticated biological devices as well as a moderate and selective use of less toxic chemicals.

In the bill I find a clause, 92, in which a person may complain that a "contaminant is causing or has caused injury or damage to livestock or to crops, trees or other vegetation which may result in economic loss." He is then given 14 days after the injury or damage becomes apparent in which to request the minister to conduct an investigation. The minister "may cause an investigation to be made and a report prepared of the findings of the investigation."

It may be, Mr. Speaker, that a farmer loses some livestock through some mysterious ailment, which is eventually diagnosed, perhaps a year later, as a result of some type of air pollution. In such a case, the damage would become apparent one year before the cause was known. Is the polluter no longer liable just because the 14-day period has passed? Is the polluter home free? Shall we find out only when the regulations have been drafted?

The minister may recall the illegal spraying of radish crops in the Point Pelee area, which took place by an unlicensed aerial spraying company. The offence took place in 1969, was brought to light two years later by the member for Essex South (Mr. Paterson). Unfortunately, a six-month statute of limitations under The Pesticides Act prevented the government from laying any charges.

If dangerous chemicals are to be properly controlled for the protection of the environment apparently six months is not a sufficient time in which the present government can detect, investigate and prosecute such violations of our statutes and regulations.

Neither clause 92 of the Act nor any other, as far as I have been able to discover, permits anyone to complain of injury or damage to oneself or one's family. Livestock and vegetation, yes; human beings, no! Surely an environmental protection Act does not include man as part of the environment? If exclusion of humans is an oversight on the part of the minister, does he intend to rectify it?

**Mr. A. Carruthers** (Durham): Yes, that is right.

**Mr. Burr:** If so, the 14 days limitation after the injury or damage becomes apparent will be of no use whatever because the cause of the damage might not be proved, diagnosed or even suspected until long after it became apparent.

This bill makes no provision for any kind of provincial inventory of pollutants and potential pollutants which are being used or proposed to be used in the manufacturing processes of the province.

Does the minister know how much mercury is being used in this province annually? Where is it being used? How much escapes into the environment? Does the minister know how much cadium is being used in this province annually? Where is it being used? How much escapes into the environment? The same questions could be asked regarding PCBs and other dangerous materials being used by man in various ways.

If the minister does not know what is being used, how much is being used, by whom it is being used, how it is being used, then he has little hope of protecting the environment from these pollutants. The Department of the Environment should have an inventory or an index of all suspect materials which might pose a threat to the natural environment and the health and comfort of human beings.

The Japanese government has amended its environmental legislation in clear, bold terms that put Ontario's Environmental Protection Act to shame. First of all, the Japanese government made it clear that the protection of human health and the preservation of the environment now has priority.

This has been done by the deletion of a previous stipulation that environmental protection was to be maintained in harmony with the sound development of the nation's economy. In Japan soil pollution has been added to the list of types of pollution. This entails legislation aimed at such heavy metals as cadium.

A special law has been passed to punish acts of environmental pollution harmful to human health. Prison terms for polluters and heavy fines are provided for what are termed intentional crimes. Technical standards have been established for the transportation, storage and handling of dangerous drugs and other poisonous substances.

Japan's air pollution Act has been revised. Previously substances to be controlled were only tin, sulphurous oxides, powder and dust in factory smoke. Now it includes cadmium, lead, chlorine, hydrogen fluoride and other certain noxious substances.

By contrast, this Environmental Protection Act, 1971, has no separate chapter or part devoted to air pollution. We have separate chapters for water; separate chapters for litter; waste management; herbicides and pesticides; as well as for private sewage disposal systems.

There is no separate chapter for air pollution. Although The Air Pollution Control Act 1967 has been repealed, it disappears into part 3. Motors and Motor Vehicles, and into the general provisions, known as part 2.

In the process, air pollution control has been weakened, as one of my colleagues will demonstrate in some detail.

Clause 92, as I mentioned a short time ago, permits a person to complain that a contaminant is causing, or has caused, injury or damage to livestock or vegetation, resulting in economic loss.

How does a person complain effectively about a contaminant that offends, if not actually damages human beings? I find no provision in the Act for an individual to seek compensation from a polluter for damage to human health. In fact, whoever drafted this Act had no philosophy of people participation, social involvement or public responsibility.

In the discussions that took place in Ottawa on the federal air pollution legislation, I find a similar disregard for the role that individuals should be entitled to play.

On June 21, 1971, Mr. Randolph Harding, MP for Kootenay West, introduced the following amendment:

> If any six persons lodge a complaint with the Minister of Justice alleging a violation under the Act the minister shall take appropriate steps and investigate the complaint and shall make public the results of the investigation. If, after such an investigation, it appears on reasonable grounds that an offence has been committed under this Act, the minister shall take appropriate legal action.

Mr. J. Renwick: A New Democrat Party member.

Mr. Burr: This kind of legislation, I submit, Mr. Speaker, would limit the discretionary powers now contemplated by the minister in the bill before us.

The principle of this bill seems to be to give the minister supreme power to control or permit pollution and to exclude the public, (a) from information, (b) from participation in making decisions when new sources of pollution or potential pollution are being established, (c) from initiating action to obtain compensation for damage to human health or well being and, (d) from seeking individual action against the polluter who is allowed, under clause 102, section 3, immunity from prosecution if he has obtained the minister's approval.

Now that, of course, that last one was deleted today. Expressed in other words—well I had better skip that because the minister has deleted that one.

But this bill allows the polluter to hide behind the government's skirts and, if a sufficiently weak minister happens to be in office, the individual is absolutely powerless.

Despite this government's new discovery that people are important, there is absolutely no indication that the minister, or those who drafted this bill, are persuaded that the individual is really important.

This is not so in jurisdictions such as neighbouring Michigan and Illinois, where an individual citizen can now sue any polluters whether or not they hold a certificate of government approval. There is the court that has the power to say whether the government certificate was justified. Moreover, the individual private citizen need not prove personal injury, just injury to the environment.

By contrast, under this bill, the citizen in Ontario must suffer economic loss, not personal or physical injury. He must get approval from the Minister—oh, that has now been deleted.

Mr. P. D. Lawlor (Lakeshore): Why does the minister not allow these individual representatives action like the Americans do? Why does he not learn a little from them? I am going to have to make a speech here tonight if he does not answer quickly.

Mr. Burr: As our reasoned amendment asks, this bill should be redrafted with adequate provisions made for citizen involvement in the determination and enforcement of environmental standards, either as individuals or collectively through municipal councils, including provision for public notice and public hearings.

The minister's power of veto has been deleted. I had here, "It must be deleted". Of

course, it was deleted, Mr. Speaker, after our reasoned amendment became public, and perhaps we can take some credit for drawing this weakness—

**Hon. Mr. Kerr:** What?

**Mr. Lawlor:** We take all the credit.

**Mr. Martel:** Do not be bashful.

**Mr. Burr:** —to the minister's attention.

**Mr. Lawlor:** Why did the minister not draw it up the way we did then if he is so smart?

**Mr. Burr:** I will read what I had written previously. "The minister's power of veto in clause 102, section 3, must be deleted." It is my belief that it was this very power of veto exercised by a previous minister, who shall be nameless, that set back the control of water pollution in this province for many years. In fact, I understand that it almost demoralized the OWRC. The whole principle or philosophy of this bill is that the public should trust the minister to protect the environment. "Let me fight the battle alone," he says. "I do not need your help." It is not exactly a "public be damned" attitude, it is rather one of "Let the public be quiet, I will take care of you. Trust me."

**Mr. Martel:** Good old George.

**Mr. Burr:** Let George do it.

This bill authorizes too much and promises too little. I have been pointing out for some years now, first, that polluters do not act until government puts the pressure on them. Secondly, that governments do not act until the public puts the pressure on them. The effect of this bill will be to curtail public participation. Therefore, without public participation, public interest, public responsibility, public initiative, public pressure, the fight to protect the environment may well be doomed.

**Hon. Mr. Kerr:** It does not exclude that, by regulation.

**Mr. Burr:** Well, it certainly seems to. We ask, Mr. Speaker, that this bill be withdrawn and brought back with the changes we have suggested in our reasoned amendment, which reads as follows:

> I move, seconded by the member for Sudbury East, that the motion for second reading of Bill 94, intituled, An Act to protect the Natural Environment, be amended by deleting all the words after "that" and substituting the words:
>
> "This bill be not now read a second time but be referred to the government with instructions to bring back the following changes, namely:
>
> "(a) that adequate provision be made for citizen involvement in the determination and enforcement of environmental standards, either as individuals or collectively through municipal councils, including provision for public notice and public hearings;
>
> "(b) that the sweeping powers given to the Lieutenant-Governor-in-Council to issue regulations, and the discretionary powers given to the minister to issue approvals, industrial plans and exemptions from the regulations, be transferred to an independent environmental control board similar to the Ontario Municipal Board, and that it be required to hold public hearings and call expert witnesses as well as hear ordinary citizens before issuing any regulations, orders or approvals, such body to replace the environmental council provided in the bill;
>
> "(c) that more adequate appeal procedures be established, including the right of third parties to appeal orders, approvals and compensation awards and that the minister's power to veto prosecutions be removed;
>
> "(d) that provision for private initiative in seeking compensation for damage to human health be included along with the provision for compensation for economic loss; and
>
> "(e) that the Ontario Water Resources Commission be brought fully within the ambit of the bill and the legislation governing it become part of the bill."

**Mr. Martel:** Hear, hear!

**Mr. Speaker:** Mr. Burr has moved, seconded by Mr. Martel, that the motion for second reading of Bill 94, intituled An Act to protect the Natural Environment, be amended by deleting all the words after "that," and substituting the words,

> This bill be not now read a second time but be referred to the government with instructions to bring back the bill with the following changes, namely,
>
> (a) that adequate provision be made for citizen involvement in the determination and enforcement of environmental standards, either as individuals or collectively

through municipal councils, including provisions for public notice and public hearings;

(b) that the sweeping powers given to the Lieutenant-Governor-in-Council to issue regulations, and the discretionary powers given to the minister to issue approvals of industrial plans and exemptions from the regulations, be transferred to an independent environmental control board, similar to the Ontario Municipal Board, and that it be required to hold public hearings and call expert witnesses, as well as hear ordinary citizens before issuing any regulations, orders or approvals, such body to replace the environmental council provided in the bill;

(c) that more adequate appeal procedures be established including the right of third parties to appeal orders, approvals and compensation awards and that the minister's power to veto prosecutions be removed;

(d) that provision for private initiative in seeking compensation for damage to human health be included with the provisions for compensation for economic loss; and

(e) that the Ontario Water Resources Commission be brought fully within the ambit of the bill and the legislation governing it become part of the bill.

The hon. member for Huron-Bruce.

**Mr. T. P. Reid:** The whole bill should be withdrawn.

**Mr. M. Gaunt** (Huron-Bruce): Thank you, Mr. Speaker. This bill, Bill 94, is probably the most written-about piece of legislation in recent months. The minister has had a number of write-ups.

It has been heralded at times in the newspapers as an environmental Act embracing all of those things that people have been talking about, insofar as controlling air, water and noise pollution is concerned and dealing with those problems in what many news reporters thought would be very adequate terms. In that context, the bill is certainly a disappointment. It is a disappointment to us on this side of the House who had expected much more from the minister.

It is a skeleton bill. The real powers of the bill lie in the fact that the minister can do the things he feels like doing under the regulations. We do not know what those regulations are going to be. We do not know how far they are going to extend. We do not know, really, how seriously the government is going to tackle the whole problem.

**Hon. Mr. Kerr:** Most of them exist right now.

**Mr. Gaunt:** Most of the—?

**Hon. Mr. Kerr:** The regulations.

**Mr. Gaunt:** Well, there are some transfers. It is a collection from various other branches. They have been brought together in the bill and there are some regulations that do prevail. The minister is quite right, but there are some sections, particularly the litter section, where we do not know what is going to happen. There is no guarantee where the minister is going to move, nor how far he is going to move.

I want to deal with the situation which has been particularly irritating to many citizens in the part of the country from which I come, specifically, citizens along the Maitland River.

The minister was good enough to grant a hearing to some of these people who put their problem before him. It is a serious problem. It involves the pollution of a very beautiful river, and I want to put the whole problem in the context of viewing it presently and viewing it after the passage of this bill.

As I understand it, there is a present construction programme having to do with the extension and the expansion of the sewage lagoon facilities at the Listowel sewage plant. These expansion plans, when completed, will mean that that lagoon will be able to handle the effluent coming into it for a period of some three years. It is suggested that it will be adequate until 1974. The lagoon is utilized, approximately 30 per cent by the town of Listowel, and approximately 70 per cent by the Campbell Soup Company, which has its plant just outside of Listowel.

What happened this spring was the fact that one of those cells in the existing lagoon was opened and was dumped directly into the Maitland river. Interestingly enough, that lagoon is owned and operated by the OWRC and they sanctioned this. They gave their approval to this action. The officials of that body authorized the drainage of the one cell. One official at a public meeting held not too long ago admitted that perhaps it was not necessary, that it could have been done without the drainage of that one cell into the river. That may be so, I do not

know. But in any case it was drained and it has caused some very serious problems along that river. Under the bill, as I understand it, individual citizens will now be able to sue OWRC. They will be able to bring them into court and, if the evidence is strongly presented and available, they will be able to get a conviction against OWRC.

**Hon. Mr. Kerr:** Right. Citizen participation.

**Mr. Gaunt:** That part is citizen participation, but the fact is that the onus will be on the citizens to come up with the evidence, and the weight of expertise is obviously on the side of the government body. So it is going to be very difficult, under those circumstances, for any citizen or group of citizens actually to stack their knowledge and their intelligence and their evidence against people who are dealing with these problems all the time and who have the machinery and equipment and manpower to collect the evidence and perhaps refute any evidence that may be presented by the citizens.

In any case, be that as it may, I just want to make the point that I find something very inconsistent about the fact that the lagoon in this instance is owned by OWRC. If, in fact, there is an action which could be considered an action for polluting undertaken against OWRC, it is going to be very difficult actually to get that conviction as far as an individual citizen is concerned. Now the minister may disagree with me, but I find it somewhat of a paradox really that OWRC is an agency designed to enforce and, where possible, prevent pollution. And yet in this instance the commission was the very body that caused the pollution. I find that somewhat inconsistent and really hard to reconcile.

**Hon. Mr. Kerr:** Some of those cattle along the Maitland help.

**Mr. Gaunt:** Well, the minister says some of those cattle along the river are causing the problem, and I cannot disagree with that. But I think the main burden of the pollution resides with OWRC in the fact that they opened that cell and dumped it into the Maitland River this spring.

**Mr. Martel:** Yes, they ate all the vegetation.

**Mr. Gaunt:** Interestingly enough, when the OWRC were dealing with this matter, back in 1968 they rejected the offer of the Campbell Soup plant, who were prepared at that time to immediately pay the full share of their improvements to the lagoon, and OWRC rejected it at that time because the town of Listowel apparently was not prepared to go ahead.

**Hon. Mr. Kerr:** They withdrew their offer.

**Mr. Gaunt:** Well, I just want to make the point, Mr. Speaker, that under this bill, as far as I am concerned I really cannot see that it will make all that much difference applying it against the problem which I just described, other than the fact that citizens or citizens' group will be able to undertake legal action against OWRC, if in fact they pollute and it can be proved that they have polluted.

I underline again that the conditions presented there certainly weigh in favour of the commission, because I think it is going to be very difficult for citizens to get a conviction under those circumstances.

I want to talk a little bit about the litter sections of the bill because, as the minister knows, I have been particularly interested in this problem for the past number of months and—

**Mr. R. F. Nixon** (Leader of the Opposition): He is in the forefront, with all the progressive ideas in that area.

**An hon. member:** Hear, hear.

**Mr. V. M. Singer** (Downsview): If only the minister would listen.

**Mr. Gaunt:** I read—

**Hon. Mr. Kerr:** Pass this bill! Do it tomorrow!

**Mr. Gaunt:** I read the—

**Hon. Mr. Kerr:** No more non-returnable bottles. Just get this bill through.

**Mr. Gaunt:** Well, I hope that is a promise, Mr. Speaker. I hope that is a promise and a firm commitment on the part of the minister—

**Hon. Mr. Kerr:** Tomorrow's headlines!

**Mr. Gaunt:** —that if this bill goes through—

**Mr. Nixon:** Pound the desk and say, "No more non-returnable bottles.

**Hon. Mr. Kerr:** Those regulations are rather tough.

**Mr. Gaunt:** The minister's comment about this bill insofar as the non-returnable bottles are concerned is very interesting. I would almost reconsider my position on the bill, Mr. Speaker, if the minister would give me an understanding that as soon as this bill were passed he would be prepared to undertake the banning of non-returnable bottles. I would certainly have to reconsider my position under those circumstances, and if the minister is prepared to make that commitment, then I am prepared to sit down. But barring that, I want to make some comments with respect to the litter section—

**An hon. member:** I had better not even pick my nose.

**Mr. Gaunt:** The litter section has six sections. The regulations part dealing with the litter sections embraces two, four, six, eight parts. Really, that is all there is to it, with the exception that the minister may, under section 3(e) and (f), undertake some type of programme having to do with education insofar as litter and littering is concerned.

The member for Rainy River indicated that the definition of litter is a rather curious one. I found it so as well, but perhaps the minister and those who were responsible for drafting the bill had good and sufficient reasons for so defining it. I do not know.

Obviously there has been a great increase in littering, and the occurrence is bound to continue unless we are prepared to do something to curb it. Some of the reasons, of course are obvious, and I think they were pointed out in the report in the recommendations of the Littering Control Council of Ontario, and I do want to pay tribute to the minister for setting up that committee.

Obviously the recommendations were very limited in their usefulness and their value, however it did provide, I am sure, some background for the minister and for the people in his department to move into some of these areas which are causing them particular problems.

Littering, I think, has seen a great increase simply because of the increased affluence of our society. The fact that people travel more and they travel further than they used to, this has lent itself to increased littering, certainly opportunities for increased littering. The fact that there has been a great increase in the separate single-use packaging, the one-way packaging, so-called, where you use it and you throw it away. There has not been adequate numbers of receptacles placed in our parks and in the areas where people move around and enjoy the out-of-doors.

Finally, I think there is the general indifference of the public. Certainly, until recently, I think there has been a shift in that feeling and that attitude but it has been recent and up until then I think people had the feeling, by and large—there are always exceptions of course—that we had lots of land, lots of water and what was the point of taking a bottle back to the store when you could throw it away?

**An hon. member:** Smash it up!

**Mr. Singer:** Send them to George Kerr.

**Mr. Gaunt:** It is interesting to note that littering practices actually differ widely between various ages of people. The ages from 21 to 35 actually litter three times more than persons over 50, and nearly twice as much as those in the age bracket of 35 to 49.

Men litter almost twice as much as women. I suppose there is a good reason for that as well because men do spend, by and large, more time going to and from work and they spend more time outdoors, and so the tendency is greater for men to litter as opposed to women.

Then we have the casual litterer, and we have the deliberate litterer; the person who simply, in a very casual way, throws a wrapper of a chocolate bar out the window. Then, on the other hand, we have the person who deliberately and with intent, litters our rivers and lakes, and the landscape.

In my view, I think we can do something with the casual litterer. For the deliberate one, I suppose about the best one can do is to try and prick his conscience every once in a while through educational programmes and what have you.

I think the educational programmes, by and large, will have the greatest impact on the casual litterer; the person who without thinking throws the bottle out the window, or throws the wrapper out the window, and what have you.

That brings me to the educational portion. We have no idea what education programmes the minister has in mind. I think he will note in the report that one of the basic programmes suggested by the Litter Control Council was an education programme. The minister does make reference to it in the

bill, in those sections to which I made reference previously, it says:

> The minister may convene conferences and conduct seminars and educational programmes relating to contaminants, pollution, waste and litter. He may gather, publish and disseminate information relating to contaminants, pollution, waste and litter.

We really do not have any idea what the minister has in mind by way of educational programmes. Is he going to undertake a huge educational programme come next summer to encourage people to stop littering and to think before they litter? I do not know. Maybe the minister does not know. Maybe the department officials have not got this far in their thinking.

I am wondering, because it seems to me that there is a great avenue here and a great field for some good public relations and some foundation work, one might call it, to actually change the thinking and change the emphasis and make people conscious that really this is a heritage which they should not spoil; that our resources of land, water and air, are something very precious to us. And when we destroy them, or when we litter them, we are actually morally hurting our fellow man because we are destroying the possibility that he may have of enjoying the natural resources with which we have been endowed.

**Mr. E. W. Sopha** (Sudbury): And generations to come after us.

**Mr. Gaunt:** And generations to come after us. You are quite right.

Well, Mr. Speaker, I do not want to take up very much more time, but I notice these regulations. The minister "may" make regulations, not "shall." And these regulations include a deposit on any container at time of purchase. He may or may not make that regulation; may or may not designate certain classes of containers as returnable. He may or may not regulate the amount to be paid for the return.

The same applies to prohibiting the use of certain classes of containers, and prescribing the amounts of grants to provide receptacles—I think that last one is a very obvious one. That is a motherhood provision that was mentioned in the report and something with which we all agree. I think it is a good idea to encourage municipalities and so on to provide additional receptacles to take care of the garbage and the litter.

The point I make is that the minister, no matter which course he decides to take, has an open door in this legislation. He can go in any number of directions and can still have a way out under this bill. To that extent it is really pig-in-the-poke legislation because we really do not know what we are dealing with here and we do not—

**Mr. D. M. De Monte** (Dovercourt): They do not know either.

**Mr. Gaunt:** —really have any concept. It is very difficult to read the minister's mind and it is even more difficult to try to figure out what the department people have in mind insofar as these regulations and provisions under the littering section are concerned.

I say to the minister that I hope—I hope against hope—that the minister is not bringing this piece of legislation in to tide him over the election.

**Mr. Singer:** Oh, perish the thought!

**Mr. Sopha:** That is what the minister has in mind.

**Hon. Mr. Kerr:** No!

**Mr. Singer:** Oh, yes!

**Mr. Gaunt:** I hope that the minister—

**Mr. Singer:** The minister says "Trust me" yet!

**Mr. Sopha:** I understand that the minister is in trouble in Halton?

**Mr. L. M. Reilly** (Eglinton): That is a familiar phrase.

**Mr. Nixon:** The member for Eglinton is, too.

**Mr. Singer:** The member for Eglinton is, too.

**Mr. Sopha:** The government members are all in trouble.

**Mr. Gaunt:** I do not want the minister bringing in this legislation and I want to be very serious with him. I do not want the minister, Mr. Speaker, bringing in this legislation before an election and dealing with it in a way so that it means all things to all people; so that every section of the community may say, "We are safe. We are all right. Nothing is going to happen." I hope the minister is not—

**Mr. Singer:** That is the right saying, the last one. Nothing is going to happen.

**Mr. Gaunt:** —doing this for that purpose. I do not attribute motives to him. I always have found him fair and he has been very co-operative with me, Mr. Speaker, but I say to the minister that if that happens—I am afraid to use a farmer phrase—the chickens will eventually come home to roost. I implore the minister to take the action that he is going to take.

I noticed in a press report that he could bring in a regulation almost immediately to ban non-returnable bottles upon the passage of this bill if he wanted to. I do not know whether he intends to do that or whether he intends to raise the deposits. I do not know.

I am saying to the minister that we have serious problems of pollution in this province and I want him to deal with them because he is the only man in that government—he is the one responsible—who can bring in legislation and bring in regulations to cope adequately with some of the things with which we are faced.

On that note I end my remarks because if the minister, in my view, does not take adequate action insofar as some of the things that I have been talking about are concerned, I am going to be on his doorstep continually.

**Mr. Sopha:** Hear, hear!

**Mr. Gaunt:** I do not make that as a threat. I make it as a promise. That is all.

**Mr. Nixon:** The member does not make promises lightly.

**Mr. Speaker:** The member for Sudbury East.

**Mr. Martel:** Mr. Speaker, I heard the members ahead of me speaking and everyone has expressed dismay at the content of the bill. I, for one, do not. I had anticipated a bill of this nature. I think when you deal with that department as frequently as I have had to in the past four years one learns—and I will use some examples in a while to indicate the thinking or the philosophy of the Tory party. I had anticipated a bill of this nature. I think when one deals with that department as frequently as I have had to in the past four years, one learns—and I will use some examples in a while to indicate the thinking or the philosophy of the Tory party—it is ever so evident—

**Mr. Sopha:** I thought Inco was going to get it.

**Mr. Martel:** Well, Elmer, I think I heard the member from Sudbury getting up in dismay in the House about a week ago about the astronauts coming to Sudbury and his great concern.

**Mr. Sopha:** I am kind of sorry about that.

**Mr. Martel:** He expressed great concern about that.

**Mr. Sopha:** I wish the member would not raise that. That was not treated with universal favour at home.

**Mr. Martel:** And in about 12 years in this Legislature, he has not spoken on pollution.

**Mr. Sopha:** Has the member for Sudbury East got an action against Inco in the courts?

**Mr. Martel:** There is an action that was signed—

**Mr. Sopha:** I have one.

**Mr. Martel:** I am not a lawyer, but there was an action I was witness to that was started sometime before the member for Sudbury, I believe, started his. It was sworn on August 18, 1969, in the city of Sudbury, in the district of Sudbury. Was the member for Sudbury there on that occasion?

**Hon. Mr. Kerr:** Falkowski got there sooner.

**Mr. Martel:** That is right. The minister tried to take that power away from him.

**Hon. Mr. Kerr:** No, I did not.

**Mr. Martel:** I know he did. Under section 102, I believe it is, or section 103, the minister tried to take that power back, did he not?

**Hon. Mr. Kerr:** The member suggested that section.

**Mr. Martel:** No, I suggested the minister delete it last Thursday.

**Mr. Sopha:** This is called the Falkowski amendment.

**Hon. Mr. Kerr:** Right, right.

**Mr. Ferrier:** The member for Sudbury is an apologist for Inco.

**Hon. Mr. Kerr:** "Out with Elie."

**Mr. Martel:** I see that the member for Sudbury is playing it safe again—both sides of the fence and both sides of his mouth—

**Hon. Mr. Kerr:** He is a conservationist.

**Mr. Martel:** —which is nothing new.

Interjections by hon. members.

**Mr. Nixon:** He is a direct and honest member of the House.

**Hon. Mr. Kerr:** At least he got motor boats banned on Fairy Lake.

**Mr. Martel:** Well, Mr. Speaker, I had not anticipated much from the bill and I think those expectations were justified as I hear the various members deplore the bill.

**Hon. Mr. Kerr:** This fellow Moreau is going to give you a hard time.

**Mr. Martel:** It is quite justified, and I think if one had watched the government's performance over the last four years, and the window dressing of the Dow Chemical suit, it became very obvious that the government had no real intention of really moving in to resolve—

**Hon. Mr. Kerr:** More convictions than any other jurisdiction in the world.

**Mr. Martel:** Well, we will come to some of the minister's examples—

**Mr. M. Makarchuk** (Brantford): What did the minister do about Algoma Steel? Did he return the papers to the Crown attorney yet?

**Hon. Mr. Kerr:** Little old Ontario.

**Mr. Nixon:** They fine them $25.

**Mr. Martel:** Well, Mr. Speaker, we have seen the window dressing in the past four years. Nothing has changed and the bill is there. I will just give you a prime example, Mr. Speaker—

**An hon. member:** Closing plants left and right.

**Mr. Martel:** —of the items in the bill. On page 24—I just want to cite an example, but I want to quote a little bit of a section first. On page 24, section 84 (2) prohibits an investigation between the hours of darkness or from midnight to dawn.

Do you know, Mr. Speaker, there is an interesting type of pollution that occurs, in the Sudbury area; it is called a fog condition. Every time this occurs it is because the International Nickel Company spills or dumps its boilers. They always do it at night, strangely enough; they dump them at night. This fog condition, which you need police to escort you through, occurs at night. The minister's bill now says that you cannot send someone in to investigate this at night unless he has got an order by a judge to do so. This is the type of bill we have here.

Why should a clause like that even be considered? If we are discussing pollution and our efforts to clear it up, there should be no obstacles in the way. To me, this is just one of the many obstacles that occur in our efforts to really grapple with the problem. I think one of the main deficiencies, Mr. Speaker, was illustrated by the member for York South, when he indicated that whereas it used to be an offence under the OWRC Act and so on to spill, he quoted sections 6 and 15 of this bill where it became just a prohibition.

I do not want to go over what my colleague has already said, but it is now just a prohibition. It is no longer an offence under the terms of the Act, and I want to deal with a couple of cases, Mr. Speaker, if I might, just to illustrate the inactivity, to illustrate how this ties in with the bill, the failure of the government. The first one I would like to put on the record, if I might Mr. Speaker, is one that the minister is not fond of. In fact, he is not fond of it at all.

**Hon. Mr. Kerr:** Oh, the member is noted for repetition. He is going to bore us for another hour.

**Mr. Martel:** Well, this one has not been put on the record in its entirety. It involves the minister's colleague the white knight, Lawrence of Ontario, and the three years or 2½ years of frustration in our efforts to get potable drinking water for the employees of the company. Well, the minister is now asking for some advice, Mr. Speaker. That is fine. But the minister—

**Hon. Mr. Kerr:** My adviser told me to shoot the member.

**Mr. Martel:** —or someone in his staff, there was a ministerial indiscretion—as the Minister of Mines might term it—a ministerial indiscretion, and the minister responsible for this bill wrote me a letter of June 25, a very brief letter, and he said: "I

thought you would be interested in having a copy of the enclosed letter dated June 11 last which I have received recently from the hon. A. B. R. Lawrence, Minister of Health" —one letter, not an entire file, as he tried to indicate to the press he had really given to me, or he tried to lead this House into believing that he had submitted the entire file to me.

**Hon. Mr. Kerr:** So the member let the cat out of the bag!

**Mr. Martel:** Right. I told the minister.

**Hon. Mr. Kerr:** Yes.

**Mr. Martel:** He covered up nicely. I think we may put it on the record now though, Mr. Speaker. The Minister of Health on June 11 had written to the Minister of Energy and Resources Management. It says:

> Dear George:
>
> Re: Inco Potable Water Supply System
>
> This is further to my letter of June 2. The staff of my department are aware of complaints relating to the quality of drinking water not only in the Copper Cliff operations but also in Port Colborne.

I would hope that the member for Port Colborne gets the message that his area is similarly affected by this company. He is probably not aware of it either.

> A meeting has been held with representatives of the Ontario Water Resources Commission. At this meeting it was suggester that further detailed study of the chemical quality of water as well as bacteriological quality be undertaken. It was also suggested that a letter be forwarded to senior officials at Inco in order to apprise them of the government's concern.

The government's concern!

> I am pleased to note that this has been done by Mr. Caverly. The staff of the environmental health services branch will keep in touch with Ontario Water Resources Commission and provide advice on the quality of drinking water in terms of possible health effects. I believe that this is an area where joint co-operation is necessary.

It is interesting, Mr. Speaker, that this was two and one half years later. All types of samples were submitted to the OWRC. A file which I have here, I will not bother to read, Mr. Speaker, but there is the file where the former Minister of Mines (Mr. A. F. Lawrence) and this minister assured Mr. Falkowski and myself over and over again that everything was just fine. Everything was just fine, no problems. We were just being troublemakers and really the water was first rate.

The minister had written a previous letter to this and I am working backwards because it gets interesting as we read some of the letters, Mr. Speaker.

**Mr. Speaker:** Mr. Speaker is still waiting to have the member relate it to the principle of the bill.

**Mr. Martel:** Well, Mr. Speaker, it is quite obvious this bill has not changed a thing, will not change a thing, and if the old bill was ineffective and the provisions under the old OWRC Act which are implemented in here were not adequate—I am just illustrating how, under the terms of the old Act—and we are introducing a new Act with the same type of philosophy as was in the other, we can anticipate no change for the future. We will have the same sort of attack on pollution under this bill as existed under the other bills which were under separate headings in the past.

**Mr. Speaker:** I would agree the hon. member has a good point but he does not need to illustrate it in the manner in which he has been doing.

**Mr. Martel:** Mr. Speaker, other members have gone to great lengths quoting letters here tonight in relation to this bill and I do not see why I should be singled out as the one not being able to do it.

**Hon. Mr. Kerr:** This is the biggest moment of his day.

**Mr. Nixon:** The hon. member for York South went on a bit but he is sort of a senior citizen you know.

**Mr. R. F. Ruston** (Essex Kent): Yes, the hon. member for York South can get away with it!

**Mr. Martel:** Well, that is a possibility but the member who just spoke ahead of me talked about the Maitland area at great lengths, and no one took exception to that.

**Hon. Mr. Kerr:** If the member has nothing to say, let him read his files; that is the best thing to do. Read some newspaper clippings!

**Mr. Martel:** Fine. Has the minister given them the consent?

**Hon. Mr. Kerr:** Give the member some newspaper clippings.

**Mr. Speaker:** Mr. Speaker said that he was waiting for the hon. member to relate it to the principle of the bill and he has done so, as far as I am concerned.

**Mr. Martel:** Well, on June 2, the minister wrote—received—a letter from his colleague, the Minister of—

**Hon. Mr. Kerr:** Lands and Forests (Mr. Brunelle).

**Hon. E. Dunlop** (Minister without Portfolio): It was dealt with under the estimates.

**Mr. Martel:** No, we did not have it at that time. Quoting:

> Thank you for your letter concerning the Inco potable water supply system in Copper Cliff. I have referred the correspondence to my people—

The minister had written the letter to the Minister of Health in a memorandum, May 27:

> During my estimates, Elie Martel, MPP, questioned me regarding the quality of drinking water at the Copper Cliff smelter of Inco. It would appear that there have been complaints regarding the quality of water available at various fountains within the plant and Mr. Martel indicated that the colour of the water was most repulsive and that there had been numerous incidences of gastro-intestinal disorders in Lively, Ontario, because of the use of this supply. I am attaching hereto a copy of a memo from D. S. Caverly, general manager of OWRC regarding this matter. You will note that it is a most unsatisfactory report and that it would appear that little or nothing has been done to correct this situation.

Here is an interesting statement:

> Inco, of course, is more or less noted for its apathy for problems such as this.

That is right at the heart of the bill. If the minister will not get a little more spine than a banana peel has and move against this sort of company, when he admits himself that they have an apathy—

**Mr. Makarchuk:** The minister has no curiosity.

**Mr. Martel:** —what sense is there in having a bill here tonight of this nature, particularly when the minister is reserving for himself the right to use regulations in every place possible?

**Mr. Ferrier:** The government lets the companies push it around.

**Mr. Martel:** Now what kind of nonsense is it?

**Hon. Mr. Kerr:** That has nothing to do with that offence!

**Mr. Martel:** Now, we have it by the minister's own admission that he knows that—

**Hon. Mr. Kerr:** We had a split jurisdiction. Now we will not have it.

**Mr. Martel:** Hurrah. But even with this split jurisdiction the minister has known for a long time—

**Hon. Mr. Kerr:** But it was not my job to do anything.

**Mr. Martel:** —that this company has polluted and I will bring him some more material related to this in a very few moments. We will see again, that if the philosophy of this bill is to be left to the regulatory power of this minister—and this minister, in a letter to the Minister of Health, says "We know they are apathetic to this sort of problem" but he does nothing —what in the world can we anticipate in—

**Mr. Lawlor:** We are losing faith in the minister.

**Mr. Martel:** —cleaning up the pollution problem not only in my area but in the entire province? Please let me know if the minister's department should be involved in the matter. There was an interesting memo, Mr. Speaker, from Gord Hampson, executive assistant to the minister; a very, very interesting memo. It is addressed to the hon. George A. Kerr, QC: "You will recall numerous complaints by Elie Martel, MPP, and Mr. Paul Falkowski—"

I wish the member for Sudbury once in a while would join in these complaints instead of being verbose from his seat.

**Hon. Mr. Kerr:** He does not believe in an ad nauseum approach.

**Mr. Martel:** There he is! I had lost track of the hon. member for Sudbury.

**Mr. Singer:** The member had better not because he has not—

**Mr. Martel:** There is the proof that we have been right all these years and the

member for Sudbury has continually attacked us for trying to make this point.

**Mr. Nixon:** He is going out to Happy Valley to campaign against the member!

**Mr. Martel:** I will repeat that:

> You will recall numerous complaints by Elie Martel, MPP, and Mr. Falkowski, regarding the quality of the water at the Copper Cliff smelter of the International Nickel Company. I have now received the attached report from Dave Caverly which, in fact, admits that everything these gentlemen have been saying is true.

**Mr. Sopha:** It does not affect the—

**Mr. Martel:** The letter goes on:

> You will note, particularly the first paragraph of Mr. Caverly's memo of May 19, which indicates that complaints have been received for two years or more from this area and that there are now medical reports to the effect that here has been an increase in the stomach disorders in the town of Lively since its water system has been connected to the same source of supply.
>
> I am absolutely shocked—

And this is the crunch—

> —to think that all we are apparently doing is requiring Inco to take interim measures to improve the water being distributed in the smelter.

Again I ask the member for Sudbury occasionally to join with us because he represents the same people that I do, the workers of that area, instead of being always on the attack against those who are trying to improve.

**Mr. Sopha:** The smelter is in the member's constituency.

**Mr. Martel:** All right. Many of the people who come to work in the smelter live in Sudbury.

The letter continues:

> You will notice in the second paragraph that Inco has apparently done nothing to proceed with the construction of the water treatment plant to improve the system, although a consulting engineer was hired or retained in 1969.
>
> It is no wonder that the people vote NDP in the Sudbury area.

It is signed, Gordon Hampson.

Mr. Speaker, there is one other letter with respect to this matter.

**Mr. Speaker:** I would draw to the hon. member's attention the provisions of standing order 16(a), subsection 4, in which it says that unnecessary reading from reports or other documents is out of order. I would rule that the hon. member can make his point very well without all this unnecessary reading. I would ask him to make his point without any further reading of letters or documents.

**Mr. Martel:** Then I will paraphrase it, Mr. Speaker. I will paraphrase Mr. Caverly's letter on this matter.

Mr. Caverly had written originally to Gordon Hampson—

**Hon. Mr. Kerr:** Why not just table it?

**Mr. Martel:** No, I would like to see the minister sit there and reflect on these things as I bring them up, because it indicates that for two years he did nothing with respect to this problem.

**Hon. Mr. Kerr:** It was not my problem.

**Mr. Martel:** He sat idly by, he, the Minister of Health and the Minister of Mines, and they could have laid charges under The Mining Act. They could have laid charges but they did not.

**Hon. Mr. Kerr:** So could the member.

**Mr. Martel:** Under the OWRC Act.

**Hon. Mr. Kerr:** Anybody could have.

**Mr. Martel:** The minister sat back on his can.

Interjections by hon. members.

**Hon. Mr. Kerr:** This right that the member talks about for the people, why did they not use it? He talks about people having the rights.

**Mr. H. Peacock** (Windsor West): And that is why the minister is withdrawing it from this bill?

**Hon. Mr. Kerr:** No, it is not being withdrawn from the bill. We are including those rights in this bill.

**Mr. Martel:** The minister made every attempt to withdraw it. It was his original intention. I think the government felt in that great deluge of legislation the last two weeks

that, hopefully, we might just miss this very significant piece, because he knows where it was put in, under the second-last subsection, under miscellaneous, that one cannot lay a charge. Under miscellaneous, so one might just forget about that inconsequential little section. It might slip by. Then the minister would be the policeman. Right.

Mr. Caverly wrote to Gord Hamson and he indicated that the company had retained a consulting engineer in 1969 to look into this problem and to do a preliminary design. This was done, Mr. Speaker.

**Hon. Mr. Kerr:** It has nothing whatsoever to do with the principle of this bill. That is estimate talk.

**Mr. Sopha:** He is rehashing it over.

**Hon. Mr. Kerr:** Yes, he wants to get tomorrow's issue, another edition.

**Mr. Sopha:** He is right. The minister should correct it, but the member does not need to use the time of the House.

**Mr. Martel:** Maybe the member for Sudbury might once in a while get off his seat and defend the people.

**Hon. Mr. Kerr:** Oh, he does twice as much in five minutes as the member does in a day.

**Mr. Peacock:** When he does, he is usually out of order.

**Mr. Martel:** Right.

**Mr. Sopha:** There are some that say I am too verbose.

**Mr. Peacock:** The member for Sudbury has never allowed the Speaker to check him.

**Mr. Martel:** About meaningless things like catching wolves.

**Mr. Sopha:** I did not say it was meaningless. I said it was important.

**Mr. Peacock:** When did the member last allow himself to be checked by the Speaker?

**Mr. Martel:** Mr. Speaker, an agreement was signed in October, 1970, between OWRC and Inco, in October. Since that date nothing has happened, except the minister revealed the other day that some mysterious force was preventing the company from moving ahead with the implementation of the equipment to curtail this problem. Now what mysterious force would it be? Copper Cliff is owned by Inco and Lively is owned by Inco. What mysterious force would be responsible?

**Hon. Mr. Kerr:** Who ever mentioned a mysterious force?

**Mr. Martel:** Possibly I could dig it out. The minister said there was some sort of intervention which would not allow them to go ahead. I asked the minister if he knew what it was, and he said no. I suggested probably the only thing is that New York has not told them yet that they can instal the equipment or have the money to do it. That being the case, a minister of the Crown saying that something is preventing them from moving ahead, is this how we are going to fight pollution, Mr. Speaker, I ask—by the minister accepting from the company that something was stopping them, but he—

**Hon. Mr. Kerr:** We are not accepting that.

**Mr. Martel:** —did not even know what that something was. The minister did not know, and he is going to be the man who is going to clean up pollution in Ontario with that type of attitude.

**Hon. Mr. Kerr:** We are not accepting anything.

**Mr. Martel:** The minister did accept it—

**Hon. Mr. Kerr:** No.

**Mr. Martel:** —because he could not tell us. Tell us tonight what it was that is preventing Inco from installing the equipment? Go ahead, I will yield the floor and he can tell us.

**Hon. Mr. Kerr:** There is not anything. As far as I know there is not anything, I do not know really what the member is talking about.

**Mr. Shulman:** The minister promised to investigate the two burners in Inco's stack for me.

**Mr. Martel:** My colleague will find that section, Mr. Speaker, and I will come back to it, where we will quote to the minister what he said a week ago Tuesday in this House with respect to why the equipment was not being installed. But if the problem is not great enough, Mr. Speaker, and, with your indulgence, it is a tremendous problem in that area, and I have with me, just again to show the type of problem, the pH counts for all of the waters in the Sudbury area.

**Hon. Mr. Kerr:** Completely out of order, this whole bit.

**Mr. Martel:** Again it indicates, Mr. Speaker, that the government has not moved. It has had this material 2½ years and the standard pH level is seven and in many of these bodies of water, we get down to as low as 4, 4½, 4.2, 4.8 and what has the government action been? The lower the number goes the higher the acidity of the water, and what has the minister's department done?

**Mr. L. C. Henderson** (Lambton): The member for Sudbury East is apparently misleading the House.

**Mr. R. J. Boyer** (Muskoka): Besides which he is out of order.

**Mr. Henderson:** He had better go back to school and take up a reading lesson.

**Mr. Martel:** Oh yes. Here is the minister's statement last week—and I am misleading the House again: "There has been an allegation by the company that there was in some way some interference in their attempt to carry out these improvements."

And I said, "One final supplementary; could the minister then indicate who would be interfering with the International Nickel Company?" And the minister said, "No."

**Mr. Speaker:** I would point out to the hon. member that he is again straying from any principle of the bill. He is discussing individual matters which I find it hard to relate to the principle of the bill. Now, if he will go into the power which the minister has, or has not got, under the principle of the bill, well that is all right, but not, certainly, to continue in the manner in which he is doing.

**Mr. Martel:** Mr. Speaker, if he has the powers under the old Act, and he wants to, in this new bill, remove those powers and govern by regulation, on what basis can we place any faith in the sort of answers that we get from him? On what basis will the regulations change what has gone on before?

In fact, the government resolved to clear up the problem and I am simply trying to illustrate that the prohibitive section of this Act should not be in, but, in fact, we should have it in legislation.

**Hon. Mr. Kerr:** What did the hon. member win by last time? What was his majority last time?

**Mr. C. G. Pilkey** (Oshawa): Three thousand five hundred.

**Hon. Mr. Kerr:** Oh, do not give me that. It was 35, period.

**Mr. Martel:** I am simply using the minister's own material to show he has no intention, under the Act—

**Hon. Mr. Kerr:** Tell him to stop working so hard.

**Mr. Martel:** He has not moved. He will not move with the Act. How in the world is he going to move with just regulation? What can we anticipate from this minister? I am sure it must leave some doubt in your mind Mr. Speaker as to what he would do under regulation when he will not move with the Act.

**Hon. Mr. Kerr:** They want to make Falkowski the director of the air management branch.

**Mr. Sopha:** Falkowski tried to get the nomination in the Nickel Belt, you know. He was slaughtered.

**Mr. J. Renwick:** You guys do not like Falkowski, do you?

**Mr. Martel:** And that is why we come back. I asked the minister and he said he did not make the statement last Tuesday, but he did. I just quoted from Hansard.

**Hon. Mr. Kerr:** You look like you are Uriah Heep up there. You should be in Hollywood.

Interjections by hon. members.

**Mr. Speaker:** Order. It is my understanding that the member for Sudbury East and not the member for Riverdale had the floor.

**Mr. Singer:** Yes, that is what we thought.

**Mr. Speaker:** The member for Sudbury East is making a speech and has the floor.

**Mr. J. Renwick:** Do not kid yourself. You listen to Falkowski and you will save yourself a lot of trouble.

**Mr. Singer:** Out with the member for Riverdale.

Interjections by hon. members.

**Mr. Speaker:** Order.

**Mr. Martel:** Mr. Speaker, it is suggested by the member from Lambeth that I am misleading the House.

Interjections by hon. members.

**Mr. J. Renwick:** Very nice to hear the right wing parties tie in on Falkowski.

Interjections by hon. members.

**Mr. Speaker:** If the member for Riverdale does not cease interrupting his own member when he is trying to make a speech, I will have to take some further action.

**Mr. J. Renwick:** Mr. Speaker, in comment on your point of order—

**Hon. Mr. Dunlop:** The Speaker did not make any point of order.

**Mr. J. Renwick:** I certainly would not interrupt my colleague from Sudbury East—was I interrupting him?

**Mr. Martel:** I cannot recall but I believe it was the member from Lambeth who had interfered.

**Mr. J. Renwick:** The member for Lambton was causing all the trouble.

**Mr. Martel:** Mr. Speaker if anyone was interrupting it was the member from Lambeth.

**Mr. Speaker:** Order: If the hon. member wishes to continue—

**Mr. Martel:** —he indicated I was misleading the House and I simply want to reiterate the point I made for the sake of the member from Lambeth when the minister himself stated—

**Mr. Singer:** Yes, reiterate.

**Mr. Nixon:** Yes, give us those letters again.

**Mr. Martel:** I just do not want to be accused of misleading the House, so I will just read the minister's partial statement again, Mr. Speaker.

**Mr. Speaker:** No, the hon. member will not read it again, he is repetitious.

**Mr. Martel:** Well, Mr. Speaker, I have been accused by the hon. member from Lambeth of misleading the House.

**Mr. Nixon:** Lambeth?

**Mr. Singer:** Lambton!

**Mr. Martel:** Lambton? And I just want to clear my name. Well, would the member for—

**Mr. Henderson:** That is typical of the hon. member for Sudbury East.

Interjections by hon. members.

**Mr. Sopha:** I never heard Lorne compared to a lamb.

**Mr. Martel:** Would the Speaker then instruct me how I could clear up the point?

**Mr. Speaker:** The hon. member is supposed to be speaking to the principle of the bill. I trust that he will continue and try to do so.

**Mr. Pilkey:** I thought he was right on.

**Mr. Singer:** Yes, but on what?

**Mr. Martel:** Lambton? Oh, well he is a meek little fellow.

**Mr. Henderson:** Do you know the number of the bill? Do you know which bill you are speaking on?

**Mr. Martel:** Well, I would hope, Mr. Speaker, you would ask him to withdraw that very—

**Mr. Speaker:** Unfortunately the Speaker heard nothing—

**Mr. Martel:** Like I heard nothing from my colleague from Riverdale.

Well Mr. Speaker, I want to go on, with your indulgence.

**Mr. Speaker:** By all means, that is what I would like the hon. member to do.

**Mr. Martel:** With the Speaker's indulgence.

**Mr. Sopha:** Mr. Speaker, let him read the letters just once more, for the tenth time.

**Mr. Martel:** I am simply trying to put on the record—

**Mr. Henderson:** Elmer, this is your neighbour.

**Mr. Speaker:** Order.

**Mr. Martel:** —the actions of this department over the years, and this bill—we might as well not have it—and the mister's actions, and it is certainly indicated in the material I had read, and I just want to illustrate if I could, and air this, with your indulgence. I will not read it, Mr. Speaker; I will just paraphrase, things that have gone on in the past.

There is a little community called Happy Valley, Mr. Speaker, in my riding, which the minister knows extremely well, and they are caught about a mile from the Falconbridge Nickel Company.

Mr. D. A. Evans (Simcoe Centre): I do not think the hon. member lives there.

Mr. Martel: The minister in correspondence to me, Mr. Speaker, has admitted that the quality of life of those people in Happy Valley is disrupted. There is not a blade of grass, there is not a tree; in fact from the iron oxide which comes out of the plant at Inco you can get your house and your car and your dog painted red, for nothing. The minister is aware of the problem, he has been aware for a long time, has admitted that the problem was there, has admitted that the quality of life for those people is impaired; and what has he done? Nothing.

He has told the press—or one of his staff—one of his staff told the press: if we did anything we would start a flood of complaints and we could not control it. So those 24 families, Mr. Speaker, go on living, day in and day out, under those adverse conditions, of which the minister is aware; he has admitted it, but he will not move. Now what is the purpose, I ask you, of this bill or any other bill, when we know that the cases are there and the minister has admitted it, but he does absolutely nothing about it.

My opening statement, Mr. Speaker, was, that I did not anticipate any more in this bill than is here. I have not been let down, and I can only suggest, Mr. Speaker, that there is a solution to each of these problems. I have heard the question asked many, many times: "Well what would you do?"

Well, I would suggest to the minister what we would do, and I got the suggestion from a civil servant recently. What you do, Mr. Speaker, is you move in, you do the investigation, you instal the equipment, and then you charge them for the whole works. Right off the top.

In other words, if Inco does not want to clear up the drinking water problem you get the consulting firm in, they do the design, they instal the equipment and the government simply bills them; and you create some employment in the process.

I suggest, Mr. Speaker, that we could go on at great length on this bill. And as my colleague said before me, we could illustrate case after case, after case, and we would find that the government has done nothing.

I just leave off on this note, Mr. Speaker. When I mentioned the iron oxide from the Falconbridge Nickel Company I was not distorting the facts. I have here a twig which was taken some 20 miles away from Falconbridge. One side is completely grey, the other side is red from the iron oxide—some 20 miles away.

The minister has been aware of this problem since 1969. He has continually told us, "It is going to be resolved." What is happening to the future source of drinking water for the city of Sudbury, Wanipitei, as a result of this iron oxide? The minister's staff has studied it. He has not revealed much, except what we were able to glean here and there on the snowball test that they had last winter.

But the problem is there and here are the effects, some 20 miles away. The minister has sat on it for two years and I suggest, as I have suggested eight or nine times already, that nothing will change with this bill. It is worse than before. If this minister is going to be allowed to run this province, or to try to clean up this province by regulation, God help us! It will be worse than it was in the past. Thank you, Mr. Speaker.

Mr. Nixon: Mr. Speaker, a few weeks ago in an article in the Globe and Mail—one of the very few that has ever been in any way critical of my political activities—one of the major criticisms was that I had been complimentary to this minister in my comments on the Throne Speech when I was referring to the development of an environmental policy.

I said that where the government's policy was seriously weak, this minister at least seemed to be frank enough in his statements and fresh enough in his approach that there was some hope that legislation would be brought forward which would give Ontario a position, a stance, in the fight against, I suppose, the forces of pollution in cleaning up our environment.

I do not feel quite that way about the minister any more. I believe this bill to be inadequate—in fact a cop out—that after the start he had made during the first few weeks of his ministry and some really strong statements, the best he could do in the development of a statute which is going to be the cornerstone of his part of the administration for the time that remains to it, we do not have the kind of legislation which is striking very much fear into the heart of the industrial polluters or even the municipal politicians who are going to have to make the plans and make the difficult decisions associated with tax policy to bring an end to the serious depreciations that have been worked upon the environment by industry; by the munici-

palities; by individuals; by the community at large.

For many years we have been critical of the fact that Ontario's legislation had no teeth in it. The fines were small. The ministers were timorous and few charges if any were brought forward. In his interjections the minister has been patting himself on the back and talking about the many charges that have been preferred during his short tenure.

We think of the maximum charge of $500, the maximum fine that was levied against—Domtar was it?—and he changed that—

**Hon. Mr. Kerr:** The judge imposed the fine!

**Mr. Nixon:** —yes, the judge levied the maximum fine. In his own words he said it was a licence to pollute, and the minister changed that. In this bill we have fines of up to $10,000 a day—not just teeth, fangs. They should strike fear into the heart of any industrial polluter. They cannot consider that kind of a levy a licence to pollute.

But still we have fallen far short of the iron-clad positions that surely we need in these days when the environment is in jeopardy and the people are demanding the kind of enforcement procedures that are something more than the discretionary clauses which reduce the danger to those who would pollute the environment—reduce the danger—and are sprinkled through this bill in almost every section.

It still has no teeth. In many ways it is a cop out. It is window dressing, the way it has been described by others, brought down in the last days of this administration in an attempt to show that they really do care, and that people policy is the whole thing. But the minister has fallen into the trap of his own public relations officers' advice, in bringing forward a bill which is substantially inadequate.

I was interested yesterday in the discussions, Mr. Speaker, on the automobile insurance bill, when the minister responsible, the Minister of Financial and Commercial Affairs, who, I believe, has had a tremendous influence on the development of policy in this administration over the years since he has gone into the ministry, said that he felt good legislation enunciated a principle and then the administration would put forward the regulations that would enforce it. Obviously, this minister believes the same thing.

Section 6 enunciates the principle that no person shall discharge into the natural environment any contaminant. If, in fact, he had put that as section 1 and as section 2 that the minister may regulate this principle and enforce it in any way he sees fit, then that is the bill essentially we have before us —the statement of the principle that no one shall contaminate the environment and, secondly, that the minister is responsible to see that no one shall contaminate the environment. This is the principle of government enunciated by the former Attorney General, the present Minister of Financial and Commercial Affairs (Mr. Wishart). Intrinsic in that concept of government is section 3, that goes without saying, trust us.

During the days when the minister was fresh, when he was splitting the top of his desk and saying the polluter must pay, there were many, including myself, who were prepared to say this man may do something about the environment. He is not going to be trapped in the pollution of politics, Conservative politics, which simply depend on the public relations approach to satisfy those people who might be worried about such a thing as pollution that everything is all right —that George Kerr's hand is at the wheel or on the chain or wherever it is as minister of pollution and that we—

**Hon. Mr. Kerr:** What was the air pollution index last Monday over Toronto?

**Mr. Nixon:** Zero. Is the minister taking credit for that?

**Mr. Stokes:** There was a high wind.

**Hon. Mr. Kerr:** Oh, it may have something to do with our policy.

**Mr. Nixon:** What was it about three weeks before? Mr. Speaker, three weeks before it was 42.

Interjections by hon. members.

**Mr. Nixon:** As a matter of fact, we probably should have been evacuating this city. As a matter of fact, the minister was not here. He had gone up in one of those yellow airplanes to some city relatively free of pollution, like Sudbury, as I recall. So that argument simply holds no water at all, no water at all.

The bill is basically without the kind of enforcement provisions that we depend on. I have a high regard for this minister as an individual, but it is not proper; it is not democratic; it is useless for him to stand in his place and say "Trust me. I will stop the pollution."

We do not trust him. We do not trust his colleagues, because we have seen what they have done and what they have failed to do over recent years, not just the last quarter of a century, but in recent years.

Mr. Speaker, I happen to be a farmer. It may possibly be that in the years that lie far in the distance that I will go back to making my prime living that way and I am not concerned or worried about that. But one of the things that I think is an essential cop-out in this bill, is the area where the minister says that nothing in this Act or the regulations prohibits the disposal of animal waste in the operation of a farm.

I am a farmer, and I know the problems that the farm community will face. The minister surely is as aware as anyone of the serious pollution threat from some farm operations. I am sure that he has been adjured by the Minister of Agriculture and Food (Mr. Stewart) not to tamper with the farmers because the Prime Minister is already, if you will excuse me, a bad odour in those parts of the province. This is the kind of cop-out that the minister has taken.

I would say to you, Mr. Speaker, that responsible farmers in every part of this province are prepared to respond to adequate statutory regulation so that their operation is brought in line, just like any other industry must be controlled and regulated.

**Hon. Mr. Kerr:** May I just have a minute?

**Mr. Nixon:** No. Mr. Speaker, I think this is a matter of grave concern. We know the political sensitivities on this matter, but for the minister to throw up his hands and say, "This does not apply to the farm industry," means—

**Hon. Mr. Kerr:** No, no.

**Mr. Nixon:** —that in fact he is abdicating his responsibility for the basest political motives.

**Hon. Mr. Kerr:** You have had—

**Mr. Nixon:** Now there is another area, Mr. Speaker; I refer to the responsibility to control municipal dumping. What a problem this is, whether you are in an enormous municipality like Burlington or one of the smaller ones like, let us say, South Dumfries. Wherever two or three people gather together there is going to be 20 of those green plastic bags of junk that has got to be cared for, dumped, put away every week—maybe every day the way this pollution is proliferating.

For the minister to fail to come to grips with this particular requirement and to depend on other legislation, when in fact this is supposed to be a compendium of all of the types of regulations which are going to be good in a modern conservative community, means that once again he has copped out of his basic responsibility. He knows that many municipalities do not have a place to dispose of this sort of refuse—that is true.

**Hon. Mr. Kerr:** No, but the section gives me power to go to another one.

**Mr. Nixon:** Oh, gives you the power! This is supposed to be an environmental bill of rights, a compendium of all of the law in the Province of Ontario that in fact is going to solve the problems that I am putting before you as briefly as I can at this hour of the night, Mr. Speaker.

**Mr. Boyer:** Are you going to vote against it?

**Mr. Nixon:** The problems are a provincial responsibility, which cannot be accepted by the individual municipalities any longer; they simply cannot cope with the problems that have been forced upon them by what we might call expanding technology, those bottles that the minister is so worried about, and the tin cans that Formosa Spring Brewery is so properly concerned about.

**Mr. R. M. Johnston:** He is tin can happy—bottle happy.

**Mr. Nixon:** There is nothing in this bill that is going to do anything but just perpetuate the problems that the municipalities have suffered under for many years and which are now practically insoluble unless the province steps in and takes over the responsibility.

**Hon. Mr. Kerr:** We have.

**Mr. Nixon:** Now, Mr. Speaker, the whole area of the involvement of the individual in the enforcement of the attitude of the community against pollution is a matter where this minister has failed further. He has at least withdrawn from the ridiculous situation that no charges could be laid except with his permission. Fortunately the outcry, if you might call it that—I have not seen that much of an outcry, but certainly there was not that much applause either—has forced him to withdraw that section near the end of the bill, which says that only with the minister's permission can a suit be laid.

In my view, it is far more efficacious if an individual citizen sues a polluter in the courts for damages than if the minister, with the advice of the third vice-chairman of the OWRC, who is whispering in his ear—it is certainly better to have a suit for damages in the court than the government through any of its administrative arms to come forward with a charge and a fine. Certainly a $10,000-a-day judgement would stop whatever is happening; whatever is happening would be closed down as far as pollution is concerned.

But this is one area—there are others—of priority importance, where the people feel as compelled to act as any minister or as any politician, whether he is a reeve, a mayor in the opposition or anywhere else. They feel this is the kind of regulation in the community that they want to be a part of. Believe me, if an industry up the road or a town up the stream or a neighbour nearby is polluting the environment in contravention of a statute like this, then they want the power to go to court, and not only stop it—

**Hon. Mr. Kerr:** They can.

**Mr. Nixon:** All right. I am saying that this is simply because you removed that weasel section, all right. This is second reading and you have not even moved an amendment to it yet, and you know it.

So the point is much broader than the one the minister is attempting to defend. It is that the whole statute is not designed to bring in those people with some expert knowledge and some ability in the community. That is a fact. Even special information having to do with investigations that the minister's administrative arm might make in various parts of the community, it is only with his special permission that this information is given to the public.

**Mr. Deacon:** How often is that given?

**Mr. Nixon:** And there are many cases—as my hon. friend from York Centre has interjected, how often is that given? That is correct. It is very difficult to pry any significant information, certainly damaging information, from this department. It should be a basic tenet in this bill that the information is public and that it is used by the public in their efforts—which are much stronger and more useful than even the minister's—to clean up the pollution threat to the environment. Citizen participation is essential and I believe it is essentially lacking in this bill.

I have one other point to mention, Mr. Speaker, and that is the fact that the environmental council as envisaged by this bill is an emasculated shadow of what has been proposed by myself in the Opposition and by others without political connection, such as Pollution Probe and other organizations in the community. It sounds as if it will be a cheering section for the minister, that the people are going to be appointed by him and I can see the line-up of those solid citizens now—

**Hon. Mr. Kerr:** No. They are all ex Liberal candidates.

**Mr. Nixon:** —all those people who like to play golf Sunday afternoon with the minister and his friends—

**Hon. Mr. Kerr:** I do not play golf.

**Mr. Nixon:** —all those people who end up in the white guest house down at Upper Canada Village, all of those people who have those special preferred situations with the minister and his pals over there. Well, maybe one or two people have been persuaded to take part because their names are well known in connection with the environmental fight, because these people over here—and the minister is no exception—do this with great panache. They know how to establish something like this which is—panache—you know that one?

**Hon. Mr. Kerr:** Yes. It sounds dirty.

**Mr. Nixon:** And the Minister of Trade and Development is probably at the top of the list. They know how to establish these advisory bodies and boards which are nothing but cheering sections to provide them with letters which they can then read into the record whenever they need a little bolstering. I think they keep a sheaf of them at home in case they need some help there as well.

So, Mr. Speaker, the environmental council has got to be, must be, as a basic essential, an environmental watchdog, completely independent of the minister, the Conservative Party, or the administration, whatever party controls it.

**Hon. Mr. Grossman:** Sit down on your panache.

**Hon. Mr. Kerr:** They are going to embarrass me every day.

**Mr. Nixon:** Well if they do I will be surprised, because, Mr. Speaker, the environmental council has got to—

**Hon. Mr. Kerr:** Yes they will. All zoologists.

**Mr. Nixon:** —not only be independent, it must be seen to be independent and if it does not embarrass the administration or some town council or some industry every day, it certainly will not be worth its salt nor the expenses which we will have to dole out to keep it in operation.

**Hon. Mr. Kerr:** Hear, hear.

**Mr. Nixon:** It is essential that they give an independent report on an annual basis—or more frequently, if the occasion demands—that we should depend, not only as members of the opposition, but as taxpayers and as people who live in this environment, that they are set up as a watchdog with it specifically spelled out in the statute that constitutes the council with the specific responsibility to assess and rate the procedures undertaken by every level of government operating in this province to clean up the environment. We must count on that.

We are facing an election, they say, in the next few weeks or months, and there is no doubt about that, and all parties are going to be talking about their concern for the environment. I think probably in this it will be a draw, because you can only shake your fist and your jowls so long and talk about these things and the minister will talk about his $25 million suit against Dow, and getting the chain saws out of Quetico, but already that is getting very thin indeed.

I think the reason it has such political pressure is that we all recognize that it is a real issue, and not an ordinary political issue. It may be the political fact of life from now as long as we are on earth, that the wiseacres who say, "Oh, that is last year's issue—housing was the year before," and that sort of thing are completely wrong; that this is going to be the matter that occupies our attention more and more from now on, as the problems of life in Ontario, and on earth, become more complex.

I am disappointed in the minister. He has not fulfilled the great expectations that he emanated in the first part of his ministry. He has fallen into the political traps that lie in the Conservative Party because of their commitment to public relations style government.

The bill is weak, we cannot support it.

**Mr. Boyer:** Are they going to vote for it? They are going to vote against this bill.

**Mr. Speaker:** The member for Windsor West.

**Mr. Peacock:** Mr. Speaker, I wish to make a few remarks on the principle of this bill.

**Mr. Singer:** We cannot support a nothing bill.

**Hon. Mr. Kerr:** It is how you administer legislation; it is not necessarily the legislation itself.

**Mr. Speaker:** Order please, the member for Windsor West has the floor.

**Mr. Peacock:** It is a bill that in a number of respects, takes us away from rather than closer to, the control of the abatement of pollution, from whatever sources in his province.

**Hon. Mr. Kerr:** The hon. member really does not understand this whole problem, that is the problem. The hon. member really does not understand the complexities of it—none of them do.

**Mr. Peacock:** The minister says that I do not understand the complexities of this problem.

**Hon. Mr. Kerr:** Members opposite all think it is a gum wrapper that we are worrying about.

**Mr. Peacock:** Let me discuss, for a moment, this minister's understanding—

**Hon. Mr. Kerr:** A gum wrapper!

**Mr. Peacock:** Let me discuss for a moment this minister's understanding of the interests and role of the people who live in a neighbourhood or community, in the determination of an acceptable standard of pollution—

**Hon. Mr. Kerr:** Does the member want to earn his salary?

**Mr. Peacock:** —or to put it in another manner, an acceptable standard of quality of air, water or land—the total environment around them.

The minister and I have been engaged, off and on, in this session about the recommendations of Mr. Justice McRuer in his fifth volume, third report in which Mr. McRuer set out very clearly the philosophy of the prior Acts which are now being repealed by this Bill 94, An Act to protect the Natural Environment.

It was set out in the prior Act, The Ontario Water Resources Commission Act and The Air Management Act and The Waste Management Act, that there was a prohibition

against the pollution of the environment under those respective jurisdictions. Mr. McRuer pointed out very clearly that after having set out that prohibition, each of those statutes said immediately thereafter, that it was an offense to pollute.

This particular bill that is before us, Mr. Speaker, in no wise, in no way, in no manner continues the force of the prohibition which this Legislature at an earlier date enacted.

**Hon. Mr. Kerr:** The hon. member has not read the bill.

**Mr. Peacock:** I have read the bill.

**Hon. Mr. Kerr:** Go out and read the bill—two sections—6 and 15.

**Mr. Peacock:** In section 6 of the bill, Mr. Speaker, the prohibition is set out—

**Hon. Mr. Kerr:** Right.

**Mr. Peacock:** The prohibition is set out, but unlike the prior statute—

**Hon. Mr. Kerr:** Oh, I do not care about the prior one, this is broader.

**Mr. Peacock:** —section 6 does not go on to say that it is an offence to deposit, add to, emit, or discharge into the natural environment any contaminants, and so on.

This statute takes away, it reduces the force of the prohibition that is found in each of the prior statutes that we are amending by this piece of legislation and away in the back pages in section—the number I just cannot bring to mind at this moment—it has a piece of legal terminology in section 102 that,

> Except as otherwise provided in this Act, every person, whether as principal or agent, or an employee of either of them, who contravenes any provision of this Act or the regulations or fails to comply with an order made under this Act is guilty of an offence and—

**Hon. Mr. Kerr:** There you go—section 1, 6 or 15 and 102.

**Mr. Peacock:** Does the minister pretend to this Legislature and the public that that has the force, that prohibition and section enacted by section 6 of the bill—

**Hon. Mr. Kerr:** And 15.

**Mr. Peacock:** —has the same force as the statutes which this bill amends?

**Hon. Mr. Kerr:** Greater!

**Mr. Peacock:** I say to the minister that it is half as good.

**Hon. Mr. Kerr:** Greater—broader.

**Mr. Peacock:** I say that no matter to what extent he raises the fine, $5,000 in one case, $10,000 in another, without setting out parallel to, alongside or immediately thereafter, the statement that it is an offence to pollute the environment, then the bill is simply another piece of legislation which says that if you disobey—

**Hon. Mr. Kerr:** What is the definition of pollution?

**Mr. Peacock:** —which says if you disobey some member of the civil service of this province, who has issued an order, then you are guilty of having committed an offence.

First of all, you see, Mr. Speaker, there is this reduction of the strength of the prohibition. Secondly, there is an abdication of the powers that should be exercised—and were exercised under the prior legislation by the minister—to an official. This Act empowers the minister to do certain things. But once again, the powers are reduced and we find on pages 2 and 3 of the bill that the minister is empowered to do all these things which I can recite.

Listen to the force that is given to the minister over the control of pollution in this province. He can investigate problems of pollution. He can conduct research. He can conduct studies. In paragraph (d) again, he can conduct studies. In (e) he can convene conferences. In (f) he can gather, publish and disseminate information. In (g) he can make grants. In (h) he can establish and operate demonstration and experimental waste disposal and litter disposal sites. In (i) he can appoint committees and in (j) with the approval of the Lieutenant Governor he can enter into agreements with any government or person, etcetera.

Pretty powerful stuff for a minister to claim, to bring about in this province an amendment of the pollution of our natural environment and that is where the powers of this minister in this Act begin and end. Everything else is delegated to some civil servants—

**Hon. Mr. Kerr:** I am amending all that. I am amending the word "director" to "minister."

**Mr. Peacock:** Is the minister? Throughout?

**Hon. Mr. Kerr:** Yes.

**Mr. Peacock:** That is interesting indeed.

**Hon. Mr. Kerr:** In most parts.

**Mr. Peacock:** The minister has retreated from that suggestion of placing effective statutory power in the hands of the director of the civil service, back into his own hands where it was originally.

One wonders what has caused these changes, these amendments that are brought before us. Earlier this evening we heard by way of interjection of the minister in reply to the member for Sudbury East—who was insisting that this minister had not acted to bring charges against polluters; had not been of full and adequate assistance as he was required to be under the various statutes to help citizens lay charges—the minister blurted out to us the public had never made use of the sections empowering an individual citizen to lay a charge.

At that point, Mr. Speaker, he reminded me of the Minister of Labour who same to this House in the last session to amend The Labour Relations Act telling us "We have looked over our records and we have found that applications for certification without a vote are coming in with better than 65 per cent of the members eligible for representtion in a trade union; therefore we are going to raise the minimum requirement for automatic certification from 55 per cent to 65 per cent in every case."

It is something of that sort that this minister had proposed in the draft Act. He looked about him and he said, "The public of this province is not making use of the Ontario Water Resources Commission statutory authority permitting a citizen to lay a charge" and he looked about him and said, "Well, if they are not using it, let us take it out of the new legislation."

**Hon. Mr. Kerr:** We did not.

**Mr. Peacock:** He did not?

**Hon. Mr. Kerr:** We did not take it out of the new legislation.

**Mr. Peacock:** Where in the draft that is now before us, that has not yet been amended, does it read that as under The OWRC Act, and elsewhere under the prior legislation, the minister or I can go to the Crown attorney or the ujstice of the peace and provide information and have that information prosecuted in our name?

**Hon. Mr. Kerr:** Section 27 of the bill which brings in 27 of The OWRC Act. No prohibition for anyone to sue.

**Mr. Peacock:** Now, what is the minister referring to there? The regulations; he is referring to the regulation. Section 27 which enacts Ontario regulation 284, 1969, and Ontario regulation 261, 1970. It does not say anything in this statute.

**Hon. Mr. Kerr:** Subsection 2.

**Mr. Peacock:** Subsection 2 of section 27? No, again there is no reference in subsection 2 of section 27 to provide the right of a citizen—

**Mr. Deans:** Only to existing situations.

**Mr. Peacock:** —the right of a citizen to go to law and bring an action against the polluter—nothing, no reference whatsoever. Perhaps to actions undertaken in the past and orders issued in the past—but no power, no permission at all in reference to actions the citizen may take in the future. And all because this minister says to us, "The citizens of this province did not make use of prior legislation."

They may well not have made use of it, and one of the reasons that they may very well not have made themselves better acquainted with the provisions of The Ontario Water Resources Commission Act, was that this minister stood up in this House in his place, in debate during his estimates of the contamination of the St. Clair and Detroit Rivers by mercury dumped by the Dow Chemical Company of Canada, and said, "I will be the policeman, rely on me." And it may well be that the people of the province did indeed rely on the minister and correspondingly thought, following the headlines about Dow Chemical and all the headlines about control over pollution, that this minister through the auspices of this government was going to take action to stop pollution.

Well, of course, he did not. He did not do that. Then he moved by way of this new bill to see to it that citizens did not have any right whatsoever to proceed in their own name in that manner ever again.

We are told that he is going to put it back in the bill. I trust that that will come before we conclude the second reading, because these are amendments which touch on the principle of the bill. They should be put before this House in such a manner that they will be incorporated into it before the House gives second reading and, when we come to

deal with them in committee and see them at first hand, as many of the members of the House have not yet seen them, I trust that the Chairman will allow us some latitude in dealing with them as they touch upon the principle of the bill.

In closing my remarks, Mr. Speaker, let me go back to the recommendations of Mr. Justic McRuer in the fifth volume of his report. After having said that the prior legislation, which was wiped out by this Bill 94, set up an absolute prohibition against pollution he then went on to describe how exemptions could be given.

Mr. Justice McRuer said that the people on whose behalf the prohibition was enacted should have the right to be heard when the exemption from the prohibitions are being made by the minister or his officials. And this minister has agreed with me, both in Windsor and in this House, that Mr. McRuer is right. That the citizens on whose behalf the absolute prohibitions against pollution have been enacted should be heard when exemptions from the prohibition are to be granted.

There is nothing in this legislation here before us which would permit a citizen of the community of Amherstburg to say to this minister, "I have the right to be heard in that your standards for control of the effluent of the Allied Chemical Company of Amherstburg are too low—"

**Mr. MacDonald:** A bureaucratic closed shop.

**Mr. Peacock:** "—That they permit that company to dump into the natural environment materials which may not exceed your standards but which are offence to me and my neighbours."

There is nothing in this legislation whatsoever which fulfils that stipulation of Mr. Justice McRuer's fifth volume of his third report, that the citizen on whose behalf the minister engaged in all of these enactments and prohibitions against pollution may be heard when exemptions are to be granted. And, of course, throughout the bill, Mr. Speaker, now and in the first draft, the director is given great latitude in setting standards. In other words, setting up of exemptions as to how much pollution is to be tolerated, is done by the director, or by the minister, in his opinion, but never in the opinion or never in the judgement of the community which is affected by the pollution.

**Hon. Mr. Kerr:** That is a ridiculous statement. Who has the expertise, the technicians or the public?

**Mr. Peacock:** I say to the minister that is a total deficiency in this legislation, that this minister once again has reserved for himself the judgement as to what is a tolerable standard of pollution—

**Hon. Mr. Kerr:** Then who is going to do it?

**Mr. Peacock:** —and that is totally unacceptable.

**Hon. Mr. Kerr:** Who is going to do it?

**Mr. Peacock:** The minister says—

**Mr. MacDonald:** Pollution Probe has pushed the minister into many a stand.

**Hon. Mr. Kerr:** Where did Pollution Probe get their evidence and information? From OWRC labs. From research.

**Mr. Peacock:** Yes. Why do we have the Paul Falkowskis of this province?

**Mr. J. B. Trotter** (Parkdale): Why do they have to get it?

**Mr. Stokes:** Where did Paul Falkowski get his information?

**Hon. Mr. Kerr:** They do not have to; we are saying. But you are talking about "the people," as if we do not represent the people or the public here. What do you think the department is?

**Mr. Peacock:** The minister has arrogated to himself once again in this bill the sole judgement as to what is a tolerable level of pollution. I say to the minister that—

Interjections by hon. members.

**Mr. Peacock:** I say to the minister—

Interjections by hon. members.

**Hon. Mr. Kerr:** The member just wants a witch hunt, you want a lot of people standing in the door issuing a bunch of summonses, who know nothing about it but have something against the company. Leave it to the experts.

**Mr. Peacock:** The minister says, "Leave it to the experts."

**Mr. Deans:** The experts drafted the minister's bill. He has had to bring in 11 amendments.

**Mr. Speaker:** The member for Windsor West has the floor.

The member for Windsor West will please continue.

**Mr. Peacock:** I need the relief. In fact, I am waiting for a glass of water, so I am quite prepared to relax.

**Mr. Deans:** It is the problem of government all the way down the line, it cannot bring in legislation that meets the criteria that it establishes itself.

**Mr. S. J. Randall** (Don Mills): Give him a cyanide pill.

**Hon. Mr. Kerr:** The member likes all the window dressing.

**Mr. Peacock:** The minister says let the experts do it.

**Hon. Mr. Kerr:** Right.

**Mr. Peacock:** I say to the minister—

**Hon. Mr. Kerr:** Who else is going to set ambient air standards, for example—the man on the street?

**Mr. Peacock:** Let the man in the street—

**Hon. Mr. Kerr:** Set the ambient air standards? Right. Do not be so ridiculous. John Doe is going to say what emissions should be from a motor vehicle or from a high stack? A public meeting to decide how much—

Interjections by hon. members.

**Mr. Speaker:** Order, please. The member for Windsor West has the floor.

**Mr. Peacock:** This minister has been relying on the experts these many years, let the minister tell us how many charges he laid last year? Was it 11?

**Hon. Mr. Kerr:** No, about 75.

**Mr. Peacock:** How many?

**Hon. Mr. Kerr:** About 75.

**Mr. Peacock:** About 75?

**Hon. Mr. Kerr:** Yes.

**Mr. Peacock:** And was that all on the advice of the experts?

**Hon. Mr. Kerr:** For the most part, yes.

**Mr. Peacock:** And did the minister accept the advice of the experts when they said no, do not—

**Mr. Speaker:** Order, please! This is not a question and answer period.

**Mr. Peacock:** I am speaking rhetorically, Mr. Speaker.

**Mr. Nixon:** And the minister keeps answering.

**Mr. T. P. Reid:** Tell him what rhetorical means so he will not answer the hon. member.

**Mr. Peacock:** When I speak rhetorically, Mr. Speaker, it is simply to elicit the facts, that is all.

**Mr. MacDonald:** That is a new definition.

**Mr. Lawlor:** He gets a lot of rhetorical answers.

**Mr. Peacock:** I say to the minister, do let the man on the street join with the experts.

**Hon. Mr. Kerr:** We will let him join, yes. He can lay the charges. But the hon. member wants to take that away from him.

**Mr. Peacock:** Because I say to the minister the experts are always behind the judgement of the man in the street as to what is a tolerable level of pollution. The experts may well know how to judge the quality of the ambient air, but I assure the minister it is the man whose porch is rotting or from which the paint is peeling or who is suffering from pneumonia or emphysema who knows very well he cannot take any more.

**Hon. Mr. Kerr:** That is right and it is up to the minister to lay the charges and enforce the provisions of the bill.

**Mr. Peacock:** And that citizen must have the right, must have the recourse to take action against the polluter, just as the citizens in the west end of Windsor whom the minister is well acquainted with, tried month after month, year after year to use the good offices of this jurisdiction to restrain the Great Lakes Steel Company, and the Allied Chemical Company and the Wyandotte Chemical Company from continuing to pollute their particular neighbourhood on the Windsor side of the river, and they got nowhere. They are engaged in a suit in their own name, a class action, across the river in the courts of the state of Michigan trying to enjoin these companies from polluting, continuing to pollute,

and from causing further damage to their property and health.

There is just simply nothing in this bill which either—

**Hon. Mr. Kerr:** It is a civil action, is it not?

**Mr. Peacock:** —which advances the cause of those persons—

**Mr. Lawlor:** Mr. Speaker, the minister's legislation would hamstring the Ralph Naders of this world.

**Mr. Peacock:** —or which allows them to share in any degree whatsoever in the determination or in the manner in which the determination is made as to what was an acceptable standard of pollution, the limit on that pollution, from sources within this jurisdiction.

After what I said earlier, Mr. Speaker, it is a complete negation of McRuer. The minister has ignored McRuer totally and, in doing so, has brought before us a piece of legislation which will not stand and which deserves defeat.

**Mr. Speaker:** The member for York Centre.

**Mr. Deacon:** Mr. Speaker, I wish to further reinforce the reasons mentioned by previous speakers why I think it is vital that the citizens have the support of the evidence provided by the experts but do not have to rely upon action by the minister.

In Vaughan township recently there were very, very heated meetings over the establishment, or proposed establishment of a garbage dump. The provincial authorities as well as others have assured the local municipality that the dump waste disposal facilities will be operated in a satisfactory manner, that they will not cause any pollution of the area around, but there are other experts who have told the local citizens that they can expect serious problems as the result of the operation of the proposed site, the waste disposal facility. For that reason, there were very large meetings held where the citizens endeavoured to persuade the local council, without success, that it should not proceed with this facility. But, if the local council prevails over the citizens, as it may well do—the matter is currently before the courts—the citizens will have no recourse, unless the minister decides that there is sufficient evidence to take a case against the operators of this waste disposal site. Since the minister's own department has, in effect, approved the whole operation in the proposal it is very unlikely that the minister will be anxious to take action against the operators as long as they are operating in accordance with the plan his people have approved.

I think if pollution results, the citizens want to know that they have recourse in the courts to get damages for whatever damage has been caused them. I feel it is absolutely imperative that, not only the data that is available through our public institutions, such as OWRC or other facilities, be made available for such action, but the citizens themselves will not have to rely upon the minister to take action if they believe that have a case. In the case they should be able to put before him, they should also be able to have the Crown act on their behalf.

**An hon. member:** A good point!

**Mr. Deacon:** I urge the minister to change this Act because at the present time it does not satisfy the vital aspect of any pollution control registration, that is, it does not permit the citizens to have proper access to legal support and advice and conduct of the case by the Crown.

**Mr. Speaker:** Are there any other hon. members who wish to speak to this bill before the minister replies? The member for Wentworth.

**Mr. Deans:** Yes, Mr. Speaker, I have a number of comments that I wish to make to the bill. I expect they may take some time; I do not want to hold the House up any longer than is absolutely necessary.

I want to say first that, having read the bill rather thoroughly, having digested many of the criticisms that have appeared in the press, having read at some length the criticisms offered to the minister by at least one group, I come away with the impression that this bill offers little in the way of meaningful change to what previously existed in this province for the purpose of combating pollution.

My colleague from York South says in fact I am being too kind. He says that the bill is regressive in nature, rather than progressive, and this may well be so, and we will pursue that as the evening wears on into the morning.

I want to say to the minister that when he introduces into this Legislature a bill intituled, An Act to Protect the Natural Environment, and he introduces it with such fanfare, one would then naturally expect that contained in this Act would be the way in

which this government intends to safeguard the future of this province for the generations that are yet to come. One would reasonably expect that contained in this bill would be a very definite outline of what it is that will be tolerated and what it is that will not be tolerated among those things that violate he environment in which we live.

Yet, upon reading this bill, we find the flimsy shell of an administrative bill that grants to the minister and his department all of the powers without defining what it is that one must do in order to be guilty of pollution in the Province of Ontario. In addition to that, it is extremely difficult to determine by reading this bill—in fact, it is impossible to determine by reading this bill—when it is that a person has broken the law, because the law as is written by this government is so flexible as to be inconsistent. It says, in clause 6 of the bill:

> No person shall deposit in, add to, emit or discharge into the natural environment any contaminant, and no person responsible for a source of contaminant shall permit the addition to, emission or discharge into the natural environment of any contaminant from the source of contaminant, in an amount, concentration or level in excess of—

And one might reasonably expect at that point to read the limits set by the department to govern pollution as it will be expected to be conformed to in this province.

**Hon. Mr. Kerr:** It changes by the month.

**Mr. Deans:** It changes by the month? Not by the month! The minister says it changes by the month. It changes by the industry at the whim of the minister, the director or whoever drafts the regulations.

**Hon. Mr. Kerr:** Technology.

**Mr. Deans:** It changes by the view the minister and his department have of any specific industry in any particular location.

**Hon. Mr. Kerr:** Does the member think all industries are the same? That the emissions are the same from every industry?

**Mr. Deans:** I think that contamination above a certain level from any industry is contamination nevertheless.

**Hon. Mr. Kerr:** The tolerable levels are different for each industry.

**Mr. Deans:** The tolerable levels are different, the minister says. What the minister is saying is that one industry may emit at a greater level of pollution than its neighbour—

**Hon. Mr. Kerr:** No. I am talking about the emissions.

**Mr. Deans:** —subject to the decision and the discretion of the director or the minister; subject to the regulations, regulations which we do not have before us, regulations which no one in the Province of Ontario will see until such time as they come into force, regulations which can be changed and will be changed at the whim and discretion of the department.

**Hon. Mr. Kerr:** Here are the regulations. Does the member want the regulations?

**Mr. Deans:** Do we want the regulations, he says.

**Hon. Mr. Kerr:** Do you want to read them?

**Mr. Deans:** If the regulations were to be meaningful, they should have been part and parcel of the bill.

**Hon. Mr. Kerr:** They are not in the legislation.

**Mr. Deans:** If it was the intent of the minister to make the regulations available and if he is saying to the House now that those regulations are already drafted and those regulations are ready to be put into force, the regulations that pertain to this particular bill, then those regulations—

**Hon. W. D. McKeough** (Treasurer): Nonsense.

**Mr. Deans:** And you would know nonsense because you deal with it every day. The regulations ought to have been part and parcel of the legislation appearing before the House.

**An hon. member:** Utter rot.

**Mr. Deans:** How then does the minister expect—

**Hon. Mr. Kerr:** They are not in the existing legislation; why should they be in this legislation?

**Mr. Deans:** If, then, they are in existing legislation, what is it that is contained in this bill, that provides the minister with the powers that he says will clear up the environment? Powers which he holds up proudly in

his hand and says, "These are the regulations, they have been in existence for years and we have done bugger all about them."

**Hon. Mr. McKeough:** Shame, shame. Withdraw.

**Hon. Mr. Grossman:** Resign.

**Mr. MacDonald:** Look at the Sunday school lad from Chatham.

Interjections by hon. members.

**Mr. Randall:** Apologize to the ladies there.

**Hon. Mr. McKeough:** On a point of order.

**Mr. Randall:** Point of order.

**Hon. Mr. McKeough:** On a point of order, Mr. Speaker, it may be 11:30 at night, but the remarks of the hon. member in this hon. House were somewhat uncomplimentary and unparliamentary and I suggest he should withdraw that last statement.

**Mr. MacDonald:** Go back to your Sunday school in Chatham.

Interjections by hon. members.

**Mr. Deans:** Back to where we were.

**Hon. Mr. Grossman:** Withdraw. Withdraw.

**Hon. Mr. McKeough:** Mr. Speaker, I beseech you, it is 11:30—

**Mr. Pilkey:** What difference does it make?

**Hon. Mr. McKeough:** Those of us on this side of the House are anxious to get on with the business of the people of Ontario, but we are not going to descend to that level, and those remarks should be stricken.

**Hon. Mr. Grossman:** The member should be stricken.

**Hon. Mr. McKeough:** Withdraw.

Interjections by hon. members.

**Hon. Mr. McKeough:** It is beyond belief.

**Hon. Mr. Grossman:** That is more incredibility.

**Mr. Deans:** Do you understand what I was saying?

**Hon. Mr. McKeough:** Withdraw.

**Mr. Speaker:** Order, please.

**Mr. Deans:** Let me say to the provincial Treasurer—does he understand what I was saying?

**Hon. Mr. McKeough:** I would say to my hon. friend, I understand those words very well but those are not the kind of words that we use in this parliament and I suggest to him strongly that he should withdraw them.

**Hon. Mr. Grossman:** Wait until you get an NDP government then you can use that talk.

**Mr. Deans:** I will take the minister's suggestion under advisement.

Interjections by hon. members.

**Hon. Mr. McKeough:** That is the level that that party has descended to. Just descended to that level.

**Mr. Speaker:** Order, please.

**Hon. Mr. McKeough:** No respect for parliamentary tradition.

**Mr. Speaker:** Order, please. Mr. Speaker did not hear the words which are being referred to and apparently there was some objection to the words which were used. Does the member wish to withdraw them?

**Mr. Deans:** Do I withdraw what, Mr. Speaker?

**Mr. Speaker:** I am not sure which words.

**Hon. Mr. Grossman:** The words objected to.

**Mr. Deans:** I am not exactly sure which word it is that is being objected to.

**Hon. Mr. Grossman:** Oh, come, come.

**Mr. Deans:** Until such time as it is explained I cannot really withdraw it can I?

**Mr. Speaker:** Mr. Speaker must confess that he did not hear the subject words. He suggests that the member be more careful in the words he does use.

**Mr. Deans:** Let me then rephrase the final statement that I made that apparently upset the provincial Treasurer—unfortunately.

**Hon. Mr. Grossman:** Then you do know what it was.

**Mr. Deans:** I am deeply hurt that I should have upset him. I am concerned, and I say to him that what he had previously, he now has, and that all of what was said about this wonderful environment bill that will provide

the impetus and the opportunity for the cleaning up of the environment is a lot of nonsense.

**Mr. Randall:** You did not say that.

**Mr. Deans:** I am not there yet, I am not there yet.

**Mr. Lawlor:** The Treasurer's delicate sensibilities are at stake here.

**Mr. Deans:** That in fact if what the Minister of Energy and Resources Management says is true—that the regulations which were previously there, are still in force and are in fact the regulations that he will be using to regulate pollution—

**Hon. Mr. Kerr:** For the most part dealing with those sections of the Act.

**Mr. Deans:** —in the province after the passage of this Act. I say to him that he has not used them wisely in the past. In fact, he has not done anything—anything of consequence!

**Hon. Mr. Grossman:** We will take it up with the privileges and elections committee.

**Hon. Mr. McKeough:** Mr. Speaker, on a point of order, the member has chosen not to withdraw the remark.

**Mr. Deans:** What remark?

**Hon. Mr. McKeough:** I point out to Mr. Speaker that this same member in the debate this afternoon when I was here referred to two hon. members by name.

**Mr. Deans:** Who did?

**Hon. Mr. McKeough:** The member did.

**Mr. Deans:** This afternoon in this debate?

**Hon. Mr. McKeough:** The record will show that when he spoke he referred to the member for London North—

Interjections by hon. members.

**Hon. Mr. McKeough:** I say, Mr. Speaker, on this point of order, that the member referred to the member for London North by his name and the record will show this. He referred to another hon. member by his name and all I am saying, Mr. Speaker—

**Mr. Deans:** I cannot hear the minister!

**Hon. Mr. McKeough:** —that if this is the kind of respect for this Parliamentary tradition that that party shows, then so be it!

**Mr. J. Renwick:** Come off it!

Interjections by hon. members.

**Mr. MacDonald:** Mr. Speaker, I think it is a—

**Mr. J. Renwick:** Sanctimonious claptrap!

**Mr. MacDonald:** I think it is offensive to have the provincial Treasurer come in here at 11:30 with this kind of fastidious nonsense. Let him go back to his Sunday school in Chatham and let us continue the business. He is an obstructionist.

**Mr. J. Renwick:** Let us get on with the business of the House!

**Hon. Mr. McKeough:** Mr. Speaker, just speaking to the point of order! I do not want to listen to—I have wasted an hour of my time on Friday last and this morning listening to—

**Mr. J. Renwick:** The minister wasted his time in this assembly, eh?

**Hon. Mr. McKeough:** —sanctimonious poppycock about respect for the Legislature from the member for York Centre!

Interjections by hon. members.

**Mr. J. Renwick:** That is exactly what concern the minister has for it! If the minister thinks this a waste of time, let him get out of here—we do not need him here!

Interjection by an hon. member.

**Mr. J. Renwick:** The minister thinks this place is a waste of time. We know he does!

**Hon. Mr. McKeough:** That party has no respect at all.

Interjections by hon. members.

**Mr. Speaker:** Order! Order!

**Mr. J. Renwick:** Mr. Speaker, on a point of order! If the provincial Treasurer considers this assembly a waste of time, let him get out of here. We do not need him here!

**Hon. Mr. McKeough:** Typical NDP! They would do away with the Legislature!

**Mr. J. Renwick:** A lot of damn nonsense, Mr. Speaker.

**Hon. Mr. McKeough:** Sure there we are again. Typical arrogant socialist Marxist claptrap.

Interjections by hon. members.

**Mr. J. Renwick:** Absolutely ridiculous nonsense!

**Mr. Lawlor:** At this time of the night we would have had the debate over if the minister had not thrown that out.

**Hon. Mr. Grossman:** The debate was over a long time ago.

**Mr. Lawlor:** No, we are only beginning.

**Mr. Speaker:** Order. I think the member for Wentworth might continue without any more words of advice.

**Mr. Deans:** Mr. Speaker, let me say to you that I will certainly peruse Hansard very carefully tomorrow and if there is an offensive word in it, which I do not recall using, I will certainly withdraw it.

**Hon. Mr. McKeough:** The member might have done that 15 minutes ago.

**Mr. MacDonald:** We are dealing with pollution and the minister is the biggest noise polluter in the country.

**Hon. Mr. McKeough:** Some of us respect the Parliamentary traditions.

Interjections by hon. members.

**Mr. J. Renwick:** Everything will be all right now! Thank God the member for Downsview is back!

**Mr. Singer:** I was listening to you fellows! I am surprised at the members.

**Mr. Lawlor:** Mr. Speaker, I wish to withdraw the remark I made about the Treasurer of Ontario. I called him an obstreperous young pup. I want to withdraw the word "young."

**Mr. Speaker:** Would the member for Wentworth please continue with the debate.

Interjections by hon. members.

**Mr. Deans:** Mr. Speaker, we have often said that the hours after 10 do not produce much! In any event, I will continue.

**Mr. Randall:** Okay, the member has reached page 8, now sit down!

**Mr. Deans:** I want to say to you that one might have expected that at the end of "excess of" there would be an indication of what it was that people would not be expected to pollute in excess of. But it says very clearly "of that prescribed by the regulations."

Now how are we in this Legislature to be able to determine whether the action being taken by the government is adequate? Or how do you expect the people in the Province of Ontario to be able to measure, in some form or other, the actions of the government of Ontario and its intent—

**Hon. Mr. Kerr:** By results.

**Mr. Deans:** —if in fact all of the provisions governing the levels of pollution are to be prescribed by regulation and not contained in any Act of this House?

**Hon. Mr. Kerr:** Has the member read The Regulations Act yet?

**Mr. Deans:** Yes. Yes I have.

**Hon. Mr. Kerr:** Has he? What does it say? The regulations can go to a standing committee.

**Mr. Deans:** They can go to a standing committee but only while the House is sitting. The House does not sit half the time.

**Hon. Mr. Kerr:** Oh, they can go to the standing committee anytime.

**Mr. Deans:** I see.

**Hon. Mr. Kerr:** Anytime.

**Mr. J. Renwick:** But not for that purpose.

**Mr. Deans:** Let us be fair. I think the comment—

**Mr. MacDonald:** The minister is a member. He knows what happens in the committee.

**Hon. E. A. Winkler** (Minister of Revenue): It is the fairest committee going.

**Hon. Mr. Kerr:** You had better read this Act, James!

**Mr. Deans:** Be careful.

**Mr. Randall:** Better get a lawyer, Jim.

**Mr. Deans:** The minister might offend the Treasurer by calling a member by his first name. He should refer to members by their proper designation.

**Mr. Randall:** Better than what you called him.

**Mr. Deans:** So says the Treasurer.

I think it is the manner in which this particular section was dealt with in the brief that was submitted to the minister two days ago I believe by the CELRF organization, as

they call themselves, from Bay Street. They put it rather well. They said when speaking of the manner in which everything was to be governed by regulations, and I quote:

> Not only is this an abdication of responsibility by the government but it leaves administrative officials with the problems of deciding precisely how well the Legislature really intended to protect the environment.

I think this is the key. There is nothing in this Act, in any part of this Act, that indicates clearly—

**Mr. Stokes:** Are you listening, Darcy?

**Mr. Deans:** —the intent of this government with regard to the protection of the environment.

**Hon. Mr. Grossman:** Nobody else is, why should he?

**Mr. Deans:** —that everything contained in this Act is subject to the interpretation of the officials of the department, that nothing is subject to the interpretation of the Legislature, that nothing is left to the discretion of the elected representatives, that everything is taken by the minister to himself and his department for the purpose of determining what he thinks pollution is and what he thinks the necessary actions ought to be.

**Hon. Mr. Kerr:** And what the technicians, and the experts and the biologists and the engineers—

**Mr. Deans:** And the biologists and the engineers. The problem is—and I made reference to it in the discussion earlier when—

**Hon. Mr. Kerr:** Is the hon. member going to be able to say what the—

**Mr. Speaker:** I suggested earlier that the hon. minister should wait his turn in this debate and I again admonish him to do so.

**Mr. MacDonald:** There is no respect for parliamentary tradition over there.

**Hon. Mr. Kerr:** Let us be realistic.

**Mr. Deans:** I am being realistic. When my colleague the member for Windsor West was speaking, the minister, in his normal interjectory way, was answering back and forth across the floor of the House, and I could not help thinking as he defended the position that the experts know everything and the legislators and the public know nothing.

**Hon. Mr. Kerr:** About sending—

**Mr. Deans:** In fact, were that true, we would not be faced with a bill of this kind and the minister would not have been faced with the problem of bringing in something like 11 amendments prior to second reading of the bill.

**Hon. Mr. Kerr:** More than that to come.

**Mr. Deans:** More than that to come?

**Hon. Mr. Kerr:** Oh, sure.

**Mr. Deans:** It is a pretty good indication of the ability of the experts within his department to determine what kind of legislation there should be—

**Hon. Mr. Kerr:** Housekeeping amendments.

**Mr. Deans:** —when the government cannot even bring in a bill and get it as far as second reading without having to offer alternative amendments even to the principle of the bill.

**Hon. Mr. Kerr:** I was listening to the people.

**Mr. Deans:** Housekeeping amendments, he says—

**An hon. member:** What does that mean?

**Mr. Deans:** Housekeeping amendments to a bill that has not even yet passed the Legislature? I think the minister should be ashamed of the way in which his department is operated.

**Hon. Mr. Kerr:** We always bring housekeeping amendments to a standing committee.

**Mr. Singer:** Resign and let us go home.

**Mr. Deans:** Yes, resign. But I would not suggest that; it might be unparliamentary.

But this is not the only section. This is one section in which the regulations determine what a pollutant will be and who will be permitted to pollute so much and who will not, without any consideration for the environment, without any consideration for the people who are involved, without any opportunity for people to be involved at all prior to the determination of the limits.

In sections 7 and 8 we find exactly the same situation, where it states quite clearly:

> When the report of a provincial officer, filed as provided by section 83, contains a

finding that a contaminant added to, emitted or discharged into any part of the natural environment by any person or from any source of contaminant exceeds the maximum permissible amount—

As determined by the director, as determined by the regulations. How does a person determine these things in advance?

**Hon. Mr. Kerr:** You have to be trained.

**Mr. Deans:** You have to be trained?

**Hon. Mr. Kerr:** Yes.

**Mr. Deans:** I see. It would be a sorry day when we wrote The Highway Traffic Act that way.

**Hon. Mr. Kerr:** If you have a problem in your chest, you go to a doctor, not the man in the street.

**Hon. J. H. White** (Minister of University Affairs): Oh, come on, speed it up.

**Mr. Deans:** No, I am not going to speed it up.

Interjection by an hon. member.

**Mr. Deans:** In any event, throughout the bill, in section after section of this bill, we find that rather than set out in clear and concise terms what it is that we in the Province of Ontario are not only aiming for but what we will tolerate in the way of the pollution of our environment, everything is to be referred to the internal workings of the department.

Now, if in the past this department had worked diligently at the job of protecting the environment, then one might reasonably have accepted this kind of a bill. If this department was renowned for its diligence in the protection of the environment—

**Hon. Mr. Kerr:** It is.

**Mr. Deans:** It is? Oh, is it?

**Hon. Mr. Kerr:** Best in the country.

**Mr. Deans:** If this department was prepared to go out and to take the kind of action and had shown by its actions over the past number of years that it was prepared to move forcefully to protect the environment, then one might have been inclined to entrust to the department the setting of all of the regulations and the determining of all of the procedures. But because of its record—and I am not talking about its record in the newspaper, as it puts forward the grandiose statements of the minister and his great fight against pollution which rarely, if ever, materializes—

**Hon. Mr. Kerr:** Track record.

**Mr. Deans:** —I am talking about the actual effort of the department to curb pollution. We will find that this department—

**Hon. Mr. Kerr:** Good record.

**Mr. Deans:** —has not lived up to the advance publicity given the minister and has not lived up to the needs of the Province of Ontario.

**Hon. Mr. Kerr:** Is there any place you would rather be?

**Mr. Deans:** And it is to that end that whether or not the department lives up to the advance publicity of the minister is immaterial, but surely we can expect that this department could at least live up to the needs of the people.

**Hon. Mr. Kerr:** It does.

**Mr. Deans:** And it is an interesting thought that nowhere in this bill—

**Mr. Lawlor:** Point of order. The degree of disrespect shown to the office of the Speaker by this minister in face of the reprimand given to him a few moments ago seriously displeases me.

**Hon. Mr. McKeough:** The member should go back to the human resources committee.

**Mr. Speaker:** I must say it seriously displeases Mr. Speaker too, because the type of debate on second reading, which is the tradition of this House, is that each member in his turn will make his speech and debate the matter without continuous interruption, and members on all sides of the House do not follow that tradition. They apparently prefer an American version, I believe—

**Hon. Mr. Kerr:** Squealer.

**Mr. Speaker:** —which is a crossfire, but until the rules of the House are changed to allow that, I think that all members should at least try to observe our rules and tradition.

**Mr. Nixon:** We are trying.

**Mr. Lawlor:** Very well, Mr. Speaker, I commend you on carrying out your duties.

**Mr. Henderson:** The member has outlived his usefulness.

**Mr. Lawlor:** It is those over here who do the talking and the interjecting.

**Mr. Deans:** Note it is now 11:48. The disrespect that is shown by the department, if I may use the word of my colleague from Lakeshore, for the views and concerns of the people of the province is evident in the fact that the government did not see fit in this legislation to allow persons who are, if not directly, at least indirectly affected by pollution to prosecute and to be a part of the prosecution process.

**Hon. Mr. McKeough:** Parliamentary traditions.

**Mr. Deans:** The fact that an individual who, as a result of his being affected indirectly, is not able to proceed to court, is not able to have the kinds of actions taken and is not given the opportunity of appearing before this minister and before a committee prior to the issuing of an order or a certificate, is indicative of the government and the department's attitude toward the people in this province.

Surely the minister recognizes that there are, on any number of occasions, individuals who, because of the nature of their business or the location of their residence are affected by the ministerial orders that will inevitably come and the certificates that will inevitably be granted by the department. These are certificates which will permit pollution to be emitted into the streams and into the air of this province. People who cannot claim direct loss initially, yet are involved, must be given the opportunity to appear prior to the certificate being granted in order that they can register objections to further pollution. This is a major flaw.

**Mr. MacDonald:** The minister excludes the people but he needs their help.

**Mr. Deans:** This minister is prepared to permit further pollution. The fact of the matter is that he is not prepared to admit that not only is the polluter himself involved and not only should he have the right to appeal decisions of the director, of the minister, but surely all other individuals who have any concern whatsoever in the issuing of a certificate to permit the further pollution of the environment must also be given the right, not only to come to the minister and complain, but also the right to know what it is that is going to happen to their environment in advance of the certificate being granted.

**Hon. Mr. Kerr:** The member is getting confused.

**Mr. Deans:** I am not getting confused. I think the best example is one that was brought to the minister's attention. It is a hypothetical case but nevertheless it is still an example worthy of consideration. The minister could quite easily grant a certificate to permit the emission of pollutants into a river. Downstream, considerably downstream, the Act would permit it—the minister may say that he would not do it, but the Act would permit the granting of a certificate—downstream there is no one below that particular operation, that manufacturing operation, or whatever it may be, no one downstream who is by law required to be served with notice of the intent of the department to issue a certificate to pollute.

The minister may want to refute that. I suspect that perhaps, because of the shaking of his head, he will. But in the Act itself there is no provision that I can find which guarantees that any individual who is likely to be affected—and that is a pretty broad scope—will be given the opportunity of appearing at a public hearing to voice his objection to the granting of a certificate, which is in effect a licence to pollute. The minister shakes his head. But he will be forced, I suspect, at some point to stand in the House and show where in this Act that kind of regulation or that kind of opportunity is available. One can well imagine all of the very great difficulties that we will have as a result of that not being there.

One can see in the Hamilton area, for example, where people who will be directly affected by the decisions of the minister, or of the director, to grant a certificate to pollute, will not have the right to express their concerns in advance of that certificate being granted. One can take the people living on the beach strip, an area the minister knows well, who are directly affected by the air pollution and, for that matter by the water pollution, but more directly affected by the air pollution from the major industry in Hamilton. And that if there were to be a decision of the minister to grant a certificate to add pollution to a certain level, to the environment in the Hamilton area, those people, though they will be directly affected, will neither be notified nor will they have an opportunity to make representation prior to that certificate being granted.

It will be only after, only after the polluting is already taking place and only after they find themselves inconvenienced and suffering as a result of the actions of the department, that they then will be able to come and to ask at the department, knock on the door and to ask if they may inquire, whether or not a certain person has been granted a certificate and what the conditions of the certificate are. And all of this time pollution is taking place and these people's lives are being affected.

Surely it makes sense that when the department considers it necessary to grant a certificate, that prior to that being granted, there be a public hearing and that people who have an interest and a concern should be able to express their views about, (a) the propriety of the granting of it, and (b) the need for it.

The minister says that the experts will decide. But do not think for a minute that every expert is in The Department of Energy and Resources Management. Do not think that every expert who is available happens to work for the Ontario government. Do not think for a minute that you have a corner on the market of experts.

There are any number of people who, on a day-to-day basis, stand up in this province and point with some considerable scorn at the decisions that are reached by this department and its experts. And it is necessary that those people have an opportunity to express the kinds of learned opinions that should, and will hopefully, influence the decisions of government. And the only way they can do that is if they are notified and given this opportunity and if this opportunity is contained within the Act.

It is to these ends that we talk about the need to have more public involvement, a thing that is sorely lacking in this particular legislation. There is no opportunity for public involvement in this legislation. And maybe the minister's opinion of the public is so low that he does not believe that there is somebody out there who cares. But the truth is that if it were not for public pressure, if it had not been for the efforts of people out there in the public over the last 10 years, we would not even be talking about pollution in this House.

If it had not been for the efforts of the public citizen in the Province of Ontario—and his demand that the future of the environment be secured, his demand that he be protected against the kinds of pollution that has taken place, the public's demand that the lakes be cleaned up and made fit for use, the public's demand that the rivers be cleaned up and made available for drinking and for recreational purposes, the public's demand that conservation take place in the province of Ontario—if it had not been for public demand there would not be a minister of the environment. Because this government was not moving, not one single inch, up until two years ago, and the tiny steps that have been taken since that period, have not justified the kind of faith that the minister is asking us to place in him and his department.

**Hon. Mr. Kerr:** That kind of provocation, Mr. Speaker, I should certainly be able to avoid; because it is a lie.

**Mr. Deans:** Well, it is an opinion.

**Hon. Mr. Kerr:** Well, all right.

**Mr. Deans:** It is an opinion.

**Mr. Speaker:** In due course the hon. minister will be able to make his remarks.

**Mr. Deans:** The question must be asked as to the changes, the amendments that have been introduced to the bill—the amendments, the minister says, will be introduced to the bill, not "have been" but "will be"—amendments which the minister says are changes to the principle of the bill.

I would like to ask the minister if he can, at some point in his answer, not at the moment, but at some point in his answer, explain what difference there is, what improvement there has been as a result of the amendment to section 27, over that which was previously contained in section 25a of the OWRC Act.

What additional opportunity is there for the citizens of the province of Ontario to be involved in protecting the environment in which they live? What great strides forward have there been by the introduction of an amendment which was intentionally, I suspect, left out of the initial draft copy and which was never intended to be in the Act and which was brought in simply because of public pressure?

And the fact is that if, in the amendment which has been introduced, if there is any appreciable change in the amount of involvement that will be afforded to the citizens, it certainly is not clear to me. And I ask the minister to make a note at some point during his rebuttal, or whatever he wants to call it, that he make reference to that particular

section and explain to me where, in this giant stride forward by the Ontario government for the protection of the environment, is it that citizens are given a greater opportunity to participate in the entire area of the safeguarding of the waters in the Province of Ontario as previously existed because I cannot find it and I suspect that the majority of people cannot.

The bill, had it been open for public discussion as it ought to have been, would have received a great many useful comments, maybe not from us, I know the minister is not too interested in what we have to say, but it would have received a great many good and justified comments and suggestions from many sectors of the society.

There are people—the minister well knows them. There was one brief prepared, a brief of some 50 odd pages, which I do not intend to read at this moment. But there was a brief prepared in a period of less than seven days which gives a concise analysis of the bill and which points out many of the shortcomings of the bill. It makes suggestions as to changes within the bill, which had the minister opened up and had the minister been prepared to encourage public participation, would have been available to him prior to the introduction and would have been, I suspect, much of what would have been incorporated into the very structure of the bill itself.

This bill, as is stated throughout the brief, flies in the face of everything that Mr. Justice McRuer said, everything that he said about the responsiveness of the minister, and the responsibilities of the minister, down through the whole judicial process of the establishment of regulatory bodies. These all appear to be ignored in the drafting and in the entire concept of this legislation and it appears that the intent of the bill is simply to provide some kind of public vehicle for the minister to ride on while his department drafts and enforces regulations that the public will have no say over whatsoever.

I received some comments from a friend who drafted them, a young lady who spent a great deal of time in the area of working on pollution with a group of people who studied the bill, and who felt very strongly about the lack of content—not so much the content but simply the lack of content—and who felt very strongly that the bill in actual fact did not live up to the advance billing. I want to very briefly report to you on the content, knowing full well that it is not permissible to read the entire matter into the record.

It is pointed out, and want to quote just one paragraph, that despite the broad intent of this bill as evidenced by the title, it in fact deals with a narrow view of the problem of pollution.

The bill is in reality an Act to control pollution and that is a vastly different thing from an Act to clear it up. It is an Act to control the pollution of the natural environment and it does not begin to deal with the other areas of pollution which are becoming so evident in this world and in this country.

The whole matter of the decisions as to the use of land, the whole matter of the decisions as to whether or not urbanization will continue to take place at the pace at which it has; the decisions that have to be made in terms of the protection of the environment as to the kind of development that will take place and what will happen in regard to the urbanization and in regard to the growth of municipalities and in regard to the abuse and use of farm lands, these things are not in this bill.

This bill does not begin to deal with the environment. What this bill in actual fact does is, as I said, it controls those areas of pollution and hopefully will bring them down to a level that is reasonably acceptable. But acceptable to whom? Acceptable simply to the minister and his department.

It is difficult in many ways to have the minister understand why this bill appears so offensive to so many people. But the basic reason I suspect is simply that people do not have the faith and the confidence in the government to permit it to have the wide and sweeping powers that it asks for in this kind of legislation. In fact, as the member for Downsview said in the introduction of the bill, this kind of blank cheque legislation is no longer adequate and is no longer acceptable in the society in which we live.

People are now much more aware, not only of the goings on of government but of the shortcomings of government. People are painfully aware of the fact that it takes so much effort to achieve so little in the area of controlling of the environment and of the putting an end to the pollution in the province and in the world. These people want to see spelled out the intent, and the manner in which the intent will be accomplished, in regard to the objectives of this government toward pollution.

It is not spelled out; it will never be spelled out; and it will not be spelled out simply because the government itself, I suspect, as evidenced by the bill, does not know yet what it intends to do. In spite of all the grand statements, in spite of all the press releases, in spite of all the posturing, there is no intent shown, no clear intent shown.

The minister may well claim that some day—I think he said a year-and-a-half ago—that in five years he would swim in Hamilton Bay. I suspect that unless the minister comes to grips with such things as the landfill operations, in five years he will be able to step across Hamilton Bay. And what does he do? He says, "Well it is not within my jurisdiction. It is outside of my jurisdiction. I am going to meet with. We are going to talk about it." But in the meantime nothing in this bill exercises the province's right to regulate the water body.

Nothing in this bill shows me that the province is serious or that the minister is serious, about regulating the kind of filling-in operations that are taking place, not only the Hamilton area, but in many other sectors of the province.

If the minister were to pay some attention to what goes on in the area in which he lives, he would very quickly see that as a result of laxness, as a result, I suspect, of improper inspection, at some stage, the entire Hamilton Bay is under considerable pressure. But because of the inactivity of this government and its is not made clear that this will change by any section of this bill, and because of the inactivity of this government, that we have lost much of the valuable land that was already there. We have been putting pollutants into Hamilton Bay, whether the minister agrees or not, but by the definition of the OWRC Act, under I believe it was section 25, if I am not mistaken—I could check the section—it is an offense to add anything to water which may pollute. And the fact of the matter is that what was taken out of the Claremont access development project was asphalt. You do not tell me that pollutes? Taken out and dumped in the bay.

**Hon. Mr. Kerr:** What do you mean taken out?

**Mr. Deans:** What was done about it?

**Mr. Stokes:** The member for Wellington-Dufferin says if you go for a swim, you are liable for a fine.

**Mr. Deans:** It says in order to add anything which may contaminate, permission must be received from the department. Was permission over received? No. Did anyone ever ask the department? No. Did the department ever go in and say, "Stop until we check it?" No.

Day and night, trucks went up and down the hill dumping this fill into the bay, and never once were they told: until such time as we determine whether or not this is an offence—and it is an offence unless permission has been granted—you can no longer continue to do this.

I say to the minister that that is the kind of legislation, that is the kind of clause, those are the kinds of powers, that one might have expected to see contained in this Act.

**Mr. Martel:** Not from this government.

**Mr. Deans:** One might have expected to see them contained in this Act. But the minister, rather than take the bull by the horns and move in and draft legislation that will provide him with the kind of teeth that are necessary to put a bite on the polluters—instead of that, he introduces the weakest, the most ambiguous legislation possible. It is not possible to support this kind of legislation. It is just not possible to support it.

While there is much more I could say about it, I do not intend to take any more of the House's time, other than to say to the minister, that if the minister had brought in legislation with some teeth in it, legislation that would have given him the opportunity and the power to move into the Province of Ontario with vigour and to put a stop, wherever possible and to curb at every opportunity, pollution in this province, then he would have had the full support of this House. But the truth of the matter is that the minister has said to us: "Just trust me, and I will go ahead and I will do what I can."

In actual fact, the leeway that the minister asks for in this legislation is far in excess of what the people of this province are prepared to grant. Thank you.

**Mr. Speaker:** Is there any other member who wishes to engage in this debate?

**Mr. G. Bukator** (Niagara Falls): I hope so.

**Mr. J. Renwick:** Mr. Speaker, I have a few comments to make on the bill; and I do not pretend, in any way, to be either particularly knowledgeable or particularly expert in a field such as this.

**Hon. Mr. Dunlop:** You will be able to speak for your party then.

**Mr. J. Renwick:** Which, as the member for York-Forest Hill indicates is a good reason why I should participate in the debate.

**Mr. MacDonald:** He is a representative of the people.

**Mr. J. Renwick:** My concern about the bill is similar to but not identical with the concerns that have been expressed tonight. It does flow of course from the inability of the minister in the bill to indicate in precise language and by way of definition exactly the terminology he wishes to use so that the public will have some conception of what constitutes either contamination or pollution.

It relates of course to the proposition which is basic to the bill and really indicates a lack of capacity in the government to come to some formal conclusion as to just what it is going to do about pollution. Because the term "pollution" and the word "pollution," which in common parlance are the topics we are speaking about when we move to protect the environment, are related entirely to the question of an excess of the maximum permissible amount which may be prescribed by regulation of any contaminant.

If one carefully examines the bill and endeavours to work out the thought processes of the minister and his advisers in determining how they are going to use that expression, which appears time and time again in the bill, "from the source of contaminant in an amount, concentration or level in excess of that prescribed by the regulations," and then in certain cases throws in the additional words, "maximum permissible amount . . . prescribed by the regulations," one just cannot understand the bill.

I do not, Mr. Speaker, intend to try to understand a bill which on ordinary reading is so totally confusing that it is impossible for an ordinary citizen to have any indication of what the government is going to do about the protection of the environment under the framework which it is established in the bill. Because if we carefully examine the prohibitory provisions of the bill, we get specific prohibitions. We have a prohibition that appears to be, broadly expressed, that no person responsible for a source of contaminant shall discharge into the environment any contaminant from the source in an amount, concentration or level in excess of that described by the regulations.

That is the basic prohibition which the minister has introduced into the bill for the protection of the environment. But leaving aside the jargon in which it is expressed, and leaving aside the difficulty of relating back to the definition section of the bill as to the meaning of the word "contaminant" and as to the meaning of any other of the words which are contained in it—leaving all those problems aside, we then look at what the minister purports to do about the prohibition and we find that he reserves to himself certain capacities to issue control orders or stop orders.

But those control orders and stop orders are not designed to enforce the prohibition. They are only designed to provide outside controls for very different things than the actual prohibition which the minister has contained in the bill. And I say to the minister, Mr. Speaker, and I say to the members of the House, that I defy anyone in this Legislature to read the sections of the bill, wherein the minister expresses the prohibition, wherein he purports to reserve to himself the right to exercise a control or to issue a control order and those circumstances in which he reserves to himself the authority to issue a stop order. If one then reflects and refers, as he is obligated to do from those sections of the bill through to the part of the bill relating to the way in which those control orders and stop orders will be issued in order to bring about compliance with the basic prohibition which he has inserted in the bill—it is an impossible task.

It is so bound up with the sensation that only those who are in the know about pollution can do anything about it; that it is such a highly scientific world of pollution control that only a very select few have the knowledge by which they can determine what will be done to protect the environment. In that very restriction, you have the essence of the government policy. The essence of the government policy is that this has nothing to do with people. This has to do with the regulations.

Just by a side comment, I want to deal with the minister's comment about the regulations committee. All that the regulations committee, composed of members of this Legislature, can do is to say whether or not the regulations are within the scope of the statutory authority. That is all that that regulations committee was ever designed to do.

When you get a bill introduced the way this minister has introduced the bill, as my colleague from Wentworth said, it is sort of

the bare bones, leaving everything to regulation. It is, for practical purposes, impossible for the minister to promulgate a regulation which is outside the scope of the statutory authority granted to it. Because it is a carefully designed, bureaucratic, highly administered bill, framed and specified in the English language and designed solely and entirely for the purpose of protecting, reinforcing the bureaucratic control of the question related to the pollution of the environment, there is just no way in which anybody can come in and understand what it is about.

Part of my concern about the bill is that up to a certain point in time I was one of the persons who thought that it was a matter which must be left to scientific and technological expertise. That in some way or other was a justification for an extensive reliance on the power to issue regulations in order to deal with the problem. Therefore, I was taken in, in a sense, by the same philosophy which animates this government. That is that, really, despite the fact that the concern about pollution, the concern about the destruction of our environment in its broadest sense is a concern which has come forward, it was created not by politicians, but because of people's concern about what was happening to the habitat in which they live.

I think the minister will agree with me. I think, Mr. Speaker, the House will agree with me—that is basically and fundamentally the origin of the problem. I think it is fair to say that there are few, if any, industries which themselves, of their own intiative, having used the environment to the detriment of the environment, move to take initiatives.

The initiatives came because there was a substantial growing apprehension among people, that if we were not very careful about what was happening we were going to destroy the capacity of our society to nurture and be able to provide the subsistence requirements for people to live.

It is that concern which has emanated from everyone. I do not think there is anyone in the province who has not had some concern about the extent of the devastation which has taken place in the environment in Ontario.

And yet the minister does not give any opportunity in the bill for the ordinary citizen to come to grips with it and say:

> We have an Act of the Legislature, passed by the Legislature, which I can pick up and read and of which I can say one or two things. One, that I understand it—that I can see an area in my environment where I believe pollution is being caused and it seems to me to fall within the definitions which have been provided in the statute and I can therefore do certain things.
>
> Because the Act provides for specific enlargement, if that is necessary, of what up to now have been civil remedies in the courts, I can take certain initiatives by getting in touch with the bureaucracy which is established for this purpose. I can galvanize that bureaucracy into taking whatever steps are required so that they will do something about investigating, and if necessary, precluding the destruction of the environment which is of concern to me. Or I can take some kinds of steps which will lead to the imposition of penalties if there have been in fact breaches of the provisions of the statute.

I am saying to the minister that regardless of the amendments which he may be introducing, that in fact unless the bill is recast in totally different terms it is not going to be possible for individuals effectively to look at the statute as whole.

The rights of individuals will be severely limited and curtailed into very narrow limits as to what the individual citizen will be able to do in order to bring the law, as presently enacted, into full operation.

And you get this sensation in reading the bill, Mr. Speaker, that even in the statement about what the bill is supposed to do, that the government is not too clear. It is almost as if it were out of the nineteenth century. It is almost as if it arose out of that concern which grew up in the nineteenth century in the United States and elsewhere about something called "conservation"—something which had to do with the deforestation which was taking place, the erosion of the soil which was taking place, the rather select group of people who expressed their concern about that kind of conservation that was required.

And the minister's bill basically reflects what at that time was a very valuable addition to the thinking about our environment, and perhaps was the preliminary part of it, but it is now not adequate at this point in time.

It is now not adequate at this point in time for the minister to perpetuate that language as being the basic purpose of the

bill. And if we are talking about the principle of the bill, I am sure it must be embodied in the short statement of the purpose as set out in the bill, and the purpose of this Act is to provide for the protection and conservation of the natural environment.

No matter how one reads those terms, you do not get any sensation that the government is taking onto itself the power to foresee and forestall by rational prevision the destruction of the environment.

It would seem to me that what the government has got to do is to say it is not just a question of protecting in the sense of hedging in the environment. It is not just a question of conserving the environment.

But it is a question of the imaginative use of a wide arsenal of tools in order to forestall any further damage to the environment, as well as to make certain that what damage has been caused, to the extent that it can be done, is repaired. I do not get any sensation that there is that kind of imaginative concern in the bill.

Mr. Speaker, I raised the question in the estimates of the Minister of Justice and Attorney General, that it was about time that someone took it upon themselves in this province to develop an accurate expression for legislative purposes of the meaning of the terms which are used; that we get away from the tendency which this government expresses to give up in fact-defining terms or defining them in such a way that they are not meaningful.

Again, Mr. Speaker, I want to try and drive the point home, I do not think it is meaningful, in a bill such as this, for the government to use a dominant term—which appears throughout the legislation—the word "contaminant," which to my mind does not convey anything, it is so broadly expressed. The word "contaminant" is defined to mean any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them, present in the natural environment as a result directly or indirectly of the activities of man.

That is an all-inclusive definition of a term. That does not help me in any way to distinguish what contaminants in the environment I should be concerned about. There is therefore, no further step in the course of determining which ones I should be concerned about as a citizen because the word "pollution" is defined not in terms of pollution, but in terms of what the regulations provide.

That is an abdiction of the capacity of the government to define the term "pollution" and to distinguish it, in the English language, from "contaminant" so that I, as a citizen, knowing full well that human activities generate contaminants in the wide sense that this is used but so that I can say to myself: "I think that the contaminant has now become a pollutant." Because to become a pollutant it would appear to me that there has to be some kind of intelligent definition.

I want to come at it from a somewhat different point of view. I do not believe that what the ordinary citizen is talking about when he refers to pollution—and when he refers to what the government should do in order to eliminate, reduce or remove the pollution in the environment—it is something which can only be defined in technical jargon. I just do not think that that is what the ordinary person believes can be done through the laws of a province.

Mr. Speaker, if I may draw an analogy, I think that somehow or other the whole process of the grant of power to pass regulations has just gone too far in the minds of this government. We all know that there has to be, as part of the administration of government, regulatory power granted to a government. But it was never at any time intended that the language of a statute should give way to the passage of regulation and that it was beyond our wit and power to define in the bill what we intended to accomplish.

Because this question is an all-pervasive question. Indeed the Leader of the Opposition perhaps was quite accurate tonight in saying that this in fact may be the issue or the concern which will continue for a long time. But unless we are able, expressly and clearly in the bill, to state exactly what we mean then I do not think that we are in any position to give to this government the grant of regulatory authority which they wish to have.

I would like to try—and I only give them as examples and I do not profess at all to understand the problem in its totality, let alone in its minor capacity, so far as we are concerned—but I can give you some examples of language which has been used, which to my mind conveys to me something that means pollution to me, or something that means what I do not like in my environment, that I want government to be in a position to do something about or that I, as an individual citizen, want to have the power to do something about.

I notice in a résumé or a discussion of the water control laws in the State of California—which I understand are about as good as any with respect to water control on the North American continent—they define contamination, for example, for water purposes as "an impairment of the quality of the waters of the state by waste, to a degree which creates a hazard to public health through poisoning or through the spread of disease."

They use contamination in quite a different sense than this government uses it in this bill. They define, for example, the terminology "nuisance" and they define it to include anything which is:

1. injurious to health or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property;

2. affects at the same time an entire community or neighbourhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; and

3. occurs during or as a result of the treatment or disposal of waste.

Now, I would think that if the government had seen fit to bring in a bill giving that kind of statutory meaning to the word "nuisance," then you and I as ordinary citizens would have been able to say we think that what is happening in our neighbourhood with respect to water pollution or water contamination is something which is covered by this Act and it has some meaning for us.

But it has no meaning whatsoever and it is impossible for the ordinary citizen—because he does not have the equipment or the information available to him—to go to the regulations which this minister may pass and to find out whether or not there has in fact been something occur which he could call a nuisance in the sense that the minister will provide in this bill.

Similarly, in that particular statute they endeavour to enumerate some of the beneficial uses of the waters of the state that may be protected against degradation of the quality of the waters and they try to spell out what are beneficial uses and the uses which must be protected and they enumerate them. These include the traditionally accepted uses for agriculture, municipalities, industrial supply, power generation, recreation and domestic purposes, plus aesthetic enjoyment and the preservation and enhancement of fish, wildlife and other aquatic resources or preserves.

**Mr. Peacock:** There is not a word about aesthetic enjoyment in that bill.

**Mr. J. Renwick:** It would seem to me that if the members of the Legislature would think about it, that if we were to say in this statute that what we want to do is to protect the beneficial uses of water from degradation, and we use that kind of English language in the bill, then you and I, Mr. Speaker, and the members of the citizenry of the Province of Ontario would be able to say: "This relates to me."

And if I go to some place—for example if I go to the old swimming hole where as a boy I used to swim and I now find that it is offensive by odour, I now find that it appears to me to be polluted, I now find that my aesthetic enjoyment has been destroyed, I can say to myself that there is an Act of the Legislature of this province under which I can do certain things. And I as a citizen can choose what I am going to do. I can go to the enforcement people in the province and I can ask them what they have done about it. I can ask them what they propose to do about it, and I can ask them to get on with the job.

I can, on the other hand, if in fact it falls within that definition—as I tried to explain that has been passed in California—of the term nuisance. If it is a nuisance in that sense, and I am one of the persons who comprise the neighbourhood, I can go to a civil court and sue in nuisance for an injunction or for damages for what has happened to me as a result of it. Or I can go to a justice of the peace and I can lay an information against the persons, if I can establish who they are who are causing the destruction and degradation of that water, in order to implement the enforcement of the penalties set out in the Act.

Now, as I say, I am trying desperately to express things which I am not expressing very well because I have not got a grasp of them. But I get the sensation, Mr. Speaker, that it is that kind of approach that we want in the province. I think it is what the people want in the province. And I think there are ways in which that approach can be implemented.

I would like to spend a little bit of time enlarging the scope of the way in which this can be accomplished. First of all, I think the purpose of the bill has got to be redrawn. I do not think it is possible in one short sentence, much as we would like to be able

to use language in that sense; perhaps the Latin language would have permitted such shorthand methods of statement of purposes.

But this is a problem which requires a little bit more thought as to just what exactly the purpose of the bill is. Because the purpose of the bill, if you are going to express a purpose in the bill as an actual clause in the bill; or if you are going to express the purpose of the bill in the bill, and inform the bill by the use of a recital at the beginning of the bill, which would encompass some sensation of what the philosophy of the government is about—the question of the protection of the environment; then I think it would be possible to so frame it in the English language that people had a real grip on exactly what the government was endeavouring to do with respect to the protection of the environment.

That is the first thing that I think would have to be done. And I think the bill in that sense is basically and fundamentally flawed because we get no conception either from public statements made by the minister, or from the statements made in this bill, or the framework of the bill, that he or the government of which he is a minister has any informed sense of what their philosophy is.

And it might well be that they should retire again to Talisman for a weekend and sit down and say to themselves, "just what exactly is the philosophy that we are trying to get across in order to protect the environment?" Then I think you could have a recital which was meaningful to the bill and I think you could have a statement of the purpose of the bill that would reflect that underlying philosophy.

And I happen to think, Mr. Speaker, that when one says to oneself, just what is included in it. And one just does not select certain areas and give it to the minister of the environment. One just does not take that kind of attitude.

If you are going to create, as it is now fashionable to create, a minister of the environment you do not make him Lord Pooh-Bah of everything, but you give him control over the environment, under the statute passed by a democratic assembly. And in fact you cover things like parkland; in fact you cover things like the pits and quarries legislation.

And just as an aside, I do not happen to think that the complex purposes that are being used at the present time of The Department of Lands and Forests or The Department of Mines, give a proper emphasis to the protection of the environment that is entrusted to those departments.

I think that one enlarges the bill to deal, and I do not think it is dealt with here, the whole question of thermal pollution. I think you enlarged the bill to deal with, rather than by exclusion, to deal adequately with the effect upon our environment of the consolidation and concentration of the agricultural industry in the province.

I agree on this case with the Leader of the Opposition that the farm community is just as much concerned as anyone else as citizens of the province about the pollution of the environment in which they are working. It would seem to me that there is, as a second aspect of what the government should do, the need to enlarge the basis of the bill and to determine that all of the areas related to it should come under the control and the direction of the designated Minister of the Environment.

The third thing to be done, Mr. Speaker, which I think is absolutely essential, is to take—what as a lawyer the minister will be aware of—the common law remedies which have been available traditionally, but have, because of this obeisance which has developed in our legal system to property rights have been destroyed of context, and get back to enlarging by statutory definition the common law remedies which were formerly available.

I am going to use the word nuisance, which in law is a technical term which has been aborted over the years. I think it was back, as I understand it, in the Seventeenth Century when a citizen in England took a case to the courts on the question of nuisance and he got an injunction because of the odour which was coming from a neighbouring pigsty.

At that point it would appear that the common law was about to be able to cope with the problem that was involved, but no longer, no longer. You had all sorts of doctrines evolve for the purpose of aborting the individual's right to protect his environment by bringing an action for nuisance.

You had all sorts of doctrines evolve such as: If you came to the nuisance you could not do anything about it.

In other words, if Metropolitan Toronto is polluted and you came into Toronto then you could not complain about it because you did not have to come to Toronto. Or if

you were living in a particular part of Toronto you got kicked out of the court because that was your problem if there was a tannery next door to you, or there was a soap factory next door to you, or a fertilizer plant, you could not complain because you chose to live there.

Then they would start to balance off. They would say, "Well, the inconvenience to you is not nearly as great as the economic advantage to the community." And that is the argument that was used about the pollution of the Spanish River and 20 years later the former Premier of the province feels called upon in the newspapers to write a three- or four-column letter explaining and justifying the pollution of the Spanish River on the grounds that on balance it was much more important—without recognizing at all that the economic life of the society is quite compatible with, and indeed is dependent upon, our capacity to manage and use our environment properly.

Nuisance is one of the areas. I have tried to give an example of one definition as it appeared with respect to water—not in respect to water—as it appears in the California civil code in order to give new meaning and life to a remedy which was formerly available to the individual citizen.

This government's choice is to let that remedy die completely rather than to say let us enlarge it and give it some meaning in terms of what we are trying to do and what we are trying to accomplish. Let us get it back to what it originally was and let us strip away some of the doctrines which have aborted it as an effective method of dealing with the problem.

There is, indeed, another old action that we do not hear of very much at the present time called trespass on the case, which again was another old common law remedy which was available in specific circumstances by which a citizen could himself take initiative to protect himself against certain forms of trespass, other than somebody walking on your property.

And trespass on the case had the creative capacity perhaps at some point had it been allowed to develop as a concept in law to have provided a basis for some kind of solution of our problem. But, again, the undue emphasis and reverence for the concept of property, as against individual rights in our society, individual entitlement for enjoyment, trampled down that as a creative possibility. So, I am saying to the minister that part and parcel of what is wrong with this bill is that there is no endeavour to revive and resuscitate those individual remedies that would give a citizen of the community some sensation that he himself can take a reasonable initiative in the courts to control his environment.

I know, Mr. Speaker, there are some people who tend to say that is not the way we do it any more. I am simply saying that, to the extent that we continue to destroy by regulation the legitimate interests of individuals and their capacity to bring into action effectively the laws passed by the Legislature of the Province of Ontario, to that extent we contribute to the destruction and degradation of the environment. I am saying to the minister that, in my judgement, that kind of thing has got to be done. I will try to put it again succinctly, because I have difficulty in expressing these conceptions to the minister. But I am thinking that certain definitions should provide a framework by which individuals could take specific initiatives—by the careful enunciation in the English language of terms, such as "nuisance," and "actions," such as "trespass"—on the case, so that we could have that sensation again.

Let me just again, Mr. Speaker, repeat the definition as it appears in the California civil code.

Let everyone who is in the House at the present time relate it to his conception of what he considers to be environmental destruction and consider whether or not each member, if we had that kind of a definition in our law, would not feel that it gave him some right, some leg up, to get individually to the problem and not to have the matter one only of frustration and bureaucratic obfuscation. The California civil code definition is:

> Anything which is:
>
> 1. Injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property and
>
> 2. Affects at the same time an entire community or neighbourhood—

**Hon. Mr. Grossman:** Sounds like an NDP.

**Mr. Stokes:** The member is being offensive.

**Mr. J. Renwick:** Quoting:

> —for any considerable number of persons, although the intent of the annoyance or damage inflicted—

**Mr. Stokes:** It is Ronald Reagan.

**Mr. J. Renwick:** Quoting:

—upon individuals may be unequal and,

3. Occurs during or as a result of the treatment or disposal of waste.

It seems to me, Mr. Speaker, if you were living in an area—

Interjection by an hon. member.

**Mr. J. Renwick:** —beside a tannery and you know that in your law there was that definition of nuisance, you would have some sensation that you could do something about the offensive odour. If you lived beside the Don River on the borders of the great riding of Riverdale, then over the years one would not have just gone over the river and looked at and shaken his head and said, "I wonder what has happened to the Don River," one would have had some kind of a sensation that he is an individual. Or, collectively, a group of citizens in the area could have taken some kind of action to stop the pollution of the Don River.

Now, a fourth area, Mr. Speaker, where I think that a totally new approach is required in order to bring within the framework of an environmental protection law, such as this, is some sensation that the concern about it came from people, came from individual people, came from something called, in the rhetoric of the day, misused as it is, a participatory democracy, whatever you want to do it, citizens' groups, people concerned about what was happening to the neighbourhoods and the environment in which they live. I think instead of taking it all upstairs to the technicians and to the technologists and to the scientists, to deal with by regulation, I think what we should be doing in this province is to do as they have done elsewhere. Again, I do not suggest anything original particularly about what I have to say about this. But I think it would be possible, for example, to establish—again as they have done in California—regional boards that would be made up of persons drawn from specific backgrounds of interest.

You would involve—and if the government is serious about its regional development programme and about its regional government programme in the long run—you have within the framework of The Department of Treasury and Economics the basic outline of what the region should be. Those regions, the regional boards, should be given some sensation that they are to act in the public interest. The time has long since passed when we can simply leave out of the statute that a group of men appointed by the government need not be told that they must act in the public interest.

You counteract two things. One of the ways in which they did it in the State of California was to draw on a regional board. They would have nine members. They would take six of them and the statute would specifically provide that the six were to come from specific areas of interest—agriculture; wildlife concerns; industry; any of the particular areas that were involved in it—in order to get a cross-section of the various interests that were involved in the problems that were before it. Three of them were to be appointed sort of generally, not to represent the general interest but not related to those specific interests. One or two of them would be persons who had special technical knowledge in scientific or technological terms.

That board was told, "You are not here to represent your individual interests; you are here as a collective group to deal with the public interest." If there were such a regional board system established in the Province of Ontario, then you and I would be able, as citizens, to go to that board. If what we wanted to do could not be accomplished before that board, or we felt that the decision of that board and the matter in which we were concerned was not adequately dealt with, we could take the matter—not to the overall board for the Province of Ontario, not simply because it was an appeal board but because it was the board which was establishing, supervising, enforcing and dealing with all aspects of the compliance with the basic philosophy and purposes of the bill.

I would think it would be possible for us to use the germ of the ideas which are contained in that kind of structural setup. I think it is unique in the State of California. I know that some of my friends may be concerned that Governor Reagan is the governor of California and so on, but for those who are concerned, the genesis of this, of course, predated the Reagan governship in the State of California. In either case, I do not take it away from the State of California. I think it is a first-class law.

**Mr. Gaunt:** Brown brought it in did he not?

**Mr. Peacock:** Governor Brown?

**Mr. J. Renwick:** No, but the studies were on-going studies. They were things that were

of such concern to everybody that they continued in the state. There was the idea that somehow or other, it was not a provincial board away up here somewhere; that the appeal process was not divorced from the people who were making it work. What they did by decentralizing to a regional basis was to provide a framework of expertise at the regional basis; a place where you could go with your complaint; a place where it could be heard, and if you had to make an appeal, you were upset by it, you came to the principal board about it.

There was no need, Mr. Speaker—apparently, they found out in California there was no need for this to be a fulltime job on a regional basis because they found that if you got this group of people who formed that board made up as I have indicated, and you provided them with an adequate staff, an executive director in that particular area and an adequate staff, that men and women could perform these functions on a part-time basis, having had a clear guide and direction as to what they were supposed to do.

In that sense, Mr. Speaker, they tended to get a kind of public involvement, a public sense that it was not remote and a sense that somewhere, as part of the overall structure of their statutory authority, an individual could get close to the administrative bureaucracy that was designed to protect his environment.

I think a third thing—and I think this is still a very real problem in the Province of Ontario—is the ability of an individual to enforce compliance with the legislative laws by going to a justice of the peace and saying, "Mr. Justice of the Peace, this is statute so-and-so that prescribes a penalty of so-and-so for this infraction. These are the reasons why I think that there is an infraction of this statute; I want to lay an information and charge someone with an offence against the provincial statute."

We are all familiar, Mr. Speaker, with the capacity to go to a justice of the peace and lay a charge for a breach of The Criminal Code, which affects you and me, but so far as provincial statutes are concerned such as this, we do not appear to have the wit and the ability to establish a simple procedure by which the ordinary citizen can, if he wishes, invoke the processes by which penalties may be imposed. And the minister knows as well as I do that scattered throughout our statutes are a whole range of monetary penalties of one kind or another which are a constant subject of comment and debate whenever any bill is passed, because they are either $10,000 or they are $5,000 or we are raising them from $50 to $500. They are scattered throughout the statutes, and if you ever ask the minister how many times the fines have been ever levied, except under The Liquor Control Act and The Highway Traffic Act, it is negligible. There are very few ways in which an individual citizen can bring about the implementation of the enforcement provisions of the statute and turn it over so that the Minister of Justice is required then to do something about it.

I think that is a fifth or sixth area where the whole draft of such a bill could be completely and totally restructured to give some sense of body to it, some sense of meaning to it, some sense that the English language is capable of stating what we want to state when we say that we want to protect the environment.

If I may turn to another state, I think in the State of Texas they have an air control or an air pollution law, and they have experimented in that state with a number of ways of making it work, of getting it to the point where in fact it works because the citizenry are involved in it. One of the particulars of our recent amendment tries to incorporate the thought which is expressed in this, that it recognizes the need for a grant of regulatory power. It recognizes that there has to be an administrative code of regulations, but it requires that no regulation can be promulgated or have any effect unless there are public hearings at which the regulations are considered, where publication is given, where people can come and make their representation.

I know, Mr. Speaker, immediately somebody is going to say that the citizens of the Province of Ontario will hamstring the system—we had it from the Minister of Justice the other day, that if they grant the citizens any rights, the citizens will spend their time stopping the system from functioning.

**Mr. Peacock:** The minister himself said that this evening.

**Mr. J. Renwick:** But in the State of Texas they experimented not only with the substance of it, but in the initial stages they had public hearings about the nature of the procedures and the procedural rules by which the enforcement and carrying on of that statute would be carried out, and they had public hearings about them and they went on. Groups came and spoke as groups, groups retained counsel to speak, individual citizens

with expertise in a particular area came, industry came, representatives of the agricultural community and representatives of labour came.

They did not come to make some kind of platitudinous presentation to government, and as an aside, I think there must be many groups which must be sick and tired of coming and waiting upon cabinet and making their annual presentations about this, that or the other thing and finding that next year they are back making their annual presentations again, and nothing ever happens. I am talking about a board which is established and holds hearings about its rules and procedures; holds hearings about how its regulations are established and what they are going to say.

You know, I used to think that the member for Woodbine really had a solution to a lot of our problems when he finally forced the government into setting up this statutory regulations committee that looks at the regulations. Well, I can simply say that if anybody wants to belong to a totally useless standing committee of this Legislature, go and sit on the regulations committee.

We have come so far from that that the way in which you co-ordinate and relate the grant of regulatory power by statute of this Legislature, is to come in the other way and provide for public involvement in the making of those regulations.

Finally, in the State of Texas after some weeks and indeed some months, and bearing in mind that we are talking about the long course of time, they got satisfactory regulations. It instilled in the people who were involved in it a sense of confidence that they were getting a hold of what the problem was.

There were none of these tablets brought down from on high and published in our equivalent of holy writ—the Ontario Gazette that nobody can read and nobody wants to read. They were not couched then in a lot of jargon. People who participated in the meaning of them, in the development of them, knew when the jargon came out as to what it was supposed to say and they could have some conception about what it was about.

I am saying to the minister that the bill is seriously flawed in that—which must be about the seventh or eighth of the basic fundamental flaws which can be found in the bill.

I think, perhaps Mr. Speaker, to summarize the point at which I have arrived, before I go on to some other areas of concern to me, and so that you will get a grasp in summary form of what I have been saying, on the question of the protection of the environment, I think that the minister has to start all over again, and I think what the minister has got to do first of all is to establish a board. Right? I do not know and I really do not care what you call it, but it is not going to be called an environmental council, and we are not going to have the minister stand up and say to us: "Oh, I really intend to give that council a lot of authority". We heard the former Minister of Education who is now the Premier tell us about the real grant of authority to the board of—is it regents, for the community colleges? They had absolutely no authority. They were designed to confuse the public that in some way or other there was some controlling body related to the community colleges divorced from government when it was all centralised in the minister.

I do not care what this minister says about what authority he is going to give to the environmental council, I am not prepared to have him give it to them. I intend, and hope, and expect, that by the time we are finished with this bill the minister will in fact first of all establish the board—I do not care what he calls it, the environmental protection board—and the first step of the statute setting up that board will be to provide that there will be representatives from various walks of life who are involved in it.

The minister can shake his head all he wants. Mr. Speaker, the bill is so rotten that it is impossible to get through to the minister. The minister sits there nodding his head. Come on, let us get with it. This is a serious problem in the environment. Establish a board—

**Mr. Lawlor:** He is suffering from narcosis.

**Mr. J. Renwick:** —and say to that board: "One of you is from industry, one of you is from agriculture, one of you is from labour, one of you is interested in conservation, one of you is interested in fish and wildlife, one of you is interested in any other particular aspect that you must have to have representative groups." And you say to that board: "You are now to act in the public interest. We want you now to hold; public meetings to determine what the areas are that we should consider in order that you can come back and we can discuss with you a new statute for the protection of the environment."

I suggest to the minister that it could be divided up into seven or eight headings. One member of that board would be charged with the responsibility for working out the series of definitions which are essential to the bill. The second one would be a member of that board charged with working out the philosophy and a statement of the policy of what they wanted to accomplish; the third member of the board could be charged as a subcommittee for the purpose of working out the organization, the structure of what was going to be evolved; a fourth one could deal with the question of enforcement; the fifth one with the question of implementation; and a sixth one with the question of intergovernmental relations.

Each of those persons could form a committee of his own of experts in those various areas and they could come back and they could submit to this government a report about how this kind of a bill should be shaped and framed in order to present it to the Legislature.

I would think, out of that, it would be possible to deal with a great many of the problems which I have raised as being ones of fundamental flawing in the bill which the minister presents.

Another aspect I would like to touch upon is the problem of environmental protection. The problem of environmental protection is one which the minister will agree is not either local, provincial, national or international, but is one which overlaps in all of those spheres and that there is a role to be played in each of those spheres but none of them is exclusive of the other.

**Mr. Nixon:** Come on, tee down.

**Mr. J. Renwick:** There is a provision—is the Leader of the Opposition in a hurry to go? Why does he not go then?

**Mr. Nixon:** I have heard all this before.

**Mr. J. Renwick:** It is all right, we are not having the vote until tomorrow. The leader can get four or five hours sleep in if he wants to.

**Mr. Nixon:** I can sleep while the member is talking.

**Mr. J. Renwick:** Well why do you not?

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): It is tomorrow now.

**Mr. J. Renwick:** I saw the Clerk a few minutes ago, or a little while ago, change the date on the calendar. I assumed that the hour had passed.

**Mr. Nixon:** What a virtuoso performance.

**Mr. J. Renwick:** The bill contains a provision with respect to something called the ability of the minister to enter into intergovernmental agreements of some kind or other.

**Mr. Nixon:** "It is a deep and fundamental flaw."

**Mr. J. Renwick:** What we are saying about the bill, of course, is that that is not good enough.

**Mr. Lawlor:** The Leader of the Opposition is weakening every minute.

**Mr. J. Renwick:** This minister, if he is going to have the grandiose title of Minister of the Environment, should be directed by the bill to consult with those authorities in neighbouring states and provinces for the purpose of specifically dealing with the problems related to pollution that are boundary problems, or problems of ambient air, or problems that relate to the influx into the Province of Ontario, or the outflow from Ontario, of matters which cause pollution.

There should be a specific direction to the minister, not only to try to hold such meetings, but to report to the Legislature about the result.

I listened one day to an international lawyer extol to me the virtues of the International Joint Commission and what a tremendous job it has done. One of the areas where it has, in fact, failed, by failure of the governments to give it the instructions to do something about it is with respect to the international waters of the Great Lakes on which we border.

The minister knows very well that the problem of Lake Erie is a problem which is almost past repair. The minister also knows that there are specific things which he can do, not because he is an emissary going abroad for a junket to the State of New York or to the State of Ohio, or to the State of Michigan, or to the State of Illinois, but for the purpose of providing the initiative to see whether or not we cannot get in fact effective intergovernmental communication about the problems of the environment.

I think that is another area where the bill is defective, in the sense that there is no positive thrust in the bill for the purpose of taking care of that aspect of the environmental problem.

Mr. Speaker, I have not dealt with the specifics. I am not competent to deal with any of what I have dealt with, let alone deal with the question of herbicides and pesticides and the questions of thermal pollution and the questions related to other motor vehicle pollution and all of the various special types of waste management and other matters which are set out in the bill. However, I am saying that they are not as useful or as valuable or as functional as the minister may think.

The basic framework of the bill as set out in the initial parts relating to administration, the part relating to a definition, the part relating to the general provision, the part relating to enforcement and compliance, and the miscellaneous part, when all put together, show to my mind the incapacity again of this government creatively to deal with a social problem which has arisen from concerns of people and to deal with it in such a way which will accomplish certain things.

First, a confidence in people that it is being done; second, a sense of assurance that the government itself is committed to doing it; and third, a method by which we can bring together, not only the concerns and feelings of citizens, but the concerns and feelings of all aspects of the special interests which all of us have, in conjunction with the technical and scientific expertise which is required in order to produce a bill in this Legislature which will have a sense of the kind of philosophy and policy which I believe all of us want in dealing with this difficult problem.

I think the bill is an abdication by this assembly to the regulatory power. I think that the bill is such wide-open abdication of that authority—that it is so meaningless and there are so few protections in it—that all of us have a sense that, once again, a bill will be passed in this Legislature and the people will say, "I am sorry, we will continue to be frustrated about the whole question of pollution because we will have no way of having in ourselves a sense of confidence that either the legislative assembly, the government, or the civil service bureaucracy that are to administer it, have any clear and able conception creatively expressed of what they want to accomplish.

Well, Mr. Speaker, I have gone on at some length. I could go on longer but I know the Leader of the Opposition wants to go home so I will defer to the next speaker.

**Mr. Bukator:** Mr. Speaker, there are many files that I wanted to go through with this minister, with this particular bill that affects the Niagara peninsula, but I think we will take it section by section when it is before the committee and I am going to call my comments off for the moment.

**Mr. Speaker:** Does any other member wish to speak before the minister replies? If not, the hon. minister.

**Hon. Mr. Kerr:** Mr. Speaker, we have had quite a lengthy debate since about 4:30 this afternoon and I think that in many of the remarks of the members there was a certain similarity in their criticism.

One of the main points they have raised as a point of criticism is the fact that the bill does not give the people the chance to participate in some form of environmental conservation programme. I think probably we should go back to the bill and read the explanatory note, which says:

> The purposes of this bill are to bring together the existing legislation relating to protection of the environment and to introduce new protective measures.

I think, as the hon. members realize, this is basically a regulatory Act. Maybe it is misnamed; maybe it should just have been called The Pollution Control Act.

**Mr. Martel:** Introduce a new bill tomorrow. Change the name.

**Hon. Mr. Kerr:** But I do not think in the bill itself—and this is what we should be guided by, not by any extraneous statements that are made or newspaper references to the bill. The bill, in its explanatory notes and in its provisions, sets out just what piece and type of legislation is before us.

So I think, in the hon. members' submissions and criticisms regarding the number of regulations that the provisions of the Act will make possible, that it is a valid point for me to say, as I have said, that if we are bringing together The Air Pollution Control Act, The Waste Management Act, sections of The Public Health Act, sections of The Pesticide Act, sections of The Ontario Water Resources Commission Act, it is quite logical that regulations dealing with those Acts for the most part will be part and parcel of this bill.

There should not be the surprise or the reaction that we have had from hon. members who have taken part in this debate about the number of regulations that will result from certain provisions enabling regulations to be made. As a matter of fact, in some cases—

Mr. Gisborn: Why such haste?

Hon. Mr. Kerr: In some cases, Mr. Speaker, in fact there will be a reduction in the regulations. I realize that this does not solve or answer the criticism, but this in fact is so as a result, naturally, of consolidation.

Dealing again with the regulations, as I say, my submission is that it is difficult for legislation of this type to set out in the bill itself those things that we set out in regulations. I do not know how we could set out in the legislation the details of an air pollution episode, for example, or a smoke density chart or whether the deposit on a returnable bottle should be five cents, six cents or seven cents—we might change it from month to month, depending on the success of the amount we placed and the number of trips that returnable bottle makes. I do not think it should be bound or tied down in an inflexible way in the legislation.

Mr. J. Renwick: We were not talking about that.

Mr. Stokes: Come on. You are unreal.

Hon. Mr. Kerr: I think this is what some of the hon. members who took part in the debate today suggested.

Mr. MacDonald: Yesterday.

Hon. Mr. Kerr: These are, for the most part, the type of things that are set out in bills of this type which are dealing with, as the hon. member for Riverdale referred to over and over again, very technical complex things. There seemed to be, particularly earlier in the afternoon, a sort of theme that for the most part we were obviating certain citizens' rights to take part or to have some say in the setting of standards and criteria. Then, on the other side, almost in the same breath, we were in some way trampling on the rights of the polluter. All I can say, Mr. Speaker, is that really we cannot have it both ways.

Mr. Peacock: The minister intends to have neither.

Hon. Mr. Kerr: I am satisfied that in this legislation we have met McRuer's criteria, particularly with the appeal provisions and the amendments that were introduced today—

An hon. member: What about short periods?

Mr. J. Renwick: The government is so hung up on McRuer.

Hon. Mr. Kerr: Certainly the hon. members who spoke this afternoon, Mr. Speaker, quoted the man's name almost ad nauseam but I think that we have satisfied the principles that have been laid down in his various reports. Certainly there are a lot of regulations dealing with this legislation but I feel that they are objective; that they are difficult to substitute in the bill. I feel particularly that the provisions of the sections in the bill providing for regulations are broad and objective enough that there is no confusion—

Mr. Martel: They are broad.

Hon. Mr. Kerr: —as to what will be left to the regulations.

Mr. T. P. Reid: Does the minister have those regulations now?

Mr. S. Lewis (Scarborough West): What does the minister mean, that the regulations are broad enough?

Hon. Mr. Kerr: I am just saying that the provisions of this bill dealing with regulations are broad enough and objective enough and even definite enough so that we will know what will be in the regulations. We will have reason to know what will be in the regulations.

Mr. Lewis: That is good. The minister is going to be very embarrassed when he reads all about himself. When the minister corrects his Hansard, it will be a nightmare.

Hon. Mr. Kerr: I cannot repeat it again, that is for sure!

Mr. T. P. Reid: All that junk is causing verbal pollution here.

Hon. Mr. Kerr: Now, the one point that the hon. member for York South raised that I would like to refer to—

Mr. Randall: Just one?

Hon. Mr. Kerr: —I think also the hon. member for Riverdale made the same reference, in that there did not seem to be an adequate definition of pollution.

Mr. Speaker, I feel that if the hon. members will refer to the definition of contamination and the definition of pollutant and the definition of a source of contamination, really there is no confusion. It is quite clear. As a

matter of fact, it is more definite, it is broader but it is, in my opinion, clearer than, say, the existing Air Pollution Control Act.

I might then refer to section 6, the general prohibition section, which was referred to by the hon. member for York South. It states: "No person shall deposit in, add to, omit or discharge," and, at the end, "in an amount, concentration or level in excess of that prescribed by the regulation." There is some criticism of that section. But I think the important thing is to realize that that is a section that would apply when we can measure a standard, or we can measure a level accurately or we have a criterion by which we can go by. This might be, say, industrial emissions or something like that.

We have supplemented that with sections 15 and 16. These are the type of sections that the hon. member for Riverdale referred to in his discussion regarding California. I think, when a person reads section 15, for example, he has an idea of what we are trying to do or of what pollution is or of the things that we are controlling that offend him or maybe are injurious to him.

**Mr. J. Renwick:** I purposely did not deal with those sections—

**Hon. Mr. Kerr:** No, I know the member omitted section 15, but section 15 can be quite simple.

**Mr. T. P. Reid:** Section 14 and 16 contradict each other.

**Hon. Mr. Kerr:** "Offensive odour"—that is the old swimming hole bit. Then subsection (b) says, "may endanger the health or safety of any person." That is quite clear. This is something we have been dealing with, the type of criteria we have been referring to, in our legislation for years.

**Mr. J. Renwick:** What does the minister do about it now, having made the prohibition?

**Hon. Mr. Kerr:** If a person does omit or discharge a contaminant that will have an offensive odour or endanger the health, then we go to section 102. There is the offence and there is the penalty.

**Mr. J. Renwick:** And if one gets to 102, who implements it?

**Hon. Mr. Kerr:** The department can lay a charge. A citizen can lay a charge. I might refer to that theme of argument. There is nothing in this legislation that prohibits a citizen from laying a charge.

**Mr. J. Renwick:** Except that one cannot go under provincial statute to a justice of the peace to get him to lay a charge.

**Hon. Mr. Kerr:** That does not make sense, because there are numerous justices of the peace—and the hon. member for Sudbury East will back that up—who are accepting charges under The Ontario Water Resources Commission Act, particularly section 27 and section 8 of The Air Pollution Control Act. There is no problem.

**Mr. Lewis:** It says it is in the statute. Does it not say it in the Act?

**Hon. Mr. Kerr:** No, it does not say, specifically, that a person can lay a charge under The Ontario Water Resources Commission Act. It just says there is the offence section and the government, an officer of the government, a provincial officer, or a citizen can lay a charge under this Act. Now this bill enlarges that. We are now binding the Crown. As somebody said, we can sue OWRC. There is also the section about the appeal board, where under section 81 any person can become a party to a hearing by the appeal board. That does not mean just the polluter. People who may be affected from the contamination can under section 81 become a party to the hearing.

There is also the provision under section 20, subsection 4—it is a new section—that enables a person to go to a central registry to ask for a name of a company that he thinks pollutes and get full information on that company. This is something that is added to this bill that does not exist at the present time. So all the debate and argument and submissions that this bill is a retrogressive bill; that it is a step backward; that it denies the citizen rights that he has now, is just not so.

The hon. member for Riverdale, as usual, in his very philosophical law did make some good points, and I think he was dealing with things that may, I might say at this point, have bothered me to some degree about this legislation. But I think this results when probably we put the bill on a plane that it should not be on. As I say, if you read the explanatory note we are basically bringing together existing legislation. It is mainly a regulatory Act, and we are introducing new protective measures.

**Mr. T. P. Reid:** You put it that way! Read the Premier's remarks.

**Mr. Nixon:** What about the environmental bill of rights too?

**Hon. Mr. Kerr:** Again, in the hon. member's submissions, he was concerned about regulations. He was concerned about definitions. He was concerned about things, really, that exist at the present time.

I think, in all fairness, we must realize that we cannot look at this bill sort of in a vacuum. It is not something brand new, where there is no idea as to how it will be enforced, or what mechanism we will use to administer the sections of the bill, or what type of regulations we will have. We do not have all those questions in this bill, because it is not basically entirely a new bill.

The hon. member for Riverdale made the remark that if you start with the definition sections and you move into the enforcement section, which is 102, that when you refer to control orders and stop orders, you are completely confused. I do not see why the hon. member for Riverdale should be, because if you read the definition sections, as I have already mentioned, in sections 6 and 15, you can go to 102. But, if you have a situation where you have a large industry, as we have now, where you have to issue a ministerial order, that in fact becomes a control order.

We have gone a step further in this bill. We have provided for a stop order. We can close a plant down; we cannot do that now. We can close a plant down under this new bill.

**Mr. Peacock:** "If in the opinion of the director."

**Mr. MacDonald:** We will be approaching the minister on Canadian Gypsum with that.

**Hon. Mr. McKeough:** The minister does not have to answer all those guys.

**Mr. Randall:** "Close the plants, fire the workers"—that is the NDP policy on pollution.

**Mr. MacDonald:** The member for Don Mills should have been around when I read two or three letters.

**Mr. Randall:** Creating unemployment.

Interjections by hon. members.

**Hon. Mr. Kerr:** So I do not think there is any inconsistency here, nor should there be any confusion. If somebody is polluting—

**Hon. Mr. McKeough:** The minister has 10 more bills.

**Hon. Mr. Kerr:** —you lay a charge and you have the enforcement section set out in the bill, but if you are dealing with an industry that has a problem and is polluting and has to install pollution abatement equipment, you have an option—close it down or give it time to deal with its emission problems as we are doing in Sudbury.

**Mr. Martel:** How much time? Oh, nonsense. Did the minister read today's Globe and Mail?

**Mr. W. Hodgson** (York North): Does the member want to close Inco, yes or no?

Interjections by hon. members.

**Hon. Mr. McKeough:** The minister does not have to answer all those questions. We have 10 more bills to put through tonight, so come on. Urge them to support the government, be against pollution—

**Hon. Mr. Kerr:** I want equal time.

**An hon. member:** We will see the minister at the polls.

**Another hon. member:** The Treasurer should have seen it the way it was tonight.

**Mr. Lewis:** The Treasurer wants the minister to wind it up. He has 10 bills to get through tonight.

**Hon. Mr. Kerr:** The hon. member also asked the question, and as a matter of fact this was asked by the hon. member for Rainy River—I want to give him some credit here—and by the hon. member for York South, what is our philosophy?

**Mr. Makarchuk:** The minister will move Canadian Gypsum to Don Mills.

Interjections by hon. members.

**Hon. Mr. Kerr:** And I will say it in so many words, without sounding maudlin. Our philosophy is to protect the environment. We have many ways in this government to do that. It may be under a planning Act. It may be under The Department of Municipal Affairs Act. It may be under Transportation. It may be under The Conservation Authorities Act, which we are not affecting here, and it may be under this Act, but it is a part of a whole, total picture. I think the hon. members have seen some indication of what that philosophy is during the past two or three months.

**Mr. T. P. Reid:** Will the minister send me a memorandum on that?

**Hon. Mr. Kerr:** I think, referring again to the hon. member for Riverdale, that using certain common-law remedies now is easier than it was a year or two or three ago. I think he will see from the penalties that are being handed down now by the courts and the new attitude of the courts, that they are more or less adopting, shall we say, the new ethic regarding environmental conservation.

Those writs that are available under the common law—charges of nuisance or trespassing, for example—I think would enjoy some success today more than say, four or five years ago. So the young fellow at the old swimming hole, if he is not satisfied with the remedies under the bill, can use civil remedies, prerogative writs and those other things that I think will in some way satisfy him, from the point of view of injury, from some form of injury from pollution.

Maybe we should spell out in the bill that the environmental council should have representatives from labour, industry, consumer associations and universities, but that is the type of council it will be; it will have representation from all walks of life. I do not think we need a board. Council, board—what is in a name? As long as it has the type of people the hon. member mentioned, that people can go to and can relate with. It could be the environmental council; it might be the appeal board. It might be the existing advisory committee on pollution control, the pesticides board.

**Mr. W. Hodgson:** Lawyers.

**Hon. Mr. Kerr:** But I think those facilities are available now, and what I am trying to say, Mr. Speaker, in summing up—

**Hon. Mr. McKeough:** Hear, hear.

**Mr. Nixon:** There is support for you!

**An hon. member:** Now we know why the Treasurer—

**Hon. Mr. McKeough:** I heard that. I heard that.

**Hon. Mr. Kerr:** Hear, hear.

**An hon. member:** Pay attention, Mr. Speaker.

**Mr. E. R. Good** (Waterloo North:) Who is abusing this Legislature now?

**Hon. Mr. Kerr:** With the amendments we have indicated will be made in committee, some further amendments that I think will will improve the wording of this legislation, we will have the type of bill that will be acceptable to all members of this House.

Interjections by hon. members.

**Mr. Speaker:** Hon. Mr. Kerr moves second reading of Bill 94.

Mr. Burr moves, seconded by Mr. Martel that the motion for second reading of Bill 94, intituled, An Act to Protect the Natural Environment, be amended by deleting all the words—

Interjection by an hon. member.

**Mr. Peacock:** Would you silence the Treasurer, Mr. Speaker?

**Mr. Speaker:** Well, I do not propose to compete with him.

**Mr. Lewis:** There is a putdown.

**Mr. Gaunt:** Consider yourself told off.

**Mr. Lewis:** You will have a sleepless night.

**Mr. Speaker:** Mr. Burr, seconded by Mr. Martel, moves that the motion for second reading of Bill 94, intituled, An Act to Protect the Natural Environment, be amended by deleting all the words after "that" and substituting the words:

This bill be not now read a second time, but be referred to the government with instructions to bring back the bill with the following changes, namely:

(a) That adequate provision be made for citizen involvement in the determination and enforcement of environmental standards, either as individuals or collectively through municipal councils, including provision for public notice and public hearings;

(b) That the sweeping powers given to the Lieutenant-Governor-in-Council to issue regulations, and the discretionary powers given to the minister to issue approvals of industrial plans and exemptions from the regulations, be transferred to an independent environmental control board, similar to the Ontario Municipal Board; that it be required to hold public hearings and call expert witnesses as well as hear ordinary citizens, before answering any regulations, orders or approval; such body to replace the environmental council provided in the bill;

(c) That more adequate appeal procedures be established, including the right

of third parties to appeal orders, approvals and compensation awards, and that the minister's power to veto prosecutions be removed.

(d) that provision for private initiative and seeking compensation for damage to human health be included along with provisions for compensation for economic loss;

(e) that the Ontario Water Resources Commission be brought fully within the ambit of the bill and the legislation governing it become part of the bill.

Once again, the question to be voted upon is whether Bill 94 shall now be read a second time, and that is the question which I shall now put to the members.

The House divided on the motion for second reading of Bill 94, which was approved on the following vote:

| Ayes | Nays |
|---|---|
| Apps | Ben |
| Auld | Breithaupt |
| Belanger | Bukator |
| Bernier | Bullbrook |
| Boyer | Burr |
| Carruthers | Deacon |
| Carton | Deans |
| Demers | De Monte |
| Downer | Edighoffer |
| Dunlop | Farquhar |
| Dymond | Ferrier |
| Evans | Gaunt |
| Gilbertson | Gisborn |
| Grossman | Good |
| Guindon | Lawlor |
| Haskett | Lewis |
| Henderson | MacDonald |
| Hodgson | Makarchuk |
| (Victoria-Haliburton) | Martel |
| Hodgson | Newman |
| (York North) | (Windsor-Walkerville) |
| Jessiman | Nixon |
| Kennedy | Peacock |
| Kerr | Pilkey |
| Lawrence | Pitman |
| (St. George) | Reid |
| Meen | (Rainy River) |
| Morin | Reid |
| Morningstar | (Scarborough East) |
| Morrow | Renwick |
| McKeough | (Riverdale) |
| Newman | Ruston |
| (Ontario South) | Singer |
| Price | Smith |
| Randall | (Nipissing) |
| Reuter | Spence |
| Rollins | Stokes—32. |
| Root | |
| Rowe | |
| Rowntree | |
| Smith | |
| (Hamilton Mountain) | |
| Snow | |
| Villeneuve | |
| Welch | |
| Wells | |
| White | |
| Whitney | |
| Winkler | |
| Wishart | |
| Yakabuski | |
| Yaremko—47. | |

**Clerk of the House:** Mr. Speaker, the "ayes" are 47, the "nays" are 32.

**Mr. Speaker:** I declare the motion for second reading now carried.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill go to the Committee of the Whole House? Mr. Minister; you have the direction you know. Committee of the Whole House. Agreed.

## CONSERVATION AUTHORITIES ACT, 1968

Hon. Mr. Kerr moves second reading of Bill 95, An Act to amend The Conservation Authorities Act, 1968.

**Mr. Good:** Mr. Speaker, speaking to second reading of Bill 95, the first three sections of the bill, Mr. Speaker, are routine housekeeping matters and I want to confine my remarks to the last sections—section 3, 4, and 5 of the bill.

The extension of the powers of the enforcing officers as defined under the previous Act will now be extended to the enforcement of section 27 of the original Conservation Authorities Act. For some reason this was forgotten in the original bill of 1968 and these powers are now extended so that the enforcement of matters under the jurisdiction of section 27 can now be carried out properly.

The main concern of people to whom I have spoken is that of the definition which will be established in the regulations, and not defined in the bill, regarding the substitution of the words "regional storm" for "high water mark."

Previously the conservation authority, Mr. Speaker, had control of all lands and the erection of buildings below high water marks. This has now been changed so that the conservation authorities will have control of the erection of buildings on any pond or swamp in any area susceptible to flooding during a regional storm.

Now the reason I think this principle should be discussed very briefly, and I will not be long with it, is because when the definition was defined as below the high water mark, my understanding is that the high water mark was an accurately defined area, and people were then able to know what buildings would be under the jurisdiction of the conservation authority and what lands could be prohibited.

**Mr. Lewis:** On a point of order—

**Mr. Speaker:** Point of order.

**Mr. Lewis:** I know the level of noise is high in the House anyway but could the Hansard people raise the volume of this member's microphone because it is very difficult to hear.

**Mr. Speaker:** If he can I am sure he will. I wonder if we could have a little order please. It is very difficult to hear the person who is speaking.

**Mr. Good:** If the minister could clarify, in his remarks, how they intend to define the areas over which the conservation authority will have control and the difference between high water mark and areas susceptible to regional storms. The reason I ask this is of very grave concern to a municipality which is in my riding where practically the whole municipality is under the area which was defined by the high water of Hurricane Hazel. The area that was flooded by Hurricane Hazel has been outlined and shown on every conservation map within the Province of Ontario, and I would like to know, first of all, as regards the definition, what is going to be defined in the regulation —now why it was not in the Act I do not know—as land which would be susceptible to flooding during a regional storm. People are a little concerned as to how you are going to define something which will give a conservation authority, you might say, building-permit privileges on that land.

There is one other point that I would like to make regarding the control by conservation authorities over land which is susceptible to flooding by regional storms, and that is this: when reassessment of privately owned land has been made, land which is designated by the conservation authorities as to be unsuitable for building, there appears to be a lack of communication between the assessment department and the conservation authority.

**Mr. Nixon:** Right.

**Mr. Good:** I am thinking of one instance of which I am aware, where a building, and storage tanks from a well, exist on land which has been designated as flood plain land by the conservation authority.

However the assessment in Vaughan township at the time showed the land to be much more valuable in their estimation than the conservation authority has designated. I would think that this changing of the definition will have grave consequences to many people, both to municipalities and to private individuals who have land in these areas with buildings on them which they cannot remodel or remove or rebuild because of these regulations.

**Mr. Henderson:** Carried?

**Mr. Good:** Mr. Speaker, the principle of the other section just upgrades the wording of the expropriation powers of the authority and if the minister would reply to my earlier questions, those are all the comments I have on this bill.

**Mr. Speaker:** The member for Hamilton East.

**Mr. Gisborn:** Mr. Speaker, it would be somewhat difficult to carry on at any length in discussing the principle implicit—

**Mr. Gaunt:** Oh please do, please do!

**Mr. Gisborn:** —in this amending Act. As regards section 1, the principle there is very simple; it is changing the title of the department head.

**Mr. Nixon:** Right, that is right!

**Mr. Gisborn:** But section 2 raises some explanation and one will have to listen to the explanation of the minister to really define what is going to happen to the previous principle position of establishing authorities. It reads:

Section 2: the provisions of this Act relating to the Metropolitan Toronto and Region Conservation Authority are

amended to provide that the Lieutenant-Governor-in-Council designate the participating municipalities, the territorial jurisdiction of the authority and the grouping of municipalities for membership purposes.

Now that is all well and good, but it does change the principle, as far as one can determine by taking a quick look at the bill. Because in the original Act the participating municipalities are decided by a certain procedure emanating from a decision of two councils, and then by application to the minister to establish a conservation authority. The expansion of that authority is then provided by the water shed or jurisdiction that might be involved in that water shed.

And in the original Act it spells out the participating municipalities and as far as the Metropolitan Toronto and District Conservation Authority goes, there are some 24 involved and they are all named in the original Act.

I take it that the amendment will remove any mention in the Act of the participating municipality? We will have to have some explanation as to what is inherent in that change. How will the Lieutenant Governor designate the participating municipality? I have not been able to determine it quite clearly myself.

The other principle involved—and I might assume that section 4 which repeals clause (e) of section 19 of The Conservation Authrities Act, 1968, has risen because of some problems that have arisen in acquiring land—it might be good to notice that the explanatory notes tell us that section 4, section 19(e) of the Act, giving an authority power to expropriate the whole of a lot or parcel and sell any part thereof, is repealed.

If I remember correctly this principle was an important principle that was dealt with at some length by the select committee studying The Conservation Authorities Act a few years ago. If I remember correctly it was quite an important section of the whole review of the Act itself and it makes me wonder why this section is repealed, whether it was just because of some very extraordinary problems any particular authority has had in acquiring property in the recent past?

It was recognized at the time that the select committee were sitting that for an authority to carry ou its responsibilities in a responsible manner, and if they decided that they must acquire a parcel of land and there was a holdout on a certain section that was not pertinent to their needs, they could acquire the whole section and then dispose of any part thereof in any way they saw fit. We will have to have some explanation on the principle of that.

On the amending section 5, I think one part of the principle there can be accepted as an improvement, inasmuch as they give the officers of any special authority the right to enforce the Act, which they did not have before. They would have to move through the regular law enforcement procedures to enforce any violation of the Act.

With that, I think that if the minister at this point can clarify some of those points it may not be necessary to drive this bill through the committee stage, as far as I am concerned, on this side of the House.

**Mr. Speaker:** The member for Brantford.

**Mr. Makarchuk:** Yes, Mr. Speaker, I wonder if the minister perhaps could clarify whether the Grand River Conservation Authority has the powers now or the powers have been delegated to the authority that are being delegated in this bill to the Toronto and the Hamilton conservaion authorities? From the information that I have received, the Grand River Conservation Authority has problems or has land that it has designated as high water land and this land now is privately owned. The owners of the land are in no position to either sell it, build on it or do anything with it.

At the same time the authority is not prepared to take up the land or expropriate it or buy it for its own use as a conservation area or part of the conservation area. The consequences are that there are certain hardships that have developed. Some of the people are suffering as a result of this. I just wondered as a matter of clarification, first, whether the Grand River Conservation Authority has this power now; if not, why is it excluded from the provisions of this Act?

**Mr. Speaker:** The member for York South.

**Mr. MacDonald:** I have a brief comment to make, leading up to a question I want to put to the minister.

In the year 1951, there was introduced into this Legislature a bill intituled An Act to amend The Beds of Navigable Waters Act. On the surface, it was very innocent. It was so innocent that the minister explained nothing about it; the House did not even debate it and since then, it has been the centre of continuing controversy.

What happened was that it just altered the phraseology from the high water mark to the low water mark, and the net result was that all the beaches of Lake Erie and, presumably, many of the lakes of Ontario had been transferred from the public domain back to the private domain. Indeed, some 11 years earlier, in 1940, the reverse had taken place when they were transferred to the public domain, allegedly for war purposes.

Now I remind the minister of that as I draw his attention to the apparent innocence of the explanation note for section 5 which states "The reference to an area below the high water mark in section 26(1)(e) of the basic legislation is changed to refer to an area susceptible to flooding. Now I am familiar with the kind of representations that apparently have been made to the hon. member for Waterloo North, contending that this is going to raise a great deal of difficulty. However, I know from obseravtion down through the years that a little change in an Act can create a great deal of controversy. It looks very simple when you are just switching from a high water mark to an area susceptible to flooding, but in fact, in any given piece of territory it can become a continuing argument and the source of considerable litigation.

So my question to the minister is this: Is this Act as innocent as it appears, or is there a danger within it that in this switch from high water mark to areas that are susceptible to flooding that we are going to open the door to considerable controversy with regard to lands either public or private?

**Mr. Speaker:** Does any other hon. member wish to speak?

The hon. member for Thunder Bay.

**Mr. Stokes:** Yes, just briefly, Mr. Speaker. I would like to elicit from the minister, if I can, some information with regard to assistance to conservation authorities. I do not know whether it was brought to the minister's attention or not but remarks were made by the president of the Lakehead conservation authority regarding the reduction in grants to that body by 50 per cent. The president said that if this continued they might as well just disband and forget about all of the activities of that particular authority—just forget about the whole exercise.

**Mr. Nixon:** All the money is being spent in that Fort William exercise.

**Hon. Mr. Dunlop:** What has that to do with the principle of the bill?

**Mr. Stokes:** He did make mention of the fact that because of the low level of assistance offered during this fiscal year that it was completely unrealistic for them to aspire to the kinds of things that must be done by that authority in keeping with their responsibilities as a conservation authority. If the minister really is interested in conservation and all of the activities of such authorities across the province, I think that he had better take another look at the grants for the year 1971 to the Lakehead conservation authority.

I hope that he will take this under advisement, and come up with some kind of realistic assistance, much in excess of what he has indicated will be forthcoming at the present time. And I hope the minister will make mention of that.

**Hon. Mr. Dunlop:** How was that related to the principle of the bill?

**Mr. Speaker:** Does any other member wish to speak? The hon. minister.

**Mr. Makarchuk:** The minister's executive assistant has arrived.

**Mr. Ferrier:** Parliamentary assistant.

**Hon. Mr. Kerr:** Mr. Speaker, the hon. member for Waterloo North referred to section 5 2(b) dealing with an amendment to section 26. Now the words added here are in respect of the use of water for municipal purposes—I am sorry, that was 5 1(e)—prohibiting or regulating the construction of any buildings. The problem up until now under the present section has been to define the high water mark.

**Mr. Martel:** The Treasurer must help him.

**Hon. Mr. Kerr:** There has been a problem. At least the branch and the authorities have found this problem—

**Mr. Lawlor:** The Treasurer can help the minister—he has reached his high water mark.

**Hon. Mr. Kerr:** —and by adding this amendment to section 26 and omitting reference to the high water mark of a lake and defining it this way, "in or on a pond, a swamp or in an area susceptible to flooding during a regional storm" and defining regional storm for the purposes of such regulations.

**Mr. Good:** How is the minister going to define such regulations?

**Hon. Mr. Kerr:** Well, you might go back to Hurricane Hazel, as an example.

**Mr. Good:** Is that what the minister is going to use for that area?

**Hon. Mr. Kerr:** Well this is the type of thing we would use to define a regional storm. Hurricane Hazel would apply to the Metro region authority; this type of thing. If you have not had a flood of that type, you would probably have to look at the total provincial picture but this is the type of thing we could do. I think we would be able to set clearer criteria for flood plane lands than trying to define the high water mark. This is basically the principle behind this amendment.

**Mr. Good:** This is the fear, that the regional—

**Hon. Mr. Kerr:** Now, the hon. member for Hamilton East referred to section 2, I believe, and the fact that we were not setting out in detail the particular areas that were designated as being within a certain authority.

The Act, as the hon. member knows, refers to those authorities, for example in Metro, which were in the authority as of the end of last year. They are now set out in the present Act in detail in section 4 (3) and 4 (4). The addition here is the new section 2, subsection 4, which gives the Lieutenant-Governor-in-Council the power to designate those areas that become participating municipalities in the Metro authority and I believe the same would apply to the other section in dealing with the Hamilton authority.

**Hon. Mr. McKeough:** Tired?

**Hon. Mr. Kerr:** The principle here is the addition to the power to make regulations in subsection 4. The other—

**Mr. Gisborn:** Removing the choice of some of the municipalities to participate—

**Mr. Stokes:** And provide more money for the north.

**Hon. Mr. Kerr:** Well I think that the actual procedure here would be—and I think the hon. member realizes it—that you have got to get the approval of the local municipalities. There has to be a consensus. They have to agree to be part of the authority and then under the legislation the Lieutenant Governor in fact would designate those areas, either partially or wholly, that have agreed as to the actual boundaries of the authority.

**Mr. Gisborn:** How does one know who is involved when you have got 21 in Toronto and seven or eight in Hamilton.

**Hon. Mr. Kerr:** I do not know what he means by that.

**Mr. Lewis:** I think we should exchange correspondence.

**Hon. Mr. Kerr:** For example, the branch knows who all the members of the authority are; those participating municipalities and what part of those participating municipalities. There is no confusion about that. And we would know, for example, in respect to a particular project—

**Mr. Gisborn:** Is it just to save paper that you deleted the names of the participating municipalities?

**Hon. Mr. Kerr:** Well, this updates the Act and rather than adding a particular municipality each time the authority is enlarged, we are saying as of the end of the year certain municipalities are in the authority and that we have the power under the regulations to designate new areas.

Now, the hon. member—

**Mr. Gisborn:** How about section 4?

**Hon. Mr. Kerr:** The hon. member referred to—

Interjections by hon. members.

**Hon. Mr. Kerr:** The member for Hamilton East, in all fairness, mentioned a section that was repealed. Section 19(e) is repealed, and—

Interjections by hon. members.

**Hon. Mr. Kerr:** —we just felt it was contrary to the principles of The Expropriation Act, or even by way of negotiation, to permit an authority to go in and buy more land than it needs. I realize under certain circumstances, particularly where there is negotiation, a man has said, "If you are going to take 200 feet of the frontage of my property, you had better take it all." Really, basically I think this has been wrong.

**Mr. Nixon:** The minister will not be able to do that now?

**Hon. Mr. Kerr:** No, not if we go to expropriation.

**Mr. Gisborn:** What the minister found out is the courts would not let him do it. He had to change the Act.

**Mr. MacDonald:** It is in violation of The Expropriation Act.

**Hon. Mr. Kerr:** That is right, but I am thinking under negotiations.

Interjections by hon. members.

**Hon. Mr. Kerr:** Now, the hon. member for Brantford had a question regarding the Grand. The Grand is not specifically mentioned in these amendments, so section 2—

Interjections by hon. members.

**Hon. Mr. Kerr:** —and section 3, referring specifically to the Hamilton and Metro authorities, of course, would not apply to the Grand. But the other sections of the bill would. It is as simple as that. The member for York South—open door to—what?

**Mr. Nixon:** To the water.

**Mr. MacDonald:** Does the minister really want me to repeat what I wanted to know, briefly capsulized?

**Hon. Mr. Kerr:** No, the hon. member wanted to know if it was an innocent Act basically, and really I cannot see any great hidden meaning in these amendemnts.

Interjections by hon. members.

**Mr. MacDonald:** Mr. Speaker, if I may just clarify. When you change the term "below the high water mark" to "an area susceptible to flooding," are you not running the risk of running into a great deal of litigation as to exactly what that means, in the same way as you did in the amendments to The Beds of Navigable Waters Act, 1951?

**Mr. Nixon:** That is set by regulations. No problem at all.

**Mr. Stokes:** That is an excellent point.

**An hon. member:** Where was that?

Interjections by hon. members.

**An hon. member:** Order, please. There seems to be an echo in here.

**Mr. Speaker:** Order. Order, please.

**Mr. Nixon:** Mr. Speaker?

**Hon. Mr. Kerr:** Hold on for a minute, fellows.

**Hon. Mr. McKeough:** Carried.

**Hon. Mr. Kerr:** Section 26. Just hold it for a second.

**Mr. Sargent:** Mr. Speaker, has the minister got the right bill?

**Mr. Stokes:** Hold everything, Mr. Minister.

**Mr. Lewis:** Why are you conducting this filibuster?

**Hon. Mr. McKeough:** We have obstructionists over here too we want the member to know. They are not an exclusive preserve over there.

**Hon. Mr. Kerr:** As I indicated before, Mr. Speaker, the present subsection, which is—

**Mr. Speaker:** Order, please. Order!

**Hon. Mr. Kerr:** —which is section 26-1(e) referring to the high water mark of a lake, river, creek or stream, has been very difficult to define—

**Mr. Nixon:** Is the Treasurer punishing him for something?

**Mr. Lewis:** I hope Hansard got that remark.

**Hon. Mr. Kerr:** —and it is our feeling that by having people able to designate from experience areas that are susceptible to flooding during a regional storm, now using the criterion of Hurricane Hazel, then you immediately define those regions in the regulations.

**Hon. Mr. McKeough:** Carried! Great stuff!

**Mr. Stokes:** What about more money for Thunder Bay?

**An hon. member:** The minister really bombed on that.

**Mr. Ben:** They are trying to muzzle him.

Interjections by hon. members.

**Mr. Speaker:** The motion is for second reading for Bill 95.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Agreed.

## RYERSON POLYTECHNICAL INSTITUTE ACT

Hon. Mr. White moves second reading of Bill 97, An Act to amend The Ryerson Polytechnical Institute Act, 1962-63.

**Mr. Lewis:** On a point of order, Mr. Speaker, much as I do not want to deprive the Minister of University Affairs. This bill and the next bill are going be subject to considerable debate on this side of the House and frankly, Mr. Speaker, in the case of one, conceivably a division, and I want to know the purpose, at five minutes to 3, for pushing on with these Acts at this point.

**Mr. W. Newman** (Ontario South): The member has obstructed this House for so long now—

Interjections by hon. members.

**Mr. Lewis:** Their opportunities for participating in this House are coming to an end. Put it on the record.

**Mr. W. Newman:** Long gone. Use your God-given brains.

**Mr. MacDonald:** If the member were using his, he would keep his mouth closed.

**Mr. T. Reid** (Scarborough East): Mr. Speaker, if I might rise on a point of order, I think it is. Could I ask, Mr. Speaker, whether the committee on human resources is meeting at the present time?

**Mr. Speaker:** Mr. Speaker has no idea.

**Hon. Mr. McKeough:** How do they carry on without the hon. member there?

**Mr. Lewis:** Well, that is the point he is going to make.

**An hon. member:** A good point, mind you.

**Mr. T. Reid:** Maybe it is a point of personal privilege, Mr. Speaker, I am not sure. But the point I want to make is that I have been in the committee on human resources considering the estimates of The Department of Education along with other members. I have been there fairly full-time trying to keep an eye on about $1.4 billion of the taxpayers' money, which I am paid to do as a member of Her Majesty's loyal opposition—

**Mr. Lewis:** Right.

**Mr. T. Reid:** —and I find it very difficult to be there and to be here to discuss education bills.

**Hon. Mr. Dunlop:** It requires real brains to figure that out.

**Mr. T. Reid:** Coming from you that is a brilliant statement.

I believe at the present time, Mr. Speaker, the committee is considering $10 million of taxpayers' money which is being spent on the educational television authority, and I believe I ought to be in that committee to look at that. At the same time, the Minister of University Affairs is introducing education bills, as I understand it, which have serious implications for the future of education in this province. One bill has to do with the giving of degrees by Ryerson Institute, and the other has to do with the rearrangement of the administration of the cabinet and the government in this field of education.

I simply state that I object most strongly to having been forced into a position of having to choose between the taxpayers' money on the one hand and the possible new directions in education that are incorporated in bills coming before this House.

**Hon. J. Yaremko** (Provincial Secretary): If this House adjourns is the member going downstairs?

**Mr. T. Reid:** I do not want to say any more. I wanted that on the record because it is my considered opinion that what is happening to this place at this time, is an infringement on the democratic principles of the Legislature.

**Mr. R. G. Hodgson** (Victoria-Haliburton): That is a lot of nonsense and the member is trying to—

**Mr. T. Reid:** If those people over there do not understand that, Mr. Speaker, they should not be in office.

**Mr. Nixon:** Right!

**Hon. Mr. White:** I have no objection to—

Interjections by hon. members.

**Mr. Ben:** Mr. Speaker, I want—

Interjections by hon. members

**Mr. Speaker:** The hon. member for Humber has the floor.

**Mr. Ben:** Mr. Speaker, until the division bell rang for the last vote I sat in that committee downstairs. I thought that perhaps we would be adjourning to come up and

discuss educational bills. This Legislature, Mr. Speaker, has charged the committee on human resources with the responsibility of also considering the estimates of The Department of University Affairs and The Department of Education, and of considering all educational bills whether they deal with university education or primary or secondary school education and dealing with them in their proper order. The members who are most versed on the import of these bills are the members who have sat on those committees—

**Mr. MacDonald:** Order. Let the minister speak!

**Mr. Ben:** Now I suggest it is almost subterfuge to bring educational bills before this House while the committee is sitting downstairs engaging the time of the people properly appointed to it. We think that it is completely out of order and it certainly does not bring any lustre to that government which long ago lost the last glint of any sanity.

**Mr. Speaker:** Order! Order! Before the minister speaks, I would just like to say that this is a considerable amount of repetition, because the same matter was raised and discussed with respect to this committee at an earlier sitting of this House.

**Mr. Lewis:** That was not the point of order, Mr. Speaker.

**Mr. Pilkey:** 'Way off the point of order.

**Mr. Speaker:** Yes, the point of order is exactly that the member cannot be in two places of this House.

**Mr. Lewis:** No. The point of order was not that, Mr. Speaker. I simply asked whether in the light of—

**Mr. Speaker:** The point of order to which I am referring is the point raised by the member for Scarborough East.

**Mr. Lewis:** I am sorry. I wonder if the minister could answer that initial point of order? It might resolve it.

**Hon. Mr. White:** Mr. Speaker, the House leader and I have had a small caucus here and we are quite prepared not to proceed with this at the present time. I would like to make it clear though that there are large numbers of people at Ryerson—faculty and students and many interested alumni—who would be extremely disappointed if this bill did not proceed in the present session.

Interjections by hon. members

**Mr. J. Renwick:** We are quite prepared to have that go on—

**Hon. Mr. White:** So while I would not ask a favour—

**Hon. Mr. Yaremko:** They are going to vote against it!

**Hon. Mr. White:** —for the order to be proceeded with now, I would be—

**Mr. Pilkey:** Do not prejudice anything.

**Mr. Lewis:** The minister could bring it in at 10 o'clock tomorrow morning.

Interjections by hon. members.

**Mr. J. Renwick:** It is the government that controls the business of the House, not us!

Interjections by hon. members.

**Hon. Mr. Wishart:** Mr. Speaker, I had hoped that we might—

Interjections by hon. members.

**Mr. Speaker:** Order!

**Hon. Mr. Wishart:** I had hoped that we might deal with items 14 and 15 because, as the Minister of University Affairs says, they are important but I do not think the debate on these bills will be particularly long. However, there is no desire—

**Mr. T. Reid:** That is not for the minister to say.

**Mr. Speaker:** Order!

Interjections by hon. members.

**Hon. Mr. Wishart:** There is no desire to curtail debate on these bills. On the other hand I would point out to the member for Scarborough East that I think that committee of which he is a member, has been sitting for four days and it does not need necessarily to go beyond the hour of 10:30. In any event, four days—

**Mr. W. G. Pitman** (Peterborough): On a point of order, Mr. Speaker.

**Mr. Speaker:** The hon. minister has the floor.

**Mr. Pitman:** On a point of order?

**Mr. Speaker:** The hon. minister is speaking on a point of order.

**Mr. MacDonald:** It is not a point of order the minister is on.

**Mr. Pitman:** I wish to inform the hon. minister that it is the decision of the Chairman of that committee and the members of that committee, the duly constituted committee of this House, that it should sit while this House is in session. The point I want to bring up is—

**Hon. Mr. McKeough:** The member has been working too hard.

**Mr. Pitman:** Perhaps the minister does not realize that the very estimates for what we are considering in these bills are being considered in that committee? I say to the minister that his comments are most inappropriate under those circumstances.

**Mr. W. Newman:** He is the only member for his party there.

**Hon. Mr. Wishart:** Mr. Speaker, speaking to the point of order, I should point out to the member for Peterborough that that is the only committee that is sitting concurrent with the House at this time, and that that committee sits in accordance with the rules adopted by this House.

**Mr. Lewis:** Why does the hon. minister not adjourn the House? Why in his last days does he have to become intransigent? A charming fellow like him! All these years of placidity—

**Hon. Mr. Wishart:** I have no desire to curtail debate on these bills. I hoped we might have dealt with them on second reading this evening. Tomorrow morning we shall go to—

**Mr. Ben:** Tomorrow morning or this morning?

**Hon. Mr. Wishart:** Well, this morning if the member likes.

**Mr. Lewis:** Yes, we like.

**Hon. Mr. Wishart:** I would like to continue this morning now, but we shall do these second readings and then go to Committee of the Whole House and anything on the order paper will be subject to debate.

Interjections by hon. members.

**Mr. Martel:** Will the hon. minister be here when his bill is called tomorrow then?

**An hon. member:** The hon. gentleman who moved the reasoned amendment was not here when the vote was called.

Interjections by hon. members.

**Mr. Lewis:** I was here to move it!

It was my voice that moved it.

Hon. Mr. Wishart moves the adjournment of the House.

Motion agreed to.

The House adjourned at 3 o'clock, a.m.

# CONTENTS


**Wednesday, July 21, 1971**

**Natural Environment**, bill to protect, Mr. Kerr, second reading ..... 4433

**Conservation Authorities Act, 1968**, bill to amend, Mr. Kerr, second reading ..... 4499

**Ryerson Polytechnical Institute Act, 1962-1963**, bill to amend, Mr. White, re second reading ..... 4505

**Motion to adjourn**, Mr. Wishart, agreed to ..... 4507

No. 110




# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Thursday, July 22, 1971

**Morning Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971



*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JULY 22, 1971

The House met at 10 o'clock, a.m.

Prayers.

**Clerk of the House:** The 12th order, second reading of Bill 97, An Act—

**Mr. Speaker:** Perhaps the Clerk will wait until Mr. Speaker calls the orders of the day.

**Mr. R. F. Nixon** (Leader of the Opposition): This is the anniversary of a recent Libyan revolt.

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** The 12th order, second reading of Bill 97, An Act to amend The Ryerson Polytechnical Institute Act, 1962-1963.

## RYERSON POLYTECHNICAL INSTITUTE ACT

Hon. Mr. White moves second reading of Bill 97, An Act to amend The Ryerson Polytechnical Institute Act, 1962-1963.

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker—

**Mr. Speaker:** The minister always has the first preference.

**Hon. J. White** (Minister of University Affairs): Mr. Speaker, if I may recapitulate very briefly the history of Ryerson since its foundation in 1948, at which time it was known as the Ryerson Institute of Technology. We see, with pride and pleasure, the evolution of this institution into a unique facility in this province and one which we believe to have very important capabilities in the years to come.

As I say, the institute was founded in 1948 as the Ryerson Institute of Technology; in 1964 it became the Ryerson Polytechnical Institute. Over the years it has continued to increase its facilities to meet the needs of business and of government, in addition, of course, of the students and faculty who are so directy concerned. It fills the gap which had existed in Ontario between the professional and university graduate on the one hand and the technician on the other hand.

In 1968, a diploma in arts was introduced, which set a precedent in this province by offering five subjects per academic year, thereby permitting greater depth of study and putting much more emphasis on students' use of their own time and resources. A wide range of options is available, including the study of French.

In 1970, beginning in September, Ryerson initiated a new academic plan that allows students to select from a wide range of relevant courses and permits more individual rates of progress. Ryerson now offers a broad spectrum of certificate and diploma courses.

In 1948, its courses were directed essentially toward trades such as watchmaking, barbering and so forth. Now, as I have suggested, it covers a very broad spectrum of subjects, including certain arts subjects. The Ryerson calendar, 1970-1971, which I hold in my hand and which is a document of 327 pages, will give the hon. members some idea of the size and scope of this unique Ontario educational institution.

I think it should be mentioned that Ryerson is in a special category. Unike the community of fine arts and technology, Ryerson has its own special Act, and we in the Legislature have therefore differentiated it from the community colleges of this province.

Mr. Speaker, the bill before the Legislature would make a couple of rather important changes in the evolving life of this institution in the educational spectrum of Ontario. It makes a couple of minor alterations, one being that the Minister of Colleges and Universities replaces the Minister of Education, for reasons that I think will be debated at a somewhat greater length when Bill 98, The Department of Colleges and Universities Act 1971, is dealt with, as I hope it will be, immediately after this particular debate.

It changes the title of the chief executive officer from principal to president, which is a recommendation emanating from the institution. Most important, it authorizes the Ryerson Polytechnical Institute to grant Bachelor

of Applied Arts and Bachelor of Technology degrees. One will note the unique terminology employed in these particular degrees, which once again heightens the differentiation between Ryerson and the universities and colleges.

There are other changes I think, Mr. Speaker, in the foreseeable future and it was thought at one time by me and my officials that this bill would be longer and more far-reaching. Because there is an internal study underway at Ryerson which is considering the existing structure, the governing body, the organization of faculties and such like within the institution, it was felt that we should bring in this rather short bill, making these several rather elementary changes, and leave the complexities of further reorganization to a later date when the fruits of the labours of the internal study committee will be available to us.

I hope that the hon. members will not be distracted by those conservative educators who fear the change from a piece of paper called a certificate or a diploma to a piece of paper called a degree, and if this becomes an important issue in the debate I will come to grips with that matter at greater length during my short rebuttal.

In fact the institution is unique in Ontario. It is being given the legislative power to provide a unique form of degree. This will enhance the growing reputation of the graduates and of the institution as a whole, and I myself see it as a rather important step in the continuing growth of the Ryerson Polytechnical institute and hope that the members of the Legislature will find it possible to give wholehearted support to this bill, it being a milestone in the life of a unique Ontario educational institution.

Mr. Nixon: Mr. Speaker, the minister indicates that he has had to do a bit of grappling with views other than those expressed in this bill, and among those might very well have been the view of his predecessor who for a number of years had been urged by students and faculty and interested members of the community to upgrade Ryerson to the position where they could give something more than a piece of paper that said that the student had attended and give a baccalaureate degree.

The minister's predecessor had come down on a compromise situation in which he indicated publicly that it was governmental policy that the deans of engineering schools and similar institutions would be, if not instructed certainly urged and given appropriate information which would lead them to accept a transfer from Ryerson into a more advanced position in a degree course, particularly an engineering course.

There have always been complaints about this, that it really required a sort of personal contact with the dean of the appropriate engineering school or the admittance officer. There was always some fear, on my part and on some others as well, that a requirement of this sort of personal approach was something less than a clear avenue for continuing academic recognition that obviously has been needed.

We have debated the other milestones in the development of Ryerson over a number of years. There have been occasions when the students on these premises have put their views rather succinctly and forcibly to the minister of the day. I do not know whether the member for London North (Hon. Mr. Robarts) ever had much trouble with them but the present Premier (Mr. Davis) used to spend quite a bit of time indeed with them. As a matter of fact, I do not recall any more ubiquitous lobby than that made up of Ryerson students as they attempted to get the minister's predecessor to move in this direction.

The minister has foundered on the rock of expediency in that he did not want to offend those who thought that any approach to the recognition of another provincially assisted university would be a mistake.

But I believe that Ryerson should have the powers as granted in this bill and really more powers, as it evolves into a degree-granting institution, another provincially assisted post-secondary institution which I think can establish, and has established, a remarkably good record.

A personal item, as a teacher myself, I watched my students over the years go on to Ryerson. I have visited them down in that institution and have felt that there is a certain spirit at Ryerson which is missing even in some of the universities, a certain independence, a je ne sais quoi that gave it something especially its own. Certainly I believe that this is perhaps not recognized in this bill, but it makes the acceptance of the movement forward of this institution something that we greet with enthusiasm.

The day before yesterday there was an announcement that an experiment at Ryerson was being discontinued. Some of the courses offered had been established on a three-semester basis, and it was found there was

not sufficient acceptance of this. I would like to think that Ryerson would be recognized by the minister and The Department of University Affairs as a ground for some experimentation on the government's part and that it might allocate funds for continuation of this sort of an experiment. I believe wholeheartedly that the future of our post-secondary facilities is involved with year-round operation, and if it is necessary to use some funds or some special persuasion to keep this as an alternative and to make it even more attractive than it has been, I for one would strongly support it.

I attended the University of Guelph some days ago—it is having a series of visiting politicians come in and express their views—and I was very impressed that their summer semester, or whatever it might be called, was being attended by about 4,500 or 5,000 students. As I walked across that campus I felt that it was in full swing and the students were making active use of the excellent facilities that have been provided there.

The change in nomenclature of the chief executive officer, I think, is simply an indication that this institution is more nearly on a par with the other universities. The chief executive officer should be called the president. I support the contention that Ryerson has become, in essence, a degree-granting institution and I look forward to the day when it will be fully implemented in this context.

I hope that there will never be a move to cash in on the valuable property down there and move it into some more bucolic setting. One of its great advantages is that the kids are right there downtown, and I consider this an advantage under the circumstances of that institution. I hope that that would not be considered as one of the alternatives in the future. I would like to see it established as a city centre institution.

**Mr. Speaker:** The member for Lakeshore.

**Mr. P. D. Lawlor** (Lakeshore): Mr. Speaker, as we left the building last evening, I happened to—

**Mr. H. Peacock** (Windsor West): This morning!

**Mr. Lawlor:** —at 3 o'clock yesterday morning I happened to run into the minister—

**An hon. member:** It was not 3 o'clock.

**Another hon. member:** Four o'clock this morning. Accuracy!

**Mr. Lawlor:** Four o'clock, whatever time it was—it was fairly early—I happened to remark to the minister that he was the most anxious of ministers to bring his legislation on largely because he did not feel that it could stand the light of day. Now that day has come I can see why he felt that way.

The legislation involved here will win no disassent from this party. The move in the direction of—

**Mr. Nixon:** Does that mean they are going to vote for it?

**Hon. W. G. Davis** (Prime Minister): Disassent?

**Mr. Nixon:** The member for Riverdale has not spoken on it yet to make their position clear.

Interjections by hon. members.

**Mr. Lawlor:** I think the better way to handle the minister is with faint praise.

**Mr. R. D. Kennedy** (Peel South): I would take that to the education committee!

**Mr. Lawlor:** No one over here would be so cretinous, I am sure, even in the Liberal Party, as to start taking issue as to the difference between kinds of pieces of paper—between certificates and degrees. You need not have spent the rest of the hours into this morning preparing for that gambit because knight's pawn will not move that way.

I would like to refer to D. L. Mordell's article last fall in the Globe and Mail giving a bit of an outline. It is called "Ryerson's Plan for a New Style of School" in which he points out—it is rather interesting:

> Our experience at Ryerson is that roughly 15 per cent of our present entrants choose to come to Ryerson in preference to the classical universities, being perfectly well qualified for acceptance at either. We also have a number who come here after completing a BA or other degree at very respectable universities. Their choices are made because of our operational orientation.

We will hear in the next bill, which is somewhat more contentious than this one, a good deal about the operational orientation of the community colleges as such—and the forerunner, or model perhaps, which has advanced a little beyond it because of its mixed emphasis upon studies of classical learning mixed in with the technological that Ryerson

represents in this province. The article goes on to say:

> To embark upon this programme which can open so many avenues we need no special treatment. We believe that to best ensure success in a world which has become conditioned, uncritically, to a piece of paper, we should avoid the injustice and discrimination that would befall our students if they do not possess the sacred degree.

That is the kind of off-the-cuff irreverent language that one appreciates. It shows a free mind in the individual responsible, the president of this institution.

If a little bit more of that humour and acerbity, self-criticism, had entered into other people that we have had to tend upon, we might have got a more balanced view of the conditions, say at the University of Toronto. In public print that man who is in charge of this institution speaks so glibly, and thus truthfully, about the nature of these documents: "If they do not possess the sacred degree."

But the degree we award will not be a BA or a BSc or a Bachelor of Commerce degree. This legislation before us this morning, in its most salient feature, spells that out.

The students have been requesting some kind of formalization of the degree structure for some time past, and it is a characteristic of the forward thinking of this minister that he has acceded to that.

On the other hand, the role of the teachers at Ryerson Institute is somewhat differentiated from that of university professors. They pride themselves, and I think to some extent justifiably so, upon the fact that these men have wide professional experience in everyday life, have been out where the throes and the difficulties of contending with contemporary economic and social conditions really are. He tells us:

> The average staff member has had 7.9 years of such professional full-time experience before joining our staff and is encouraged to maintain his knowledge of and contacts with the oustide world after joining.

That is the nature of this rather high-bred beast that we have before us this morning. It is a mixture of many things in amalgam. And most of the things that go into the mix, whether borrowed from the horn of the rhinoceros on the one hand or from the tail of the jaguar on the other, seem to have merged into a harmonious whole to which the minister is giving a little added touch—perhaps an extra streak of paint on the side of the tiger. Thank you, Mr. Speaker.

**Mr. Speaker:** The hon. member for Scarborough East.

**Mr. T. Reid** (Scarborough East): Mr. Chairman, I have a number of points on the principle of this bill, and if we go into committee I would like to ask the minister whether Ryerson, through this bill, will have the power to grant degrees retroactively? Will there be a long list of—

**Hon. Mr. White:** On a point of order, Mr. Speaker, if we could use the rather informal approach taken on the last bill last night and if the several questions could be posed, I see no reason for the bill going to committee.

**Mr. T. Reid:** In that case, one of the questions I would like to put to the minister is does this bill—

**Mr. Speaker:** I would quite concur, provided the minister will wait until the members have indicated they have an item of sufficient importance that the member wishes to have an answer before he proceeds.

**Mr. T. Reid:** Does this bill give Ryerson the power to grant degrees to people who have graduated from it over the last 10 years? Is there retroactivity built into this bill? The implications of that are quite important.

The other slightly humorous remark may be about the implications of this bill for the salaries of the teachers at Ryerson. It is quite possible that, given this greater academic standing within the North American community, there could be some salary implications in terms of the existing staff. But I think, with that minor drawback, the move of the minister to enable Ryerson to grant Bachelor of Applied Arts and Bachelor of Technology degrees is a good move.

But, Mr. Speaker, I think the more important issue which is in danger of being lost sight of in a discussion of this bill with respect to the degree-granting powers is the more general question of the evaluation of what students have gone through at the various post-secondary institutions in the Province of Ontario. I think of the College of Art, I think of students transferring from the community colleges to the universities and so forth. I think the real problem is one of objective evaluation, whether he be young or old, of a student's state of prepara-

tion for certain fields, whether they be strictly academic fields or whether they be applied arts or technology fields.

And to a considerable extent I think the minister has to consider in the future, if he remains on that side of the House, the whole question of setting up an evaluation centre, either in the Province of Ontario or in conjunction with the other provinces across Canada. I think it should be the function of this evaluation centre, which should not be a government department, by the way Mr. Speaker, but should be made up of an independent academic group—academic in the very broadest sense of the word—to evaluate for institutions outside of Canada, as well as for institutions inside of Canada, just where a particular student is, if that student has gone through a certain process in certain institutions in the province of Ontario.

I think all members have had the experience of talking to students at Ryerson, who have applied, say to the University of Toronto or some other university, and the students were often turned down without really any evaluation whatsoever by the university of what they had done at Ryerson.

In one case in particular I know of, a student came to me with this problem, that he could not even get one or two courses accredited from a three-year programme at Ryerson for a BA degree at York University. My advice to him was to describe in great detail every course he had taken at Ryerson, to give the name of the teacher he had in that class, to give the academic and professional qualifications of each of his teachers, to submit five of his best essays and then to submit that file, which by then was about three inches thick, to the director of admissions at York University.

The director of admissions at York University could not very well ignore a three-inch file which documented what the student had done at Ryerson, and as a consequence the university, in a sense was forced to evaluate that student on what had happened to him at Ryerson. Also, by the way, there were the bibliographies, what books were on the various courses at Ryerson. To a considerable extent, Mr. Speaker, by giving the right to grant degrees to Ryerson we eliminate some of that type of problem, but not all of it. There will still be those in the universities who will look with suspicion on the degree from Ryerson, quite unjustifiably in many instances.

So I think the legislation, which is excellent with respect to giving degree-granting in certain areas to Ryerson, really does not touch upon the real issue of the evaluation of the individual student and just where he is at in a certain course in relation to his mental, technical vocational development. Sometime in the future, we in this province, in this Legislature, will have to consider, I believe, the establishment of an evaluation centre to do really what the minister is trying to do for just this one institution at this present time.

These are questions I have, because I do support this bill in principle, but I think the questions have to be fairly put. I would put them to my friends at Ryerson as well. The implications of the bill the minister has brought in are fairly enormous in a number of respects. What are the academic differences or the vocational skill differences between some of the applied arts courses and the technology courses at Ryerson and some of the courses being offered at George Brown College of Applied Arts and Technology?

When I was listening to the member for Lakeshore I felt he was giving an all-purpose speech concerning the five best community colleges in the Province of Ontario. What he was saying applied, in my opinion, to certain colleges of applied arts and technology in the province as well as to certain courses in the applied arts field and in the Technology field, at Ryerson.

What I know we will have to face up to in this Legislature in the next five years is pressure from individual colleges of applied arts and technology for the right to grant Bachelor of Applied Arts and Bachelor of Technology degrees. I think this is something we will have to face up to. I think this is something that we in the Legislature and the government political party will have to face up to in the area of policy in the very immediate future.

Where are the academic differences between the journalism course at Ryerson and the journalism course at Sheridan College, or some other college of applied arts and technology? Has there been any assessment of the different qualifications of the teachers involved? Is the minister convinced that in every applied arts field at Ryerson the course is better than every comparable course offered in some community college in the Province of Ontario?

The point of this, Mr. Speaker, is the need, I think, for an evaluation centre which will look at the qualifications of individual students, regardless of what institutions they happen to have gone to, and will assess their

qualifications. And perhaps that evaluation centre, on a province-wide basis, should give a degree which is equivalent to a degree from a university. It is a very difficult area and I am in danger of being badly misunderstood by my friends at Ryerson.

The central issue again is one of evaluation of where the student is at as opposed to where the institution is at. I think this is the thrust of the 1970s, rather than giving individual institutions degree-granting powers.

Related to this, Mr. Speaker, is the question of integrated planning at the post-secondary level, and again we sort of split Ryerson off, giving it a unique position—which I think it deserves in certain areas. But we still must face up to the question of integrated planning at the post-secondary level in the Province of Ontario.

Mr. Speaker, I think those are the main comments I wish to make. I wish to reiterate that what the minister has done is correct, it is proper, but I think it raises as many questions as it solves.

**Mr. Speaker:** I wonder if before the hon. member for Peterborough begins his speech I could have the indulgence of the House to do something which will be unusual? We have an hon. member here who has occupied almost every chair in this House except on the left and Mr. Speaker's chair, and I would like to ask the hon. member for London North (Mr. Robarts) to take Mr. Speaker's chair so that he will have the opportunity of being in Mr. Speaker's chair.

**Hon. J. P. Robarts** (London North): I must say, Mr. Speaker, that I would be delighted and I laud you for your perspicacity in putting me in the chair during such an orderly debate.

**Mr. Nixon:** Did you give him the password?

**Mr. D. A. Paterson** (Essex South): Get a picture of that.

**An hon. member:** Where is the member for Grey-Bruce (Mr. Sargent)?

**An hon. member:** The member looks very good there.

**Mr. W. G. Pitman** (Peterborough): Mr. Speaker, first of all might I say how very honoured I am to have this opportunity of addressing the hon. member for London North as Mr. Speaker. Indeed it is going to be a quiet debate!

**Mr. Lawlor:** Does the minister think we can keep the member for London North out of the debate?

**Mr. Pitman:** We are discussing here, this morning, perhaps one of the—not perhaps, indeed one of the educational gems of this province. Perhaps no institution has played a more honoured role in the activities—

**An hon. member:** I am sorry the member waters it down like that.

**Mr. Pitman:** —in this particular province. Certainly it is an institution which has been innovative, relevant and is one of those institutions which one cannot say occupies an ivory tower status. It is an institution in which one finds faculty members playing a very active role, an effective role on city councils, on boards of education throughout not only Metro Toronto, but in other nearby parts of this province.

I can say that as an individual who has had some experience at a university and in the role of an associate registrar of a university, that we were always very, very happy to have an applicant from Ryerson Polytechnical apply to that university. In fact some of the most illustrious students of that very new university came from Ryerson and played a very important role, not only academically but in extra-curricular activities as well.

So what I have to say this morning I think, must be based on that feeing and that respect which I have for this institution. This, of course, is probably one of the recommendations which would have come from the Commission on Post-Secondary Education if that commission had been allowed to make its report before this legislation came down into this House.

It just happened that on one rather quiet evening I found myself somewhat less than enthusiastic about the debates going on in this chamber and I betook myself across the road to the Macdonad Block where the Commission on Post-Secondary Education were holding hearings in that building. I sat for one hour, hour and one-half, two hours, listening to the discussion that was going on, because on that particluar evening Ryerson Polytechnical was appearing before that commission. It presented, through its president and some of its major administrative officers, a most convincing case for carrying out the action which the minister has placed in this particular piece of legislation.

At that time I took upon myself to participate in that discussion because it was, I

thought, an extremely important matter which was being debated. I gently chided the administrative officers of that institution that, although they had the right solution, I was very distressed that it had to be based on the arguments which were presented that evening.

The arguments were essentially the ones the minister has heard, that unfortunately certificates of the nature provided by Ryerson were not given sufficient status in the industrial and commercial society outside. One of the particularly telling arguments which the institution made was that it found that its certificates were really quite comparable, and in some cases were much better than degrees which were being offered and given by American institutions. It found, for example, that Canadian universities would not accept qualifications which American universities were prepared to accept from students who were emerging from Ryerson Polytechnical Institute.

My only comment, and it is the comment which I will repeat here this morning, is that we are proud indeed to take part in the provision of legislation which will enable this institute to take its proper place, but at the same time how unfortunate it is that it has to be based on the whole paper qualifications game. I am not trying to draw the minister into a long debate because we have debated this for quite some time during the time that the University Affairs estimates were before this House.

I simply state that I hope, and this is a hope which I hope may even find its way to those who are the administrative officers of that institute, that what we are doing here this morning will not affect the kind of flexibility and relevance which have been the hallmark of this institute. What I am saying is this. By making it into a—I do not want to use the term pseudo-university, because that is not what we are creating. We are creating a unique institution with a proper place.

We are not putting it into any kind of a pyramid arrangement with the universities; the 14 or 15 universities in the province at the top and Ryerson somewhere between the universities and the colleges of applied arts and technology. If that is the nature of this bill, then I would oppose it, I would oppose it very vociferously. But I assume the minister is being quite straightforward when he states that we are creating a unique institution that does not, in any way, place it either above or below the universities or in any particular relationship with the colleges of applied arts and technology.

What I hope is that this institute will not become less flexible; that it will not try to do some of the things which are going on in a university in order to be part of the university community. We have seen enough of that around for the last couple of weeks.

I hope they will continue to have a degree of openness about the qualifications for entrance to Ryerson. That has been one of the things I think—particularly for adult students, the degree to which Ryerson has been open to people of various age groups, the degree to which there is a mix of age groups from 20 through to 60—I think that is one of the most valuable aspects about that institute.

I would also commend the remarks of the Leader of the Opposition. The fact that it is in the centre of the city, partaking in the activities of that city and relevant to that community around it; I think that is one of the goals which every institution should be searching and seeking for, and one which I hope will not be lost because of this new status.

I hope that the faculty will continue, secondly—not only am I concerned about the openness of this university and its concern for continuing education and its effort to be relevant to people, not just those who are pursuing what would now be degree or certificate courses, but those who are simply trying to upgrade themselves in many areas of activity. That is I hope there will be a coming and going. I hope there will not be now a kind of second-class or first-class citizen in Ryerson; those who are going on to get their degrees, and those who are going on for other kinds of activity.

I hope that there will not be an obsession with trying to get people into degree areas rather than allowing a greater degree of freedom and flexibility in their whole programme.

I hope that Ryerson will be one of the first institutes to give some degree of leadership to other institutions, particularly universities, in allowing a much more flexible—I use that term again and again because it is such an important term in education today—experience, instead of this almost obsession of a university to keep young people on the campus instead of allowing them to pursue their activities while at work.

This work-education programme of Ryerson, whereby in their last year they are allowed to leave the campus go out and work

and finish off what will now be their degree work while they are out in the working world, finds some relevance to what they have been doing in that institute for the past three years.

I think that is an important aspect. I hope it will not be changed so that they will try to live up to this status by adopting some of what I now regard as the anachronistic activities going on in the university.

The second area that I am anxious about is the area of the faculty. Now the member for Scarborough East has mentioned the whole question of the faculty and the payment of faculty and their remuneration. I am more concerned about their style.

One of the things at the Ryerson Polytechnical has been an emphasis on teaching—on effective teaching—an emphasis on relationship with students. I would hope that Ryerson will not get into the publish-or-perish syndrome which is unfortunately one of those American tendencies which our own universities get caught up in too often.

I would hope that there will not be a great effort to try and get people who publish on the faculty of Ryerson. Or to try and push the faculty of Ryerson to publishing so that there could be a list of degrees and publications behind the faculty which will give it that measure of status, which unfortunately post-secondary education institutions on this continent seem to think is so very important.

I am pleased to see that the minister recognizes the importance of this internal study in the structure of the governing body. One hopes that we will not have to go through the process with Ryerson that we have had to go through with the University of Toronto over the past number of weeks in this place.

Mr. Speaker, I do not want to prolong this today. I do want to say that Ryerson represents to me a new wave in education, the possibilities of education in the Province of Ontario. I would hope that this will not in any way be log-jammed or restrained because of this new status. If Ryerson can continue to offer this wide variety, this tremendous spectrum of educational activities to the entire population; if they can continue to concern themselves about what is being done, rather than the paper qualifications which happen to come at the end; if they can concern themselves more with the transcript of what the young person has accomplished in that setting rather than trying to provide a piece of paper they can hand to the personnel office of a particular company—relieving that personnel office of carrying out their own responsibility for deciding whether that person really can do the work which is required—if that continues at Ryerson, this will in no way be an inhibiting factor.

If on the other hand this does happen, if there are changes that do take place at Ryerson because of this effort to achieve this status, so-called university style status accomplished by this bill, it will be a sad day for education in the Province of Ontario.

**Mr. Speaker:** Does any other member wish to speak before the minister replies?

If not, the hon. minister.

**Hon. Mr. White:** It is very heartening to me and to the government to have the unanimous support of the Legislature in this particular bill. More important, it will be tremendously heartening to Mr. Mordell, to the faculty, staff and students. The support which the members opposite have found it possible to give in their remarks will add impetus to the accelerating realization of excellence at Ryerson. On their behalf, I thank you very much indeed.

I should like to deal very briefly with the points raised by the opposition speakers. The Leader of the Opposition made mention of the difficulty of transferability from Ryerson to universities here and elsewhere, and that was referred to by subsequent speakers also.

I think it was in 1961 that the Legislature established a select committee on technical training—I think that was the title—the chairman of which was the member for Frontenac-Addington (Mr. Simonett). At that time it was impossible for Ryerson graduates to go anywhere on graduation. They simply were not accepted at any university in this province for any course at all. If they went to university, they were starting from scratch. It was not very long after the select committee published its report, which I rather think was in 1962, that it became possible for a Ryerson student to enter the second year of engineering at Toronto, and this particular trend has been enhanced in the years that have superseded.

Incidentally, it is worth mentioning perhaps that the Ryerson student, at that time anyway, was a grade 12 student more often than not, who had three additional years at Ryerson for a total of 15, one might say, and so he was entering the engineering school of Toronto with young men and women who had 13 years, plus one year, for 14. So in taking that particular route, which had cer-

tain advantages of its own because of the applied nature of the studies, it was costing him another year, although he was ending up with a stronger combination, no doubt.

I have the impression, without knowing the details precisely, that a student now going to Ryerson and taking a course, let us say in engineering technology, will be accepted into an engineering school, to pursue this particular illustration, not just with full credit for one year but for part or all of a second year, if indeed his transcript warrants such.

I think the universities have modernized their outlook very considerably in the last decade so that they assess each applicant on the basis of his accomplishments, of his capabilities, of his determination and such like. I join those members who spoke on this point in hoping that the universities will continue to broaden their appreciation and evaluation of the Ryerson form of education.

I agree with the Leader of the Opposition that the experiment undertaken by Ryerson, which has proven to this point to be somewhat uneconomic, should not be abandoned too quickly. It would be my hope that I could sit down with Mr. Mordell and the others concerned to see if there is some way it could be nurtured and publicized and the experiment continued until a more accurate assessment of the pros and cons could be made. The illustration of Guelph was offered. I think it was in Atlanta, Georgia, that primary and secondary school students were given the option of taking any three quarters. And in that city, funnily enough, which has a southern location of course, more students opted for the summer three months than for the winter three months.

It may be that we who are members of the Legislature and The Department of University Affairs could in some way publicize the availability of this particular course of study. Perhaps there should be some additional funds made available, although I am not in a hurry to offer more money as the hon. members opposite know. At any rate, I give the undertaking now to the House that I will explore that additional semester with the appropriate authorities at the institution.

Mention was made of changing the title of the principal to president, and the hon. Leader of the Opposition saw that as some way of enhancing his status, making the institution more comparable to a university. I agree with the other speakers who say that that is not our objective at all. I think the change in title does not make this unique institution more like a university, as proved by the fact that the chief executive officer of a community college is called president. In fact, the head of the University of Ottawa is called rector and the head of Queen's University is called principal. This was the wish of the institution, and the government had no objection to it.

The subject of degrees versus certificates and diplomas has been touched upon. Some reference has been made to the desire which may be expressed some time in the future that community colleges be given the legislative power to grant degrees. This is a very rational desire, it seems to me, so long as the society pays an additional sum of money to an employee who has that piece of paper called a degree. In fact there is some evidence that the Ryerson graduates are being compensated at or about the same level as the university graduates from comparable courses of study. At the present time, I think I am correct in saying, 19 of the 20 community colleges do not want degree-granting powers. And in their submissions to me, which express some anxiety, I must say, about the change in responsibility, this point was made to me very enthusiastically, very determinedly.

My expectation is that the pressure from students and faculty may induce the presidents and board members of the community colleges to change their minds in the future. However, I certainly would not want to take any leadership role in bringing about that change. If those concerned are content with the present powers in this field, I must say I myself am perfectly satisfied. If at a later time their attitudes change, then I think the government of the day will find it necessary to review the situation in the light of those circumstances and in the light of those submissions. I must say, quite frankly, that the prospect one way or another does not worry me very much at all.

The hon. member for Scarborough East asked if the institution could grant degrees retroactively. I think this is for the determination of the board of governors, on the advice of the senior staff members. And no doubt in making their decision they will have in mind the quality of the Ryerson degree, which was also dealt with by the hon. member for Scarborough East.

At Harvard they changed an MSc programme in education to a doctoral programme, a few years ago, if my memory serves me correctly, and they wrote to all

of the MSc's to say, "If you send us $25, we will send you your doctoral degree." I do not suppose that impaired the illustrious reputation of Harvard very much, and if Ryerson's board at some time decide to make available this degree with or without a refresher course, then I should think that is a decision best left to them.

Incidentally, I noticed an advertisement in the paper about a month ago which did offer a refresher course which I rather think the institution may see as leading to a degree for those students who left the institution with a diploma or certificate.

My hon. friend from Scarborough East said some attempt should be made to compare the Ryerson course in journalism to that of Sheridan. I infer from his remarks that he sees Sheridan as being as good as Ryerson. I asked myself during his remarks on that point if we might compare Ryerson with Carleton. I do not like the idea, frankly, of putting human beings in institutions or courses of study on a vertical graph. I think there are far too many variables for us to single out two.

The member for Peterborough has mentioned the academic attainments and the extra curricular interests of those Ryerson graduates who went to Trent. One does observe, it seems to me, a particular elan among the students and faculty and the graduates of Ryerson.

It seems to me that the totality of the institution, which of course includes the student body and their attitudes and their activities, gives a status to the degree or diploma—whether we are talking about journalism or some other course—and that the society, in some way intuits—the almost infinite number of variables attached to the institution and its personnel—and the society in making that non-intellectual assessment of the worth of the courses is more likely to be closer to the truth than is some kind of evaluation centre. I have not encountered that particular idea before.

I think it is fraught with peril, frankly, when one takes the biases which must be ingrained in those who would constitute the decision-makers at an evaluation centre. One observes it now as we see—let me say, doctors; highly skilled and trained in surgery, coming to Ontario and permitted to teach surgery but not to practice surgery. The argument advanced in defence of this seemingly unusual set of circumstances is that these doctors from foreign lands simply have not got the broad background which we provide to our own medical students, to our own medical doctors.

Be that as it may, the biases inherent in a professor in Ontario establish a certain set of criteria which may or may not be appropriate, but which is ingrained by virtue of the decision-maker's own background of educational experience.

I myself think an evaluation centre to decide whether Ryerson's course in journalism was good or better than Sheridan's, as good or better than Carleton's, would not be helpful, although I would be glad to hear additional testimony on this point from the member for Scarborough East and others at some future time.

I quite agree, I say in conclusion, Mr. Speaker, with the final remarks of the member for Peterborough. Ryerson has carved out a niche. Credit for that goes no doubt in part to the board, to the principal and his staff and to the students.

I think there is no evidence that this particular change effected by this bill will in any way alter their attitude or their style or the unusual characteristics that make Ryerson Polytechnical Institute a source of very great pleasure to the members of this Legislature and a great resource to the people of this province.

**Mr. Pitman:** Mr. Speaker, can I ask the minister whether it is on formula financing or whether it will be on formula financing?

**Hon. Mr. White:** Yes, it will.

**Mr. Speaker:** The motion is for second reading of Bill 97.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall the bill be ordered for third reading?

Agreed.

## DEPARTMENT OF COLLEGES AND UNIVERSITIES ACT

Hon. Mr. White moves second reading of Bill 98, The Department of Colleges and Universities Act, 1971.

**Mr. Speaker:** The hon. member for Scarborough East.

**Mr. T. Reid:** Mr. Speaker, in speaking to the principle of the bill—

**Hon. Mr. White:** Oh, I beg your pardon, Mr. Speaker. Perhaps I should make some introductory remarks. I apologize.

**Mr. Lawlor:** The minister is not right on this morning.

**Hon. Mr. White:** The bill before the House at the present time transfers the responsibility for community colleges from The Department of Education to the newly named Department of Colleges and Universities, as in fact the bill just dealt with transfers the responsibility for Ryerson Polytechnical Institute from the Minister of Edcation to the Minister of Colleges and Universities. There being no objection on that particular point, I would not anticipate any particular objection now as we generalize the matter.

**Mr. Pitman:** Do not count on that!

**Hon. Mr. White:** Let me say why I think this is appropriate. The Department of Education is being provided with funds by the Legislature in the amount of $1,377,000,000, which includes $124 million for the colleges of applied arts and technology. And if the Legislature sees fit to transfer the community colleges from Education to The Department of Colleges and Universities, the net operating expenditures for The Department of Education will be $1,253,000,000, to which I think one should add the cash made available for capital purposes, which is $200 million.

In other words, when The Department of Education is no longer responsible for the colleges of applied arts and technology, they will be responsible for $1,453,000,000 in expenditures and of course the Minister of Education is responsible to this House for that amount of money, approximately one and a half billion dollars.

The University Affairs department has had $444 million made available to it by the Legislature during the recent estimates, and if the Legislature transfers the community colleges, it will have the additional $124 million, to which I think one should add the cash being made available for capital purposes, which is $179.5 million. The total thereby made the responsibility of The Department of Colleges and Universities will be $747 million.

The point I am making, Mr. Speaker, is very simply this: While it will be argued that education is a continuum, and therefore one minister should be responsible not for K–13 but for K–PhDs, I think one can apply this argument to government as a whole, and in fact to every human activity. Our health is directly related to our education, to our economic status, to every facet of the human being.

**Mr. Nixon:** Do not fight against that argument until it is put.

**Hon. Mr. White:** Of course human organizations, even in the simple setting of a family unit, apportion functions between individuals and groups of individuals. That is what we find ourselves having to do in government.

The opposition preach the idea of having a very small number of ministers looking after an enormous, a very large number of functions. I will tell you, Mr. Speaker, if and when they ever form a government, they will never do it. They will find themselves forced, as jurisdictions elsewhere are forced, to limit the number of functions made available to a minister responsible to a Legislature, to a fairly small number.

**Mr. Nixon:** The government's reorganization bill is going to accomplish something similar. By the way, is the minister going to be in that inner cabinet over there or not?

**Hon. Mr. White:** I remember vividly the arguments, the debates which accompanied the establishment of The Department of Revenue and how the members opposite said this was a sinecure for the neighbour to the Premier.

**Mr. Nixon:** The member for London South, right?

**Hon. Mr. White:** At that time, the Treasurer was responsible for—to simplify it—four decidedly different functions. He had the Civil Service Department; he had the Treasury Department as such, he had the Treasury Board; and he had those branches which became The Department of Revenue.

When two of these were split off, it became possible for the Treasurer to come to grips with economic policies, with expenditure controls and such like in a way that was not possible before and I have no doubt that he has saved the taxpayers of this province millions and millions of dollars.

I can be more specific when it comes to The Department of Revenue, because while it did cost thousands of dollars to establish a separate Minister of Revenue, the savings were very considerable. In eliminating hundreds of thousands of forms through the

focus which could now be given by a member of the government having that exclusive responsibility, we saved—

**Mr. Nixon:** Why did the government overstaff that department by 26 in the first year?

**Hon. Mr. White:** That kind of fatuous remark is unhelpful. It is completely misleading.

**Mr. Nixon:** It is a government report! The government report said—

**Hon. Mr. White:** Yes, that was part of the consequences of work that I did; do not worry.

**Mr. Nixon:** One way to save money was to get the minister out of the department.

**Hon. Mr. White:** The external savings to the economy—I am talking about savings outside of government—probably exceeded $10 million and the internal costs were hundreds of thousands of dollars. That is putting no price on the social costs of making out about half a million forms more than was absolutely necessary!

Now the Legislature finds itself with this bill before us which would, in effect, establish two separate ministers for the two different departments—a change in the reporting for the community colleges being part of putting these new portfolios, these separate portfolios, in balance.

I am going to argue, Mr. Speaker, that in so doing we will permit the two ministers to hear far more submissions than any one human being could do; to explore future developments; the possibility of innovation; the prospect of economies. I am not talking now about squeezing money out that should be made available, but rather finding where money is not being well used and where it could be put to better use for the people of this province.

I am perfectly confident that having two ministers responsible for $2.2 billion, affecting the lives of so many of our citizens, will prove to be a very important step forward at this point in time.

I would not venture for one moment to say that in five years, or 10 years, or 15 years from now it may not be possible to have one minister looking after these responsibilities. If society decides upon the objectives and methods of education during this decade, if there is some stabilization of the rate of growth of the school population, if the enormous changes in technology become adopted and utilized and that rate of change to some extent slows down, I think it is entirely possible that one minister—eight, 10, 12 years or some time in the future—will be able to look after that particular continuum.

But for the present time I think it is wise for the government to have the Minister of Education and the Minister of Colleges and Universities—two different people, and I commend that proposition to the members of the Legislature for their support.

In this bill, Mr. Speaker, we are making a number of changes. Very briefly: Changing the name of the department from that of The Department of University Affairs to The Department of Colleges and Universities; we are transferring the provision for colleges of applied arts and technology, as I mentioned before, from The Department of Education Act to this Act; thirdly we are providing that the capital expenses of colleges of applied arts and technology, the Ryerson Polytechnical Institute, the Art Gallery of Ontario and the Royal Ontario Museum, will be financed by the Ontario Universities Capital Aid Corporation on the recommendation of the minister in the same manner as capital expenses of universities.

We had thought, Mr. Speaker, that we would encompass in this bill a restructuring of the department. In our earliest, tentative discussions we visualized a central division which offered services to community colleges on the one hand and universities on the other, in the very same fashion. A good illustration is the OSAP branch of the department, which makes its services available in identical fashion to students in the community colleges and in the universities.

We envisaged perhaps a division of community colleges to embrace those personnel and those responsibilities coming from The Department of Education into the new Dedepartment of Colleges and Universities, with perhaps a very small university division for liason purposes and research and such like. We decided, Mr. Speaker, not to attempt that in this bill, in part because of the concern expressed to me by the president of universities and the presidents of community colleges, who are most anxious that this change not homogenize these post-secondary institutions.

And so with their caution in mind, I decided that we should bring in this bill, simply making these changes, and in par-

ticular transferring the community colleges into our department, because they have been in limbo.

The Minister of Education, who has the legal responsibility, is somewhat reluctant—as one would appreciate—to establish new policies and such like, when he knows that in all likelihood the Legislature will approve this particular bill and the responsibilities will become that of a Minister of Colleges and Universities. And so we have the minister with the power not being able to move firmly and strongly, progressively, for very valid practical reasons; while the minister who is about to assume the responsibilities and who in a defacto sense has the responsibility, finds himself without any legal power.

So we decided to bring in this short bill, Mr. Speaker, and here again we will be offering a very considerably longer bill some time during the next session. This is in keeping with advice received by me—

**Mr. E. W. Sopha** (Sudbury): We will decide that. Put that in abeyance; we will decide that.

**Hon. Mr. White:** Well if an election intervenes, then of course I do not want to sound presumptuous, perhaps somebody else would have the responsibility.

This is in keeping with advice tendered to me at my request by the Commission on Post-Secondary Education in Ontario. I should like to read into the record a letter dated June 10, 1971, addressed to the Minister of Education and to me jointly, and signed by 13 members of the commission:

Dear Sirs:

This is in response to Mr. White's invitation that the commission offer its advice on the structure of the new Department of Colleges and Universities and its advisory bodies, and takes cognizance of the commission's mandate "to advise the Minister of Education and Minister of University Affairs."

These specific recommendations, even though they are of an interim nature, cannot be separated from the aims and objectives of post-secondary education that the commission will include in its final report. In particular, the commission is convinced about both the desirability and the necessity to provide increased opportunities for lifetime learning. The commission is also of the opinion that such provision of educational services will demand, within the framework of public accountability, considerable decentralization of decision-making.

It is understood, of course, that the whole realization of such a new focusing of post-secondary education will require major changes in the structure of governmental organization. Such changes, however, will take some time to realize and could not in any event reasonably be implemented before the commission has discovered its final report and the government has determined its course of action.

In the meantime, it is the view of the commission that the government should proceed with the gathering of responsibilities for the Ryerson Polytechnical Institute, the colleges of applied arts and technology and the universities in the new Department of Colleges and Universities. This step should assure the necessary co-ordination of governmental services in the main areas of post-secondary education. Accordingly, the commission recommends:

1. That The Department of Education Amendment Act, 1965, The Department of University Affairs Act, 1964, be withdrawn or appropriately amended and a new bill be introduced establishing The Department of Colleges and Universities, 1971;

2. That this new Act should effect the transfer of all authority vested with the Minister of Education and relating to the colleges of applied arts and technology, the Ryerson Polytechnical Institute, and with the Minister of University Affairs relating to universities, to the minister of The Department of Colleges and Universities;

3. That the present advisory bodies, the committee on university affairs and the council of regents, be continued for the time being;

4. That the recommended co-ordination between these two bodies be accomplished through the creation of a co-ordinating committee on post-secondary education appointed by the Lieutenant-Governor-in-Council;

5. That this committee should have eight members, made up of four members from the committee on university affairs, four from the council of regents and be co-chaired by the respective chairmen of these two bodies;

6. That the chairman of the council of regents be made a member of the committee on university affairs, and the chairman of the committee on university affairs

be made a member of the council of regents;

7. That the deputy minister of The Department of Colleges and Universities be appointed as the secretary to the three advisory committees.

Respectfully submitted.

And it is signed by the members of that commission.

Mr. Speaker, the government accepts these recommendations, a number of which are embraced in this legislation before the Legislature today.

In conclusion, Mr. Speaker, let me say that the changes the members are being asked to approve will enable closer control over the enormous expenditures which in effect constitute half of the budget of the Province of Ontario. It will permit better communication between the ministers and those citizens interested in education at every level. It will, I think, enable the encouragement of greater innovation, experimentation and progressivity in the various educational institutions.

I hope, Mr. Speaker, that the late hour of adjournment this morning, shortly after 3 o'clock, will not dull the minds of the members opposite and that they will find it possible to join once again in giving unanimous support to this important step forward. And I invite all members of the Legislature to support this bill.

**Mr. T. Reid:** Mr. Speaker, there are a number of things left to be said about this bill in relation to the principles in it. One of the key points, of course, is the transfer of the colleges of applied arts and technology from The Department of Education to this minister and to his expanded department.

The questions I raised, I think about a week ago, are still in my mind even after having heard the remarks of the minister this morning. I am not at all convinced, sir, that there has been any deep evaluation of where the community colleges, as I prefer to call them in shorthand, ought to be, either on educational grounds or on administrative and cost control grounds.

It is our view that the colleges of applied arts and technology have a great deal in common, or ought to have a great deal in common, with the planning of the secondary school system in the Province of Ontario. We have stated before, and I state it again, that there are 20 colleges of applied arts and technology in this province. They have even more than 20 campuses and around those campuses are high schools and secondary schools, and to my knowledge there is no integration of planning at all between those community colleges and the secondary schools that are close by to them. I think this is wasteful and it does a disservice to many students who find themselves duplicating what they have done in high school at the community college they go to.

There is yet to be an assessment of the extent of the duplication of facilities, of programmes and personnel between the colleges of applied arts and technology in this province, and at the very least the 100 secondary schools nearest to their campuses.

We have situations in which high schools near the community colleges are offering courses that are offered in the community colleges and the teachers at the community college do not even know those courses are, in fact, being offered in those secondary schools.

There is yet to be effective communication between the community college in the geographic area of boards of education and those boards of education. There is yet to be any serious discussion between the teachers in the community colleges and the teachers in at least the senior years of secondary schools near those colleges.

In other words, Mr. Speaker, right now I think there is chaos between what is happening in the secondary schools in this province and what is happening in the community colleges in this province. I think that as an object of public policy there must be a rational examination of the extent to which there is this duplication and wastage of the taxpayers' funds. For the government to bring in a bill transferring the colleges of applied arts and technology away from a physical presence, if you like, with the secondary school system in The Department of Education prior to such a rational assessment of duplication, is to me unacceptable.

**Hon. Mr. White:** The member just said that would not work.

**Mr. T. Reid:** I am saying that if this government had done such a study, and had concluded that the community colleges, had in fact found out what was happening in the secondary schools nearby—

**Hon. Mr. White:** If I give the hon. member that assurance will he support the bill?

**Mr. T. Reid:** —and had rationalization as much as possible in that direction, then I

could see some reasons for transferring the community colleges to the minister's department. But to do it, Mr. Speaker, before such a rational assessment has been made is to me just irresponsible.

Then again we have yet to hear from this minister or the previous Minister of University Affairs and Education (Mr. Davis) or from the present Minister of Education (Mr. Welch) any basic policy statement as to where the colleges of applied arts and technology are to go in terms of government policy.

For example are the colleges of applied arts and technology to be based on very close manpower forecasting of needs of jobs in our society, or are the colleges going to be unplanned in this respect?

I submit that if the decision is that they should be very closely planned in terms of manpower forecasting and in terms of the number of places available for certain types of work—whether it be child care, paraprofessional, or whether it be journalism or whether it be other areas of applied arts and technology—I submit that if we decide that it is now time to have such rational planning in this province, then I think the community colleges must be part of that planning. If they are part of that planning you cannot separate them from the secondary schools. It is as simple as that.

To split them away from The Department of Education, from the secondary school system, and off to the universities and toward Ryerson, I think could well be a mistake. In fact I believe it probably will turn out to be, in terms of manpower training policies and forecasting policies, a mistake to put them in the university arena, unless of course the minister is going to become involved very rigorously with the whole question of manpower training at the university level and the allocation of spaces in terms of the prospects of demand for those jobs in our economy.

I mean if the Minister of University Affairs is really going to say to the universities of this province, "On the best advice possible, in terms of jobs available for chemical engineers or biological chemistry in Canada, the universities in Canada are producing twice as many as will be needed. Therefore, the universities should level out or even reduce the numbers of graduate students they allow into certain graduate fields; "unless the minister is going to get involved in that type of high-level manpower professional projection and forecasting and planning, I think it could very well be a mistake to put the colleges of applied arts and technology into the same planning arena as the universities.

**Hon. Mr. White:** Well, if I give the member that assurance, will he vote for this bill?

**Mr. T. Reid:** The minister should hear what Mr. Welch said to Mr. Pitman last night at about 2 o'clock.

**Hon. A. F. Lawrence** (Minister of Justice): Do not use their names, use the names of the constituencies.

**Mr. S. Lewis** (Scarborough West): Why should we use the name of the constituency?

**Hon. A. F. Lawrence:** Because it is Parliamentary tradition!

**Mr. Lewis:** Oh, nuts to Parliamentary tradition!

**Mr. T. Reid:** The refusal if you like, the difficulty, that one minister of this government has with understanding the need for manpower forecasting in the single field of teacher education is pathetic.

**Mr. Speaker:** I think it might be well for Mr. Speaker to say that the point raised by the Minister of Justice is quite correct, but as far as Mr. Speaker—

**Mr. J. Renwick** (Riverdale): The hon. minister did not raise a point; he did not even get out of his seat.

**Mr. Speaker:** Yes; well it was raised officially last evening and I refrained from mentioning it. So far as Mr. Speaker is concerned, when a member uses a name like that, unless there is some connotation as there was today indicating a member of this House, Mr. Speaker has no idea to what person by that name the member is referring.

**Mr. Lewis:** Mr. Speaker can guess. When we say Mr. Welch, let your mind wander.

**Mr. T. Reid:** Mr. Speaker, I certainly take that correction. I would point out that in the standing committee of this House first names are used; that must cause great consternation with the Hansard correctors.

**Mr. Lewis:** The Minister of Justice has never been called "Allan".

**Hon. A. F. Lawrence:** I have been called a lot of things.

**Mr. Lawlor:** He will be henceforth.

**Mr. M. Gaunt** (Huron-Bruce): Call him the enforcer.

**Mr. T. Reid:** Turning to another aspect of the minister's bill and the policy and implications of it, Mr. Speaker, the view we have—and what we will do in the fall after the election—is to abolish the minister's department—

**Hon. Mr. White:** "Unless"—the member has to put a qualification in there.

**Mr. T. Reid:** But let me tell the minister what we would do, and I think we shall be doing it too.

What we would do, if certain circumstances come about, is to abolish the minister's job. We would create a universities commission which would be a very powerful commission. I think the minister may have seen the bill I introduced last year on this. That commission would receive from the Legislature the total funds available for—what is it now?—16 provincially assisted universities with Ryerson?

**Hon. Mr. White:** Fourteen provincially assisted, plus two which are not provincially assisted.

**Mr. Lewis:** Plus Ryerson.

**Mr. T. Reid:** Ryerson is now a hybrid? I have trouble understanding what Ryerson is now that it can give degrees, if it is not a university.

**Mr. Lewis:** The minister thinks of Ryerson as sort of bush-league Toronto.

**Mr. T. Reid:** Oh, I see. Is the minister going to get more scholars per dollar at Ryerson?

**Mr. Lewis:** I would think so, out of Ryerson.

**Mr. T. Reid:** Mr. Speaker, we believe that the minister's job should be abolished right away, of course, so that he can get on to more productive things. What we would have instead is a universities commission. The universities commission would receive the total funds available, both operating and capital, from the Legislature and would decide on their allocation to the universities in this province. We would get away from formula financing and would get into integrated rational planning of what the universities are doing in this province. We would have on that commission a balanced representation such as the minister has tried to attain in The University of Toronto Act.

We think that by making that commission institutionally accountable to a standing committee of this Legislature, perhaps appearing before it regularly once a week when in session and dealing with a specific university for at least a week, we can maintain the public accountability and at the same time have this commission with the academic freedom and collective university autonomy that would go along with it.

So we would leave the college of applied arts and technology in a Department of Education or Department of Educational Services under a single minister. But one thing we would not do would be to create the position of an associate minister who would be responsible with the minister for that department. We think this would be a preferable technique rather than simply transferring these institutions out of one department and putting them into the new department the minister has created.

Let me dwell on the point of the universities commission, Mr. Speaker, because there is a direct relationship between that idea and what I see to be a terrible danger in this bill. Mr. Speaker, I do not know whether you realize it or not, but in terms of the capital expenditures available to the universities from the province, this bill really sets this minister up as a very powerful tsar. And that is not too strong, sir, when I examine the wording of section 5. The minister will not be just a big wheel, but he will be a feared person. I wonder—

**Mr. B. Newman** (Windsor-Walkerville): He is more like a "tsardine" than a tsar.

**Mr. T. Reid:** He likes that. I thought he would like that. Too bad he could not get the fear instilled in certain faculty members across the street; too bad. Too bad his toughness did not last through to parity.

**Hon. Mr. White:** Power is something you think you have until you try to use it.

**Mr. T. Reid:** And boy, did the minister find out!

But that section 5 is so powerful and gives this minister such arbitrary personal power in terms of this office, and therefore the individual who holds that office has those arbitrary powers—I wonder how many offers of honorary PhD degrees the Minister of University Affairs will receive, no matter who he is.

**Mr. Sopha:** That is a sensitive area.

**An hon. member:** Do not be envious.

**Mr. T. Reid:** I really feel convinced, Mr. Speaker, the Minister of University Affairs should state in the first hour he holds that office, that during his term of office and perhaps 10 years afterwards he will not accept honorary degrees from Ontario universities. To me that is a form of bribery.

**Mr. Sopha:** I got into a lot of trouble about that one.

**Hon. Mr. White:** I so state now that I would not contemplate accepting any honorary degrees while I was this minister.

**Mr. T. Reid:** How about five years after?

**Mr. B. Newman:** He will be forgotten!

**Mr. T. Reid:** Well, Mr. Speaker, in section 5, to continue and conclude this, the principle there is a very dangerous principle. It is a principle that states this—and I must put this into the record right now:

> The minister may determine the amount of any capital expenditure of a university or a college of applied arts and technology or of Ryerson Polytechnical Institute, the Art Gallery of Ontario or the Royal Ontario Museum that may be financed through the Ontario Universities Capital Aid Corporation, and debentures may be purchased from a university or a college of applied arts and technology—only on the recommendation of the minister.

That to me sir, is direct political inference with the internal autonomy of the universities in this province. It is very serious. I do not believe that this power has ever been given to any minister of education in this country before. It is total discretionary power to decide which universities get which capital grants.

It is for reasons such as this, sir, that we in this party want to have the same kind of control over public expenditures, but we do not want it to be a control by a politician or a political party. That is why we want the universities commission to exercise that same type of control, but to exercise it one step removed from political interference.

Mr. Speaker, I believe I have only one other point to make and it is this, that by transferring the colleges of applied arts and technology over to the Minister of University Affairs we are worried that we are transferring, psychologically if you like, the colleges into a higher-cost area of education. As long as the colleges of applied arts and technology were in The Department of Education, psychologically we were dealing with lower cost-per-student ratios than is going to be the case now, with the community colleges put in with Ryerson and put in with the universities.

And I can see a whole upward escalation of inflation in costs at the community college level in this province, pushed there psychologically if you like, by taking the colleges out of the area of The Department of Education and putting them into, if you like, the snobbish, high-cost classification of education. I say to the minister that he is building a psychological escalation clause into the public financing of the community colleges in this province by accepting this responsibility. This is an implication, I think, which has not been clearly settled. Mr. Speaker, those are my comments to this minister at this time.

**Mr. Pitman:** Mr. Speaker, I would just like to state that this party will oppose this piece of legislation, and I would hope that we will have the support of the Liberal members on our right in view of the statements that have been made by the hon. member for Scarborough East in regard to costs, authoritarian powers and so on.

I want to deal first with the comments which the minister made in, you might say, attempting to forecast what the member for Peterborough would possibly be saying in this particular debate. The policy of this party in regard to this bill is that there should be one department of continuing education, a single department of continuing education which deals with all the aspects of education, or the formal aspects which relate to people of all ages.

We are prepared to accept the minister's comments regarding the amount of activity which goes on in this department and the amount of cost which is involved in the activities which go on in this department. There is no dispute in this area at all. We do believe that there must be some person in the government who should be involved with these very onerous duties. And these onerous duties have been made very manifest during this present session of the Legislature.

What I am going to say now in no way relates to the very long and considerable hours the minister has spent in carrying out these duties. But we believe on this side that this can be comprehended by an Associate

Minister of Continuing Education. This Associate Minister of Continuing Education could very easily carry out the duties which he has comprehended in relation to the colleges and universities in this province.

There is no need for a separate Department of Universities and Colleges. There is no need for the fragmentation which will result. There is no need for the distortion which will accrue to such a change in this whole fabric of educational activity under this government. I suppose the minister makes the statement: "Well everything relates to everything else". And if you took the logic of the minister far enough I suppose you could say that we do not need any ministers of the Crown; we just need one single Prime Minister who concerned himself with everything—almost in the Wordsworthian sense that everything relates to everything else.

We are talking about the formal activities which are carried on in this province related to education, toward the human development of people in this province. This should not be in any way broken up because—and I made this point to the Commission on Post-Secondary Education—obviously what goes on in your colleges of applied arts and technology, what goes on in your universities, relates directly back to what goes on in your colleges, in your secondary schools, in your collegiates and your elementary schools.

Nothing could have been more obvious than what has taken place in this building for the last two weeks. I ask the minister, in view of the Hall-Dennis report—the report on the aims and objectives of the schools of Ontario—could any group of people have been further away from those aims and objectives; could any group of people have misread the educational direction of this government; could any group of people have been further apart from what could be called the student-oriented, the exploratory, the more open and free and liberal tradition of education, than the U of T faculty association as they expressed themselves in the committee down in this building over the past two or three weeks?

What I am suggesting to the minister is that he is going to make that situation worse by hiving them off in a separate department. The possibilities of having two departments going in two different directions, with two different philosophies, with two considerable budgets, is horrendous. I suggest to the minister that keeping them within one department is at least the first step to moving toward some kind of continuum of philosophy as well as continuum of activity in relation to education in this province.

I think that I might say, incidentally—and I was very disappointed in this aspect—the minister is bringing in the Commission on Post-Secondary Education in terms of recommendations to this Legislature and what they should do in relation to legislation coming before this House. This points up the problem which I saw from the beginning, and it is symbolized, I suggest, in the chairmanship of Mr. Douglas Wright of that Post-Secondary Education Commission.

At the time of his appointment, we said that it was simply inappropriate. Mr. Douglas Wright has made a tremendous contribution to the post-secondary activity of this province. No one would in any way denigrate his expertise and the excellence of his activities. We may disagree on what his role should be, but no one certainly would in any way denigrate what he has done.

The point is that it is inappropriate for a commission which is trying to explore the total fabric of post-secondary education in this province to be using as its chairman the man who is the chairman of the commitee on university affairs—who then has the responsibility of looking at what he has done over the past four or five years and trying to relate that to what he expects the minister wants over the next few years.

I think it is inappropriate for a commission which should be standing apart from this place—which should not be involved in the cut and thrust of legislation involving post-secondary education—to now find itself in the position of making these kinds of specific short-term recommendations which may very well undermine and erode the kind of rapport which could be possible from that commission.

How can that commission come down now with the kind of, I would hope, almost revolutionary types of recommendations which the minister himself, in his own statements in this House, has indicated that he is prepared to accept in terms of post-secondary education in this province.

**Hon. Mr. White:** The recommendations are made for the next few months; how does that inhibit the recommendations next fall?

**Mr. Pitman:** I am looking forward to those recommendations perhaps less now than I would have if that Post-Secondary Education Commission—which has all kinds

of work to do and does not have to be worrying about what is going on in this place—I would be far happier, far more confident, with what that commission was going to come down with if its members were able to stand at an arm's length from the minister and from his department and from the activities in this place. What we need desperately is, somehow, some way of rationalizing, of seeking priorities and finding a direction for development of education away from what have been the anachronisms of the past.

The minister has involved this commission in making these short-term recommendations in relation to specific legislation in this House. I think it is inappropriate and unfortunate because, as I said, you even had the Hall-Dennis commission coming to us every couple of months to suggest that we do this or we do that. That commission was standing sufficiently apart that it could take an overview. That is what, as I suggest, is unfortunate about what has happened in this Legislature this morning. For the minister to phone or to write Doug Wright and say, "Oh come on now, would you help us find some recommendations which would allow us to conform to the present legislation on a short-term basis?" I think really that is unfortunate, and I just say to the minister—

**Hon. Mr. White:** On a point of order! If I may say so, I will deal with this at greater length in my rebuttal.

I think it is grossly unfair to imply that the advice which was sought and given with respect to the next few months, as embodied in this bill, inhibits longer term recommendations. I wanted advice from every source available to me as to whether to attempt at this point in time to restructure the department in some new way, or whether simply to take CAATs in on a temporary basis. For the hon. member to imply as he has, not once but several times, that this in some way imperils the integrity of the commission or its chairman or impedes longer term recommendations, is a misstatement of the situation. I hope my hon. friend will not pursue that.

**Mr. Pitman:** I simply cannot separate what are short-term objectives and the long-term policies and recommendations for a government that deals with education—

**Hon. Mr. White:** We said what will we do about reorganizing the department and the answer was nothing—

**Mr. Pitman:** The minister cannot separate the two. What—

**Hon. Mr. White** —until our report comes out.

**Mr. Pitman:** Where else would the minister get his recommendations from? Presumably he got them from the presidents of the colleges of applied arts and technology. He got them from the presidents of the universities. If he is going to bring the Commission on Post-Secondary Education into the list and give us the specific recommendations of that commission, why not give us all the recommendations that came from other sources? I just think it is inappropriate that a commission which is dealing in the long term of education in this province, should be involved in what are short-term objectives of a government over the next few months and which, I suggest, may very well undermine the validity and the acceptability of these long-term recommendations.

**Hon. Mr. White:** Oh, the member is having a daydream.

**Mr. Pitman:** This is a good deal different from a daydream. The minister well knows it.

**Mr. Lewis:** This whole bill is wrong.

**Mr. Lawlor:** The minister made a kind of a blunder there.

**Mr. Pitman:** I am going to—

**Hon. Mr. White:** The member is seeing spooks. He was up too late last night—

**Mr. Pitman:** Well, the hon. minister—

**Hon. Mr. White:** —or this morning.

**Mr. T. Reid:** At least we are up.

**Mr. Pitman:** I want simply to state a little further my own feelings in relation to the philosophy of this bill. I think that it is institutionally oriented at a time when specific institutions should be less the concern of the minister than the entire philosophy of the total fact of education. At a time when we should be concerning ourselves far more with the accessibility throughout an entire lifetime, when we should be far more concerned with making education a human developmental activity throughout our whole society, we are hiving off certain institutions in certain departmental patterns.

I suggest that this fragments and distorts. It does not help in the concept of education as being a lifetime of experience for every person in our Ontario society. That, essentially, is the philosophic background for this bill which leads me to oppose it and to oppose it quite vociferously. No other province in Canada, and I am not suggesting that that should be the reason, but no other province in Canada even has two departments of this nature.

Of course this brings up the specific problem of what happens when the Minister of University Affairs and Minister of Education go hand in hand to these feasts which are held every once in a while in Ottawa or Montreal. We now have a two-headed monster in Ontario, rather than a single voice expressing the educational philosophy of this province. It is obvious that the minister is going to spend most of his time trying to coordinate his activities between the two sections, a tug of war of manpower, as the member for Scarborough East brought up. It involves both those departments. The minister is never going to be able to separate them. What is going to happen, I suggest, is the government is going to have one minister and one department carrying on a continuing struggle with the other as to what the philosophy of education should be. How can we influence, how can we pressure The Department of Education to do certain things in the secondary schools so that we in the universities and colleges will have perhaps a different kind of pattern at that level?

I suggest that this is backward; it is going in just the opposite direction which I would think every other educational jurisdiction is considering. You do not see other areas in this world, internationally, trying to fragment their educational institutional pattern. They are trying to bring them together. They are trying to create a single pattern. They are trying to secure interaction; to have openness, accessibility from one form of institutional pattern to another.

And here we have, as I say, a fragmentation.

I am not going to go into the comments that the member for Scarborough East brought up in terms of specific points on this—the member for Lakeshore will be continuing, I hope, in that area—but I just simply say there are many areas here which bother me.

The whole relationship between the council of regents and the boards of governors of the colleges of applied arts and technology; the lack of any thrust that I see on the part of the minister to try to open up and democratize the colleges of applied arts and technology—now there is a real can of worms; I am looking forward to this legislation which he expects to bring up in the fall in relation to that.

I simply say that this bill is poor legislation, it is irrelevant legislation, it is backward legislation; and I hope that the minister might see the logic of the suggestion of the New Democratic Party that he should withdraw the bill and recognize that it would be better for Ontario and for education in Ontario that he be an Associate Minister of Continuing Education, along with his colleague, the Minister of Education; that we can have a single voice, a single direction, a single philosophy, and one would hope a better system of education as a result.

**Mr. Speaker:** Perhaps the member for Sudbury will so begin his remarks that within three or four minutes we may rise for the noon recess.

**Mr. Sopha:** Yes, I would be the next person to speak from this side on the principle of this bill.

Mr. Speaker, if you will accept from me a statement that the principle of the bill is to strengthen and make more viable, within the framework of one department, the institutions of higher learning in the province, which are ultimately responsible for the largest measure of their financial support to this Legislature, from which they derive it, then my remarks will be made under that umbrella.

There is just time enough without getting into what my friend from Scarborough East and the member for Peterborough often call the nitty-gritty—that is a southern urban expression—we greeted with a certain amount of reserved enthusiasm the emergence of this minister into this department. One of the things that commended him to me was that he was not directly involved in the educational process; he was, peripherally, at the University of Western Ontario, but somewhere along the way they saw the error of their ways and he became dissociated from that institution.

He is an amateur minister in this department, and I say that as a matter of enthusiasm because without wishing to offend anyone—and I am a sensitive person, I realize that other people are sensitive—I state as a general principle that one of the things

wrong with education in the province is that teachers have far too much to say about it. They are too close to it; they are too close to the melting pot in which they operate. Heaven forbid that the lawyers should be the final determinants of the character, the framework and the extent of the law. That would be disastrous, if there were not a lay view.

But this minister's well-known vigour and energy was demonstrated, I think, the first day that he came into the department, because one of the first quasi-ceremonial acts that he performed was to divest Dr. Wright of his office. He walked in and found that Dr. Wright had the most commodious quarters in the building—wherever it is—and like a feudal baron of old, armed with almost a sheriff's writ, he removed Dr. Wright from his accommodations.

**Mr. Speaker:** This might be a good time for the hon. member to move the adjournment.

**Mr. Sopha:** Yes.

**Mr. Speaker:** Fine. Would the hon. member move the adjournment of the debate?

Mr. Sopha moves the adjournment of the debate.

Motion agreed to.

It being 12 o'clock noon, the House took recess.

# CONTENTS

**Thursday, July 22, 1971**

**Ryerson Polytechnical Institute Act, 1962-1963,** bill to amend, Mr. White, second reading ..... 4511

**Department of Colleges and Universities Act, 1971,** bill intituled, Mr. White, on second reading ..... 4520

**Motion to adjourn debate,** Mr. Sopha, agreed to ..... 4531

**Recess,** 12 o'clock noon ..... 4531

No. 111

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Thursday, July 22, 1971

**Afternoon Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**

**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

5

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JULY 22, 1971

The House resumed at 2 o'clock, p.m.

**Mr. Speaker:** Statements by the ministry?

**Mr. D. C. MacDonald** (York South): Mr. Speaker, on a point of order, if I may, since it has some urgency. My understanding has been, and cetainly it has been the practice up until now, that the committee considering estimates would meet only after the question period and when orders of day were called. I think I noticed an affirmative nod by the Prime Minister. If that is the case, I appreciate that acknowledgement on his part.

Now, the chairman of the Human Rights Committee, at 12 o'clock noon today, said that he had had discussions and he conceded—

**Mr. J. E. Stokes** (Thunder Bay): Resources.

**Mr. MacDonald:** Sorry, the Human Resources Committee— said he had had discussions with—

**Mr. E. W. Sopha** (Sudbury): Correct that in Hansard.

**Mr. MacDonald:** —members of the committee and he conceded that they were just the government members of the committee and that the committee hearings would be extended by two hours, namely, through to one o'clock, adjourning for one hour, and resuming at 2 o'clock. There was some little debate and the hon. member for York Centre (Mr. Deacon) moved a motion of adjournment for lunch at 12 o'clock and, interestingly enough, the government members supported it, thereby breaching the alleged agreement that had been reached. But the chairman then insisted that we would resume at 2 o'clock.

As I understand it, there has been no vote by the members of the committee on this. At the time when he insisted that this should take place, everybody had left except the hon. member for York Centre and myself, so that there were only two members of the committee there, but the chairman insisted in sticking to his ruling that the committee must resume at 2 o'clock.

Allegedly, the reason for all this is that the committee would be better to meet in daylight hours rather than in darkness, late in the evening.

**Mr. V. M. Singer** (Downsview): They need a little light.

**Mr. MacDonald:** It seems like a hangover from the days when this Legislature put time in between ploughing in the fall and seeding in the spring. But this, in my view, Mr. Speaker, is irregular. The decision is illegal. It was not voted upon by members of the committee. And more important, it breaches what was the practice, if not the legal wording of the resolution; namely, that members of the committee would have the right to be in this House during question period and that the committees would begin their work only at 3 o'clock when the orders of the day were called.

I draw this to your attention. I know you have indicated in the past—

**Mr. J. Renwick** (Riverdale): Now how can you compete with that? How can anybody possibly compete with that?

**An hon. member:** The minister should have worn his stop light.

**Mr. J. Renwick:** On a point of order—how can the member for York South compete with that?

**Mr. MacDonald:** I cannot.

**Mr. J. Renwick:** It is just impossible. Was that planned? Is that one of those delayed entrances?

**Mr. S. Lewis:** (Scarborough West): Boy, oh boy.

**Mr. J. Renwick:** The minister is really a representative of labour in this province, I can tell him that.

**Mr. Lewis:** And is the minister ever making John Zaritsky feel badly!

**Mr. MacDonald:** As a matter of fact, Mr. Speaker, I consider it a bit of sabotage, because it cut off my punch line!

I wanted to draw this to your attention. I know you have said in the past that what

happens in committee is the committee's business, but through you, I put it to the Prime Minister (Mr. Davis): Was it not the understanding of the Prime Minister that members of the committee could be in this House during the question period?

**Mr. Speaker:** Well, of course, that is not a proper point of order for the House, nor is it a proper way to reach the ear of the Prime Minister.

**Mr. J. Renwick:** Oh, it is an appropriate point of order, Mr. Speaker. I am sick and tired of your rulings about this question.

**Mr. Speaker:** The hon. member may be sick and tired of it, but one of the things that we try to do—at least try—is keep wihin the rules of the House.

**Mr. J. Renwick:** It is an appropriate point of order. There could not be a more appropriate point of order in our lives.

**Mr. Speaker:** It is not a point of order, because it is a point of order for the committee, not for this House.

**Mr. Stokes:** What recourse does a member have with an arbitrary chairman?

**Mr. Speaker:** Order, I have the floor.

**Mr. J. Renwick:** These are committees of this House.

**Mr. Speaker:** I have the floor, and when I get done if any one wishes to debate the matter and put it to the test that is fine, but so far as I am concerned—and I had some knowledge of this and I have had the opportunity of checking—the rulings which I have previously given are in accordance with the rules of the House and that we, as a House—

**Mr. Lewis:** Why does the Premier not just send a note down to tell the committee to fold up?

**Mr. Speaker:** —we as a House, have no power here, unless we have a report from the committee.

Now, this is a matter which may be unfortunate and may be all that the hon. member says, but it has to be resolved in the committee of which he is a member. Certainly I have no authority, and in my opinion the House has no authority, to deal with it.

**Mr. J. Renwick:** The Speaker has the authority.

**Mr. Speaker:** I disagree with the hon. member.

**Mr. MacDonald:** Mr. Speaker, I rise on a point of order. I draw this to the attention of the Prime Minister, that since he has twice acknowledged that it was his understanding the committee would not be meeting during the question period, could he be persuaded to indicate to the chairman of the committee that its activities will begin at 3 o'clock?

**Hon. W. G. Davis** (Prime Minister): Mr. Speaker, I do not know whether this is within my power as leader of the government, but certainly my understanding has been that the hour from 2 to 3 is for questions before orders of the day. Certainly I really feel it would be unfortunate if all members of the House did not have the opportunity to participate in what is often the lively part of the day.

Mr. Speaker, whether it is within the orders to do so, or not, I—

**Mr. J. E. Bullbrook** (Sarnia): The Prime Minister is the boss. Send a page down.

**Mr. Lewis:** Can the Premier's word somehow get conveyed to the committee?

**Hon. Mr. Davis:** —I shall communicate, as rapidly as I can, with the chairman of that committee and tell him that he might inform his colleagues that it would be a rather interesting hour or so, and that they would be more than welcome to join us here until 3 o'clock.

**Mr. H. Peacock** (Windsor West): Mr. Speaker, may I speak to the point of order? Everyone in the House will surely appreciate the statement of the Prime Minister, but the proceedings of the House do not rest on the will or wishes of the Prime Minister.

**Mr. J. Renwick:** That is right. That is right. I agree.

**Hon. Mr. Davis:** I have just said this.

**Mr. MacDonald:** He is on the Prime Minister's side. Do not get uptight.

**Mr. Peacock:** Mr. Speaker, I expressed my appreciation, but I would like to put it to you, sir, that on the order paper for today, Thursday July 22 is the item, the 26th order, House in committee of supply, and that is a government order.

It is not called until after routine proceedings are completed and the Speaker has

called for orders of the day and I put it to you, sir, that consideration of estimates is a matter of supply, whether done in this House or done in the committee.

It is done in the committee as an extension of the work of this House and should surely be considered as a matter of, or an extension of, the work of the House in supply. And therefore, Mr. Speaker, no committee which is charged with the work of estimates—

**Mr. MacDonald:** The logic is unchallengeable.

**Mr. Peacock:** —which is a matter of supply should be called to order by its chairman until you, sir, have called the orders of the day in this House.

**Hon. Mr. Davis:** Speak to the Speaker, do not speak to me.

**Mr. J. Renwick:** He is speaking to the Speaker.

**Hon. Mr. Davis:** No, he is looking at me.

**Mr. Lewis:** Try to take a moment's interest in the House from time to time, just a moment of occasional interest.

**Hon. Mr. Davis:** I do.

**Mr. Speaker:** That is an interesting interpretation of the rules which I will be glad to consider, but in the meantime—

**Mr. J. Renwick:** Not an interesting interpretation, a correct interpretation.

**Mr. Speaker:** —ministers' statements is the order.

**Mr. J. Renwick:** You do not have to take consideration of matters which are correct!

**Hon. Mr. Davis:** Mr. Speaker, in September 1969, my predecessor in this office announced a programme for the development of a park community in the Wasaga Beach area at the southern end of Georgian Bay.

**Mr. Lewis:** Oh ho, the Globe and Mail wins again.

**Hon. Mr. Davis:** The purpose of the project is to ensure that one of the finest beaches to be found on a freshwater lake anywhere in the world will continue to be available to the people of Ontario—

**Mr. J. Renwick:** Twenty years too late.

**Mr. Lewis:** No more parking lots on Wasaga.

**Hon. Mr. Davis:** —and that the recreational potential of the area will be protected and developed.

As the hon. members know, one of the most desirable features of the Wasaga area is that it is within a 90-minute drive of more than one-half of the population of this province.

**Mr. J. Renwick:** It has been that way for many years.

**Hon. Mr. Davis:** There is no doubt of the great popularity of the beach. Wasaga Beach Provincial Park, which is the very heart of the park community has registered as many as 50,000 visitors on a single weekend. Among its other valuable assets, the Wasaga area includes massive sand areas, the Nottawasaga River, an expanding zoo and the museum of the upper lakes. Moreover, the Wasaga area is in the heart of the growing winter recreation region and is close to ski resorts and snowmobiling facilities. These factors make this area one of our province's prime recreational resources.

For two years the Wasaga Park Community Project has been carried on through the auspices of The Department of Municipal Affairs in co-operation with The Departments of Lands and Forests, Transportation and Communications, Health, Energy and Resources Management, Tourism and Information, the Ontario Water Resources Commission and the local municipal authorities. The results of the various studies are now available in the form of a progress report which I am having placed before all members today.

The plan has achieved a significant measure of agreement. Therefore, I am pleased to be able to announce that we are now moving from the planning to the implementation stage. We have assigned more than $18 million between now and 1977 for this purpose. The Department of Lands and Forests will be provided immediately with an additional $1 million to proceed with further land acquisition for recreational uses.

The programme for the Wasaga area calls for its development as a park community where much land will be reserved for a wide range of recreational activities. Other parts of the area will be set aside for community and commercial development and fully integrated with the recreational activities of the visitors. It is expected that the area will be able to cater to the recreational needs of

nearly 100,000 people at one time, including day visitors, tourists, campers, cottagers, residents, in fact well over twice the present number.

The aim of the project is to encourage the growing trend to year-round use of the recreational and associated facilities, thereby enabling a greater number of people to use the area and encourage a better standard of facilities to serve them.

In the field of recreation, the province's role will be mainly to provide beach, river and inland park areas. Other recreational facilities will be encouraged through private agencies and the municipalities.

In community and commercial development, the province will assist in the provision of the main highways, and water supply and sewage disposal systems which will be needed to sustain this scale of development without the attendant problems of congestion and pollution.

The various government departments will continue to conduct the planning and related studies, working closely with the people of the community and local municipalities. The next phases will again be coordinated by The Department of Municipal Affairs.

As is usual in this kind of situation, most of our discussions to date have been with the representatives of the local councils and planning boards. But we intend to ensure that within the next few weeks the residents and visitors to the area will have an opportunity to look at the plans and give us their views. Advertisments will be placed in area newspapers, the progress report will be placed in the various municipal and chamber of commerce offices, and the project supervisors will be stationed in these offices between August 9 and 13 to discuss the programme with interested people.

One of the most pressing needs is already looked after. This is the problem of parking space. Late last summer, a large new car park was opened, taking parked cars from a mile-long stretch of beach and freeing it for people. Our plans include the purchase of more property for other car parks and the provision of further traffic control measures. We are now in a position to consider the request of the local council for assistance in converting Main Street into a pedestrian mall. We also expect to begin acquiring some of the land needed for the future including the new river and inland park areas.

Much more detailed work remains to be done to complete the planning stages of the Wasaga programme. We know that some hard decisions will have to be made and that the parties concerned will not always see eye to eye. But I am confident that the cooperation between the government of Ontario and the local people will continue and will bring this project to a successful outcome. We are very pleased with the progress to date and look forward to the creation of what will be one of the finest year-round recreation centres on this continent.

Mr. Speaker, in the Speech from the Throne, the government expressed its determination to assure the adequacy of energy supplies for this province. To underline our determination to ensure that we maintain an adequate supply of energy, a choice between the various types of energy, and means to match them with those uses to which they are best suited, we set in motion machinery which will ultimately result in a sound long-range policy for the energy needs of and the use by the people of Ontario.

The first step in this process was the establishment of Task Force Hydro which is now reviewing the function, structure, operation, financing and objectives of the Hydro-Electric Power Commission of Ontario.

The next step which I am announcing today is the formation of an energy advisory committee.

The task force study of Ontario Hydro and the work of the advisory committee will be mutually supporting and will be carried out concurrently with the new committee reporting to the government early next year. The activity of the energy advisory committee will be twofold. Firstly, to undertake a comprehensive review to ascertain Ontaro's future energy requirements and supplies; and secondly, to recommend policies and means to ensure that these requirements are met.

The government is fully aware of the need for well-conceived and co-ordinated policies for the future well-being of the residents of this province and our rapidly expanding business and industrial community. We are, Mr. Speaker, an energy-hungry province. Our consumption of various primary energy resources increases annually by four to 12 per cent, with the exception of coal consumption, which appears to have become somewhat stabilized.

Canada is rich in energy resources, but the remoteness of the sources of supply from the large industrial consumers and residential concentrations, combined with the ease of access of foreign supplies, has made

Canada an importer of energy materials. Because of the location of so much industry, manufacturing and population in our province, we are a heavy importer of energy resources and likely will always be in this position.

One need only review the dependency of this province on supplies of primary energy from outside our province—and indeed from outside Canada—to appreciate our situation. For example, almost half our basic energy supply is derived from oil, for which we are almost exclusively dependent on sources beyond the Ontario boundaries. Coal and natural gas, again supplied to a substantial extent from other areas, each represent approximately 20 per cent of primary energy supply. Only electricity, which accounts for about 10 per cent of our energy consumption, is largely generated within our province.

This means that among the basic forms of energy required by the province, only electricity responds in any meaningful way to the influence of provincial policies. The others respond to local demand at their source; to local policies on supply for export, and to national and international policies which may or may not adequately consider the needs of Ontario energy consumers.

The individual homeowner and consumer—you and me—requires reassurance of the availability of adequate energy supplies for his well-being, as well as assurance that the energy supply will be available at reasonable cost. The government recognizes a responsibility to the people of Ontario to clarify this situation so that suppliers can plan for the future.

For example, Ontario Hydro, which in addition to being a producer of primary energy is also a large consumer of other energy sources, must have guidance in its planning and construction of generating facilities utilizing such alternate fuels as coal, natural gas, oil and uranium.

Increasing public concern about the causes of environmental pollution has added to the problems of energy producers and suppliers, and must be fully considered. I need not point out to this House that jurisdictional responsibilities further complicate the situation and must be untangled.

To sum up these comments, Mr. Speaker, we in Ontario are in a relatively delicate position. We are the major energy user in Canada, and with the exception of uranium and the water generation of electricity, we are dependent upon energy sources in other jurisdictions for our needs.

I want to emphasize to this House and to all concerned, that government respects the policy-making role of the government of Canada in the energy field. The government of Ontario recognizes that there can be differences between a national and regional energy policy. We are accepting our responsibility to create a regional policy which will reflect and demonstrate the needs of this province which, we feel, differ somewhat from some other areas of Canada and which can be of great assistance to the government of Canada in framing a national policy.

We shall work closely with the federal government in the interests of all Canadians. Indeed, we have already indicated our full co-operation to The Department of Energy, Mines and Resources, and that department has responded by appointing a senior official in a co-ordinating capacity with our energy advisory committee.

With this as the background for our work, the government has established an energy advisory committee to examine the function, structure, operation, financing and long-term planning in the energy field. We have been fortunate to obtain as chairman of the committee Dr. John Deutsch, principal of Queen's University, past chairman of the Economic Council of Canada, and former senior federal public servant, who held such posts as assistant deputy minister of finance and secretary to the Treasury Board.

To co-ordinate and direct the functions of the committee, Mr. Stuart Clarkson, deputy minister of The Department of Revenue, will serve as executive director. Mr. Clarkson has an eminent background in the energy field and has served the government as deputy minister for The Department of Energy and for nine years as deputy minister of The Department of Economics and Development. Prior to joining the Ontario Public Service, Mr. Clarkson was associated with Atomic Energy of Canada Limited, The Department of Trade and Commerce, and the Defence Research Board.

The committee will comprise representatives from the oil, natural gas, coal and uranium industries, the Hydro-Electric Power Commission of Ontario, consumer interests, liaison members from Task Force Hydro, and the federal Department of Energy, Mines and Resources.

In addition, senior civil servants from the departments of Treasury and Economics,

Mines and Northern Affairs, Environment, and Justice and Attorney General will also serve the committee. These groups are now being asked to appoint representatives so that it can get down to work in August.

In order to advise the government on future energy policy, the committee is being asked to consider the following areas of interest to the government and the people of Ontario: Economic and social benefits from a comprehensive and co-ordinated energy policy; assurance of adequate low cost energy supplies to support sustained economic growth of the province; relationship of energy requirements and uses to provincial resource, environmental, and social policies; relationship with the implication of energy policies of governments of other provinces, Canada, and the United States, with regard to the sources and supply routes and means of energy; integration of an energy policy with land use management and development policies; sources and forms of funding capital investments having regard to fiscal and financial implications; relationship of energy policy with certain aspects of a competition policy applicable to the energy industry and regulatory policies; organizational structures and changes within government and possibly the energy industry to assure a continued surveillance of the adequacy and effectiveness of existing energy policies and programmes.

Mr. Speaker, it is our expectation that this committee will be able to recommend to the government a blueprint for a mature energy policy which can be integrated with overall policies of the government for the benefit of the people of this province. We look forward, Mr. Speaker, to the results of its deliberations.

**Mr. M. Makarchuk** (Brantford): So how come in the estimates they said the committee was in existence?

**Mr. Speaker:** Statements by the ministry.

Oral questions.

## ONTARIO'S ENERGY NEEDS

**Mr. Singer:** Mr. Speaker, I have a question for the Premier arising out of his announcement concerning the energy advisory committee. Could the Premier advise whether or not the opposition parties will have an opportunity to make recommendations for membership on this committee and whether or not, in a real sense, the Legislature can take part in these important deliberations?

**Hon. Mr. Davis:** Mr. Speaker, I think it is quite obvious that, as this committee develops policy recommendations to the government, all members of this House will have an ample opportunity to debate these recommendations and the suggestions that come from the advisory committee. I think this is perhaps the logical way to approach this, and this information will be made available so we can all debate it.

**Mr. Singer:** Mr. Speaker, in view of the fact that this House has had a long history of inability to enquire into the functioning of such organizations as Ontario Hydro, would the Premier not be serving the public in the best way by at least allowing the two opposition parties to put one nominee on this energy advisory committee?

**Hon. Mr. Davis:** Mr. Speaker, I do not know that any useful purpose would be served. There have been debates here about the Ontario Hydro-Electric Power Commission. This is not an investigation into Ontario Hydro; this is an advisory committee to assess and determine the energy requirements of the Province of Ontario and how we might best develop a rational and mature energy policy. Their recommendations will be available to all members of the House, and there will be, as I say, very ample opportunity to debate them, and to discuss them. I think this is, as I say, the logical way to approach it.

**Mr. Singer:** Mr. Speaker, by way of supplementary relating again to this energy advisory committee, would the Premier be able to tell us at this point the extent to which, if at all, the deliberations and representations will be made or heard in public?

**Hon. Mr. Davis:** Mr. Speaker, I cannot answer the hon. member at this point. The chairman may have some thoughts on this; there may be great merit in having briefs presented or public meetings convened, I cannot comment on this at the moment, I can only express a personal point of view and that is that I personally would have no objection to this.

**Mr. Lewis:** By way of supplementary, Mr. Speaker.

**Mr. Speaker:** The hon. member for Scarborough West.

**Mr. Lewis:** In view of the fact that Union Gas has expressed that there will be an inadequate supply in the 1972-73 period, and that Trans Canada yesterday, before the

National Energy Board, indicated that it would not be able to pipe sufficient energy requirements, and since we are now contemplating an export of two and a half trillion cubic feet of natural gas to the United States, what possible intervention will the government of Ontario make, and when, to prevent this occurrence?

Because the submission so far from Ontario has indicated no planning, no demand requirements of the kind which your energy advisory board will shortly have, or one hopes will shortly have.

How are the interests of Ontario protected in the interim?

**Hon. Mr. Davis:** Well, Mr. Speaker, I believe that Ontario has, in fact, indicated in general figures the demand that we see here in this province and, of course, this is the determination of the national energy board. I think it is quite obvious that when this study is completed and policies recommended it will be in an even better position to suggest, shall we say, mature energy policies to the federal government.

**Mr. Lewis:** No, it has not.

**Mr. Bullbrook:** The horse will be stolen by that time.

**Hon. Mr. Davis:** Oh, no.

**Mr. Lewis:** By way of supplementary: Would the Premier request of the national energy board that they delay any decision until an authoritative submission on behalf of the people of Ontario can be made by this government based on its findings, not on its speculations?

**Hon. Mr. Davis:** Mr. Speaker, Ontario has already made a submission to the national energy board.

**Mr. Lewis:** No, it has not made a submission.

**Hon. Mr. Davis:** They have been made aware of the overall demands here in this province.

**Mr. Lewis:** He has told them of Ontario's interests?

**Mr. J. Renwick:** Mr. Speaker, by way of supplementary—

**Mr. Speaker:** The hon. member for Essex South has the floor for a supplementary.

**Mr. D. A. Paterson** (Essex South): Yes, a supplementary; will the Premier specifically indicate if representation from the agricultural industry will be on this energy advisory committee and, in particular, the greenhouse industry which is the large consumer of fuels and energy?

**Hon. Mr. Davis:** Mr. Speaker, I would like to give the hon. member that form of undertaking. The agricultural industry and its need for energy is well recognized, but there are many sections or segments of our society who have needs as well and it would be very difficult to start singling out various segments of our agricultural or industrial community to serve on this advisory committee. As it is, the numbers will probably be in the neighbourhood of 11 to 13 if we were to say accept this suggestion. I can think of another half dozen offhand that would also have, I think, the same kind of interest.

My suggestion to the hon. member would be, Mr. Speaker, that the agricultural industry, perhaps particularly the greenhouse industry, would be well advised to make representations, prepare a brief to submit to the advisory committee. I think this would be the best route to go.

**Mr. Stokes:** I am making representations on behalf of the north. He should make sure he has something for the north.

**Mr. Speaker:** The hon. member for Brantford has a supplementary.

**Mr. Makarchuk:** Mr. Speaker, I have a supplementary question of the Prime Minister.

Can the Prime Minister explain why, in the estimates of the committee of Trade and Development and Mines, the members on this side were told that such a committee was in existence and that it was carrying on total energy studies for the Province of Ontario when only now you have announced that such a committee will be formed to carry out those studies?

**Hon. Mr. Davis:** Mr. Speaker, there has been an interdepartmental group. We have announced here in the House, Task Force Hydro which is in the process of determining, as I said in my statement, the functions, the administration, and so on, of Ontario Hydro-Electric Power Commission. It was announced in the Throne Speech.

**Mr. Makarchuk:** I said total energy requirements, not Hydro.

**Hon. Mr. Davis:** Mr. Speaker, it was announced in the Throne Speech that we were going to establish some form of committee of assessment related to the total energy needs of the province. The hon. member has been here every day listening to the discussions in this House and this is where the statement has been made relating to this particular study and assessment.

To me it is one of the most important assessments that will be made in this province, and this is when it is being done.

**Mr. Lewis:** That is right. And it is well after the time it was requested.

**Mr. Speaker:** The hon. member for Riverdale.

**Mr. J. Renwick:** Mr. Speaker, by way of a supplementary question: Will the Premier please recognize that the criteria presently recognized by the National Energy Board, which were established ten years ago, are now outmoded; and will the government of the Province of Ontario provide the initiative to determine entirely new criteria by which the needs of this province, indeed, of the whole of the country, will be determined with respect to its energy requirements? And will he make that submission to this board before these hearings are concluded?

**Mr. Lewis:** Right. Because we cannot afford to lose any more natural gas.

**Hon. Mr. Davis:** Mr. Speaker, this is one reason we are taking this initiative. Ontario has never been reluctant to take initiative in these situations, but I cannot determine what the direction or the policy of the National Energy Board will be. Obviously when this assessment is concluded, the Province of Ontario, I think, will be in a position to be helpful to the federal jurisdiction as it relates to the energy situation.

**Mr. J. Renwick:** And positive.

**Hon. Mr. Davis:** And positive.

**Mr. Speaker:** The hon. member for Sarnia.

**Mr. Bullbrook:** Along the same lines, in view of the admittedly insular position of the Province of Ontario in connection with the provision of natural gas, does he not think that he, as Premier of this province, has enough influence to ask the energy board not to make an ultimate export decision until he can make representation to them?

**Mr. Lewis:** He cannot afford to lose it.

**Hon. Mr. Davis:** I think the member will find this is precisely what we have asked them.

**Mr. Lewis:** No, the government has not.

**Hon. Mr. Davis:** I cannot comment on just what impact I might have, or this government might have, on the National Energy Board, but this has been brought to their attention.

**Mr. Speaker:** A further supplementary?

**Mr. Bullbrook:** Is the Prime Minister telling this House that he has asked the government of Canada to prevail upon the National Energy Board not to make an ultimate export decision until additional representations can be made by this province?

**Hon. Mr. Davis:** Mr. Speaker, an intervention has been made with the National Energy Board and representatives have been there from the Province of Ontario.

**Mr. Lewis:** Mr. Speaker, by way of supplementary: Is it not true that the intervention consisted primarily of a request that Ontario's needs be taken into account when the decision to export was arrived at? Now, how can our needs be taken into account if they are not yet tabulated?

**Hon. Mr. Davis:** Well, they have been told what we think our rough needs are.

**An hon. member:** The Premier has so much gas!

**Hon. A. F. Lawrence** (Minister of Justice): So has the hon. member.

**Hon. Mr. Davis:** So has the hon. member. And, Mr. Speaker, we are in the process now of determining the need not just as it relates to natural gas but to all our energy requirements and what we feel might be done about it. But I would think the hon. members opposite would be delighted with this approach.

**Mr. Speaker:** The member for Downsview.

## WASAGA PROJECT

**Mr. Singer:** Mr. Speaker, arising out of the Premier's announcement in connection with the Wasaga park community project, when he stated that The Department of Lands and Forests will have $1 million available to it for the purchase of land: Could the Premier advise if operations have been taken out on the land that the government has in mind in advance of the announcement, and if reason-

able security measures for protecting the province's financial interests have been taken which would make sure that the kind of events that took place in connection with the Niagara Escarpment acquisitions will not be repeated?

**Hon. Mr. Davis:** Mr. Speaker, I am not going to get into a debate at this moment as it relates to the observations made in the final part of the hon. member's question. I would only say, Mr. Speaker, that we have provided Lands and Forests with this additional sum of money. The fact that we have been developing this park there, or this project, has been common knowledge, I would think, for the last two or three years; and to the extent that one can protect these situations, the province has done so.

**Mr. Sopha:** How long did John Zaritsky have a copy of your statement?

**Mr. Speaker:** Order!

**Hon. Mr. Davis:** I do not think, Mr. Speaker—

**Mr. Speaker:** The hon. member for Downsview has the floor.

**Hon. Mr. Davis:** I understood that there was a supplementary question from the member for Sudbury.

**Mr. Speaker:** There has been no supplementary.

**Hon. Mr. Davis:** Oh, I thought I heard one.

**Mr. Sopha:** There was. I asked the Prime Minister how long John Zaritsky had a copy of his statement.

**Mr. Speaker:** If the hon. member wishes to ask a supplementary question, he will rise to his feet.

**Hon. A. F. Lawrence:** As long as it took him to get it from a member of the Legislature.

**Mr. Sopha:** No, I think he got it from a minister.

**An hon. member:** Oh, is that where he got the last one?

## TIMES OF SITTINGS

**Mr. Singer:** Mr. Speaker, I have a further question of the Premier: In view of the somewhat confusing situation that exists in the conduct of the affairs of this House and the rather unusual hours that the House and its committees are sitting, would the Premier be prepared to tell us what we might anticipate over the next 24-48 hours, or week or two weeks? Is he able to give us any definitive statement about how the business of the House is going to be conducted?

**An hon. member:** Are we quitting tomorrow?

**Hon. Mr. Davis:** Mr. Speaker, I am not in a position to give a definitive statement because what happens in this House depends to a very large extent on the reaction of those members opposite as to the length of time they take on various items.

However, I was somewhat concerned by the question from the member for York South—I believe on Tuesday—relating to the question of the hours. I should point out to the member for Downsview that while the hours are late, or I should say early, to say they are unusual is not quite accurate in that there is a precedent for this. But I would say to the member for York South, Mr. Speaker, that the thought which I understood him to express on Tuesday that we were endeavouring to, shall we say, telescope the work of the time of the House into some four months, is not accurate.

I can tell the members now that it is the intention of the government to recess this House, but there is no determination by this government that all of those items on the order paper, or other bills that may even be introduced this afternoon or tomorrow, will be necessarily concluded before we participate in what I think is a well-earned short summer vacation.

Interjections by hon. members.

**Mr. Singer:** Mr. Speaker, by way of supplementary, could the Premier advise—

**Hon. A. F. Lawrence:** Look at the relief on their faces.

Interjections by hon. members.

**Mr. Speaker:** The hon. member for Downsview has the floor.

**Mr. Singer:** Mr. Speaker, could the Premier advise whether the recess will take place tomorrow, or a week from tomorrow, or has he any specific date in mind?

**Mr. Lewis:** Yes, the Premier has something in mind.

**Hon. Mr. Davis:** Mr. Speaker, there are a number of things that I think all members would like to see accomplished before we take this well-deserved summer recess. My own hope is, and it is only a hope at this precise moment, that we can get those matters which we all agree we would like to deal with prior to this recess, accomplished—

Interjections by hon. members.

**Mr. Lewis:** By tomorrow.

**Hon. Mr. Davis:** —by sometime late tomorrow or early Saturday morning, or something of this kind. So that if the member for Downsview is planning anything, Mr. Speaker, I think—and I cannot guarantee this because there are some things that we do want to get done—that he might plan that Monday and Tuesday he could have a little bit of relaxation at least.

**Hon. A. F. Lawrence:** Is the member for Downsview going to the races?

**Mr. Singer:** Oh, the Premier certainly is informative.

Interjections by hon. members.

**Mr. Lewis:** By way of supplementary, Mr. Speaker, by way of a supplementary, and I think this is of very real pertinence at this point. What exactly is it that the Premier wishes, this government wishes, to see us deal with before the alleged recess?

**An hon. member:** The Election Act.

**Hon. Mr. Davis:** Mr. Speaker, the government will be calling those items in the natural evolution of events that we want to see moved ahead. We are not going to call those items if we do not.

Interjections by hon. members.

**Mr. Lewis:** You have real control of the House, do you not? A real sense of the ordering of the business.

**Mr. Speaker:** Order.

**Hon. Mr. Davis:** If the hon. member is asking me whether I have control of his party or the opposition—

Interjections by hon. members.

**Hon. Mr. Davis:** I have complete control of this government.

Interjections by hon. members.

**Mr. Lewis:** Let us try it again with a little more vigour.

Interjections by hon. members.

**Mr. Lewis:** You are like a children's symphony orchestra over there.

Interjections by hon. members.

**Mr. Speaker:** Order. The member for Scarborough West is asking a supplementary question.

**Mr. Lewis:** I ask the Premier this question. Is it the Premier's intention to pass through all stages and assent, The Act amending the Election Act and The Act of Majority before we recess?

**Hon. Mr. Davis:** Mr. Speaker, I notice that we are getting very close to both of those bills. If they relate—

Interjections by hon. members.

**Mr. MacDonald:** Why do you not play games with important things?

**Hon. Mr. Davis:** Well, Mr. Speaker, the member for York South says: "Why do you not play games with important things?" I think this is relatively important and I am not playing games with it.

**Mr. Lewis:** I have the Premier's answer. I understand it. The Premier thinks we may.

Mr. Speaker, in other words, if I can ask the Premier, are we going to pass that bill which provides for patronage in the ridings dispensed by the Tory party—

Interjections by hon. members.

**Mr. Speaker:** Order, order.

**Mr. Lewis:** Mr. Speaker, if I may finish the question. Will that bill be passed before recess—

**Mr. Speaker:** Order. If the hon. member wishes to ask the question he may do so without statement and without editorial comment and he is doing both.

**Mr. Lewis:** I am saying to the Premier—

Interjections by hon. members.

**Mr. Speaker:** The hon. member is out of order in that he is not asking a supplementary question.

**Mr. Lewis:** I am asking a supplementary question. Reminding the Premier of the context of his reply, if, as I understand it, that

bill will be passed, what the Premier then is saying is that it will be passed before recess. But the environment bill, the pits and quarries bill, the auto insurance bill, the health bill, all the other bills remain on the order paper. Is that right?

What a piece of cynicism that is.

**Mr. C. G. Pilkey** (Oshawa): Is that what the Premier said?

**Hon. Mr. Davis:** Mr. Speaker, while I recognize there is a fair degree of latitude in editorial comment, I think I can recall my answer very clearly. My answer did not say that these other bills would not be passed, nor did it say that The Age of Majority or The Election Act would be.

**Mr. Lewis:** The Premier said it may well be passed.

**Hon. Mr. Davis:** I said, Mr. Speaker, and and the leader of the socialist party, I think would do well to listen carefully—

Interjections by hon. members.

**Hon. Mr. Davis:** Listen, I do not see anything wrong with that terminology.

**Mr. Lewis:** Nor do we.

**Hon. Mr. Davis:** Then why are you upset about it?

**Mr. Lewis:** From a blue-ribbon Tory it is a pleasure.

**Hon. Mr. Davis:** I have, Mr. Speaker, no reluctance to acknowledge the fact that I have been, in the terminology of the political life of this province, called a Tory. It never embarrasses me. Mr. Speaker, I almost take some pride in the fact.

Interjections by hon. members.

**Hon. Mr. Davis:** Now, if the hon. member is embarrassed about being called a socialist —it is quite respectable, yes, respectable.

**Mr. Speaker:** Order.

Interjections by hon. members.

**Hon. Mr. Davis:** Mr. Speaker, to get back—

**Hon. A. Grossman** (Minister of Trade and Development): It is respectable but not acceptable.

**Mr. Lewis:** From a blue-ribbon Tory it is.

Interjections by hon. members.

**Hon. Mr. Davis:** To get back to this, Mr. Speaker, I said as I looked at the order paper, it would appear that those two Acts are very close to second reading.

**Mr. Lewis:** The Premier is the laughingstock of Ontario.

Interjections by hon. members.

**Mr. Lewis:** There is only one man sulking —the Attorney General. The government had better call this election.

**Hon. Mr. Davis:** If the hon. member would co-operate we will get a lot of it done.

Interjections by hon. members.

**Mr. Speaker:** Order. The member for High Park.

**Mr. M. Shulman** (High Park): A supplementary question, if I may, Mr. Prime Minister, through you, Mr. Speaker.

Is the Prime Minister in a position to inform us if he intends to have a September sitting of the House so as to complete his programme before asking the people of Ontario to vote on it?

**Hon. Mr. Davis:** Mr. Speaker, I cannot tell the hon. member this, of course, but I did say in reply to an observation made by the member for York South on Tuesday that it was my intention we would recess for a summer vacation. I cannot go beyond that at this particular moment.

**Mr. Lewis:** Can the Prime Minister tell us the date of the election?

**Mr. Speaker:** The member for Downsview has the floor.

**Hon. Mr. Davis:** The hon. member may not believe me, but I cannot.

**Mr. Singer:** Mr. Speaker, I have a few questions for the Attorney General.

**An hon. member:** The Attorney General looks unhappy.

**Mr. Singer:** It is very difficult to get through.

**Mr. Speaker:** Order.

Interjections by hon. members.

**Mr. Singer:** I have a question of the Attorney General.

**Mr. J. Renwick:** Smiling Al.

**Mr. Stokes:** Cheer up, Al.

## MISTAKEN IDENTITY

**Mr. Singer:** Could the Attorney General tell us how Gary Yeo came to be wrongfully imprisoned by those officials who thought he was another Gary Yeo who had committed an offence which called for a jail sentence? And could he—

**Mr. S. J. Randall** (Don Mills): He was in the right place at the wrong time.

**Mr. Singer:** Well, we will get the rest of it by supplementary.

**Hon. A. F. Lawrence:** No, sir, I cannot. I am as concerned about this as anyone else, I hope. I have already asked the Ontario Police Commission to obtain a report for me from the Metropolitan Toronto Police Force. At present the only information I have is what I myself have read in the press.

I can well imagine this type of difficulty occurring and regard it as unfortunate, but understandable, in that there can be human errors in any of these matters. The immediate question that came to my mind is why he would not, in any event, have been permitted immediate bail, even if it was a long charge, and, of course, the problem here was that it was a bench warrant that he was picked up on, or rather reincarcerated on.

I am aware that it was, I believe, Friday that this happened. He immediately applied for legal aid, but, again, there was a little bit of delay over the weekend in obtaining the counsel that he picked out. As a matter of fact, all he obtained was the services of a law student from the solicitor's office that he did pick out. I also noted, of course, that that solicitor's office obtained the very greatest co-operation from the Metropolitan Police Force, so that I do not think there was any malice or any intent or any malfunction there in the system.

I am concerned about these continuing errors of wrong identification, and I have certainly asked the Ontario Police Commission to obtain a report for me. As soon as I have further information, I would be glad to report to the House.

**Mr. Singer:** Mr. Speaker, by way of supplementary: In view of the fact that the circumstances in this case seem almost exactly parallel to the circumstances in the John Bennett case, and in view of the fact, as a result of the John Bennett case, the Attorney General of the day and the hon. minister from St. Andrew-St. Patrick, who was in charge of reform institutions at that time, told us that steps had been taken that this kind of event would never again occur, would the Attorney General undertake immediately to review the kind of instructions that the minister from St. Andrew-St. Patrick thought he had given and thought would be carried out, and the kind of undertakings that his predecessor thought were meaningful to avoid this type of a very, very grave miscarriage of justice?

**Hon. A. F. Lawrence:** Well I do not want to get into a Gilbert and Sullivan dialogue with the hon. member about, what, "never," or "hardly ever"—

**Mr. Singer:** Yes, but you could do it more than once a year.

**Hon. A. F. Lawrence:** But certainly that is the purpose of my asking for a report from the police commission to find out what the gaps are, where the errors in the system, if any, occur, and I certainly do not want to prejudge the situation at all but I think as long as human beings are dealing with human beings that there is going to be that type of error. I would think it would be a very rash Attorney General or Minister of Correctional Services, or anyone, who would say it will never happen again.

**Mr. Singer:** Well read what they said, they were pretty rash.

**Hon. A. F. Lawrence:** Because it can very easily happen again.

## DOW CHEMICAL LAWSUIT

**Mr. Singer:** Mr. Speaker, I have a further question of the Attorney General.

Could he advise us in relation to the action brought by Her Majesty the Queen in the right of the Province of Ontario against Dow Chemical about the following matters:

First of all at what status are the pleadings? Has there been a statement of claim delivered and a statement of defence? Have discoveries taken place? Are there any motions presently pending before the court? And would the Attorney General care to estimate when this action might be set down for trial and the likely trial date?

**Hon. A. F. Lawrence:** Yes, I have not had a progress report from counsel in respect of that matter lately and I will ask for one.

**Mr. Singer:** Well, once the Attorney General gets the progress report, like this afternoon, could he advise the House at the earliest possible opportunity?

**Hon. A. F. Lawrence:** No. I expect to be busy here in the House this afternoon and I do not think it will be possible for me to get it this afternoon. I will get it as soon as I possibly can.

## ALLEGED MISCARRIAGE OF JUSTICE

**Mr. Singer:** Mr. Speaker, a further question of the Attorney General.

Could he advise the House what progress, if any, he has made in his investigations into the Ronald Shatford matter and whether or not any submissions have been made to the federal Minister of Justice in connection with this matter?

**Hon. A. F. Lawrence:** Well that is the first time anybody has asked me if representations have been made to the Minister of Justice.

**Hon. Mr. Grossman:** Glad the member asked!

**Mr. Singer:** Why did the minister not send me a note? I would have co-operated and asked him.

**Hon. A. F. Lawrence:** Now I cannot find the file.

**Mr. MacDonald:** How long has the minister been waiting?

**Mr. Peacock:** He brought his music and nobody wanted to listen.

**Hon. A. F. Lawrence:** No, I am concerned about the recurring press reports—and there was one today—relating to letters being sent by the prisoner Anderson, to the Attorney General. I have indicated in the past here in the House, and I am pleased to do so again, that I have never received a letter from Anderson. I am aware of a letter that has been addressed to the Attorney General, Ottawa, Canada, but as far as the Attorney General of Ontario is concerned, the Attorney General of Ontario has never received a letter from Anderson at all in this matter.

I have had correspondence from various solicitors, I have had correspondence from Mrs. Shatford, but so far in my investigation of the matter—last week two officers of the Metro Toronto police force, along with a Crown counsel from my department, went down to interview Anderson in the United States where he is incarcerated and the report of that interview is being combined with a previous partial report which I had, and which I indicated to the House, I had, in respect of this matter.

It is being combined now. I have not seen either the results of that interview or the full report at the moment but it is being collated and combined by the officials of my department and I expect, hopefully within hours, to have that placed on my desk.

In respect of the Minister of Justice at Ottawa, I was in communication with the Minister of Justice at Ottawa. As far back as April 21, 1971, when I wrote to Mr. Turner—

**Hon. J. Yaremko:** (Provincial Secretary): Do members want the time of the day of the letter?

**Hon. A. F. Lawrence:** —in which I indicated briefly the background of the matter and conveyed to him certain information that I had received respecting the alleged injustice in the matter.

Mr. Turner replied to me a few days later in the matter, indicating that he would welcome any further information on the matter and also that his officials would be in touch with my officials. They have since been, and the whole purpose of my investigation now in this matter is to convey the results of this information, when collated, to Mr. Turner at Ottawa.

**Mr. Singer:** Mr. Speaker, by way of supplementary: Is it fair to conclude, then, from what the Attorney General has said, that pending the receipt of the further reports that he mentioned, he is not yet in a position to make final representations or suggestions to the Minister of Justice?

**Hon. A. F. Lawrence:** Again, I am not so sure that is my position. I feel that I certainly owe a duty and responsibility to the only level of government that can do anything about it. I certainly owe a duty and a responsibility to that level of government to present all of the facts within my knowledge, and all of the circumstances within my knowledge and within the knowledge of the law-enforcement agencies of this province to that particular minister. That is what I have undertaken to do and that is what I intend doing.

**Mr. Singer:** By way of further supplementary: Do I understand the minister correctly, that he feels he has no responsibility, after he has gathered in all of the facts available, other than to convey those facts to the minister in Ottawa? That he feels he had no responsibility to make a recommendation in light of his analysis of those facts?

**Hon. A. F. Lawrence:** I would hope that Mr. Turner and I would have a discussion about the matter.

But certainly formally I think my responsibility is to place all of the facts and all of the circumstances as a result of the investigation I have caused to be carried out in this matter before him. It is his responsibility to draw the conclusions from that. Certainly I would be glad, as I have indicated before, to furnish any other help, opinions, comments, suggestions that he may require.

**Mr. J. Renwick:** Mr. Speaker, by way of a supplementary question: What is the meaning of the word "incarcerated"? What is the responsibility of the Minister of Justice and Attorney General of this province to Mr. Shatford? Will he introduce into the Legislature immediately an amendment to The Habeas Corpus Act to provide that this matter can come before the Court of Appeal of Ontario for a consideration as to whether or not there is new evidence which warrants the release of Mr. Shatford from the institutions of this province?

**Hon. A. F. Lawrence:** That could be one of the determinations and conclusions to be drawn from some of the circumstances in relation to this case—not necessarily all of them. I want to reserve the position that I may take on the matter in the future to the point of time when I have full knowledge of all of the circumstances, which I do not have at the moment, which my friend does not have at the moment, which the public and the press do not have at the moment. I want to wait until I have all of those facts, all of those circumstances. They will then be presented to the only group in this country who at the moment can do anything about it and we will see where the situation leads us at that time. It will not be very long, either, before I am in a position to present those facts and circumstances.

**Mr. J. Renwick:** Mr. Speaker, by way of a supplementary question: Is it not true that the writ of habeas corpus is the way in which you determine in this country whether or not a person is unlawfully detained? And if the Act is not adequate to provide for that determination, is not the best body to make the determination the Court of Appeal of the Province of Ontario, which has more expertise in these questions than the minister and his department?

**Hon. A. F. Lawrence:** There are several ways in which the matter can be determined, as I indicated in my very first statement in this House.

**Mr. J. Renwick:** But Mr. Shatford is still in jail.

**Mr. Speaker:** The member for Downsview or the Leader of the Opposition? The member for Scarborough West.

## LINTEN AND HURST ODC LOAN

**Mr. Lewis:** Mr. Speaker, first, quickly, a question for the Minister of Trade and Development: What has happened to the forgivable loan, as it was then, promised three years ago to the company of Linten and Hurst Limited, locating in Goderich?

**Hon. Mr. Grossman:** Mr. Speaker, I am sure my hon. friend does not expect me to have this information at my finger tips. I will get the information.

**Mr. J. Renwick:** Why not? He is the minister.

**Mr. Lewis:** By way of supplementary: Has the hon. minister's colleague, the Minister of Transportation and Communications (Mr. MacNaughton) not discussed with him the amount of money which Goderich paid by way of services in expectation of this firm, which has never come and has never received a loan?

**Mr. Speaker:** The supplementary question, in my opinion, can only be to have the minister look something else up when he actually just gave notice he would get the information.

**Mr. MacDonald:** It is a new question.

**Mr. J. Renwick:** Oh come off it; it is a new question.

**Mr. Speaker:** Oh no, that has been my ruling.

**Mr. Lewis:** All right I—

**Mr. J. Renwick:** Should he not resign now?

## ALLEGED DESTRUCTION OF QUINTE SAND DUNES

**Mr. Lewis:** I will leave it at that, Mr. Speaker.

A question of the Minister of Mines and Northern Affairs. Is the minister now prepared to indicate the government's position on the Lake Ontario Cement Company

Limited, which is transporting large quantities of sand from the Quinte dunes on the south shore of West Lake Provincial Park under the terms of a lease granted by this government?

**Hon. L. Bernier** (Minister of Mines and Northern Affairs): Mr. Speaker, at this moment I am not aware of all the implications, but I will certainly check into it and report back to the member.

**Mr. Lewis:** By way of supplementary: I asked that question before, Mr. Speaker.

**Mr. J. Renwick:** The assets of the province disappear and the ministers do not know what happened.

**Mr. Lewis:** May I ask a further supplementary: How did the province get into an arrangement where, for a dollar a year lease for 75 years on Crown land, we are now destroying one of the finest physical cultural assets of southern Ontario on a 16-acre site.

**Mr. Speaker:** Order! the hon. member is not asking a question.

**Mr. Lewis:** How did it happen? How did it occur?

**Mr. Speaker:** I presume the hon. minister will also include this in his answer.

**Hon. Mr. Bernier:** Right! The whole works in one question.

**Mr. Lewis:** I would like to try to get a few of the related matters in since we are about to recess.

**Mr. Stokes:** Does the minister mean he did not know about it?

## INQUIRY ON BOOK PUBLISHING

**Mr. Lewis:** May I ask a question, Mr. Speaker, of the Minister of Financial and Commercial Affairs: Will the minister bring before the Royal commission on book publishing the recent acquisition of A & A Record and Book Company by Columbia Records?

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): I had not considered doing so Mr. Speaker.

**Mr. J. Renwick:** Will the minister?

**Hon. Mr. Wishart:** I may consider it.

**Mr. Lewis:** By way of supplementary: If the minister should find—

**Hon. Mr. Davis:** Never mind—the hon. member can still smile.

**Mr. Lewis:** —that A & A is the last bookstore in the Metropolitan Toronto area actually selling Canadian high school texts, does he not then find it of some concern that a major multi-national corporation like Columbia has taken it over and is that not inconsistent with the legislation he now has before the House?

**Hon. Mr. Grossman:** That is not all they sell.

**Hon. Mr. Wishart:** Mr. Speaker, as far as I am aware, and I think I am aware, the Royal commission is sitting and may be examining this very matter. I think they will become aware of it, I am sure. The original question was "would I consider it," and I said I may.

## SPADINA EXPRESSWAY DIVISION

**Mr. Lewis:** By way of a question to the Premier: How clear has the Premier made his decision on the Spadina Expressway in an irrevocable fashion in order to begin to understand why Metro is putting out booklets and tourist guides indicating that the Spadina will be extended and completed? Where is the consistency?

**Mr. Sopha:** Failure of communication.

**Mr. Lewis:** Where did the communication break down?

**Hon. Mr. Davis:** Mr. Speaker, there is no communication breakdown as far as this government is concerned. The hon. member was in this House when I read the statement. I thought it was as irrevocable as one could make a statement.

It is there. It stands on its own two feet, and what Metro is doing as it relates to certain explanations or material it is supplying to this great area, I cannot account for.

I am just saying the statement is there. That is the position of the government. It has not changed. It will not change.

**Mr. Peacock:** A supplementary question—

**Hon. Mr. Davis:** I know the member for Downsview would like it to change, but I have to tell him in advance if he is going to ask a supplementary question—

**Mr. Lewis:** No, we have a supplementary of some importance.

**Mr. Speaker:** The member for Windsor West first.

**Mr. Peacock:** Mr. Speaker, when will the Cabinet issue a further order-in-council respecting Spadina confirming that the municipality of Metro Toronto may proceed to spend the unexpended balance of the account approved by the Ontario Municipal Board in August of 1963?

**Mr. Lewis:** The $7 million.

**Hon. Mr. Davis:** Mr. Speaker, this may or may not require a further order-in-council, but it does not affect at all, in any way, the decision made by this government as it relates to Spadina.

**Mr. Peacock:** How can it not?

**Hon. Mr. Grossman:** It will not.

**Hon. Mr. Davis:** As I say, it will not affect it.

**Mr. Speaker:** The member for Downsview.

**Mr. Singer:** Mr. Speaker—

**Hon. Mr. Davis:** This is not a debate as to whether it is necessary.

**Mr. Peacock:** Will the money be available to spend?

**Mr. Lewis:** That is what it was originally intended for.

**Mr. Speaker:** The member for Downsview has the floor.

**Mr. Singer:** Mr. Speaker, in view of the apparent government decision to contribute to part of the cost of rehabilitating the expropriated properties, does the Premier feel this is by way of compensation to Metropolitan Toronto; and if so to what extent is Metro going to be compensated? What is the full extent that Metro is going to be compensated for the money that the government forced it to waste—$140 million?

**Hon. Mr. Grossman:** That is immaterial.

**Hon. Mr. Davis:** Well, Mr. Speaker, I really do not want to get into a debate on Spadina. I would ask the hon. member for Downsview to turn somewhat to his right, which philosophically he does on occasion, to ask the member for Scarborough East (T. Reid) whether he really thinks that this is what has happened—that Metro has been forced to waste money on the Spadina Expressway. And he might also consult with other members of his party; ask his leader (Mr. Nixon), who has carefully avoided it, to determine whether his party is for or against the decision; and the answer is, Mr. Speaker—

**Mr. T. Reid:** (Scarborough East): The government has wasted $140 million of the taxpayers' money.

**Hon. Mr. Davis:** I forget the initial part of the question.

**Mr. Singer:** I will ask it again.

**Hon. Mr. Davis:** Yes, ask it again.

**Mr. Pilkey:** It was fairly irrelevant anyway.

**Mr. Singer:** Mr. Speaker, since the Premier does not want to indulge in a debate except where only he can talk, could I refresh his memory.

The question was: Is the money that the government is giving to Metro to fix up the expropriated properties the only compensation that the government is going to give to the taxpayers of this area, particularly in view of the fact that it has caused them to waste $140 million?

**Hon. Mr. Davis:** Well Mr. Speaker, I will not prolong this discussion as it relates to the figures, whether in fact—

**Mr. T. Reid:** I hope the Premier remembers.

**Hon. Mr. Davis:** —there is a waste, whether or not in fact a great deal of the investment that has been made cannot be recouped in some other form. I will not relate to the hon. member for Downsview the policy as it relates to the extension of support to rapid transit facilities. To what extent this might offset—

**Mr. Singer:** I am asking the Premier about compensation specifically.

**Hon. Mr. Davis:** I would say, Mr. Speaker, the question that the hon member asked does not relate to the problem of Spadina in any event. As to the decision or the policy of this government, there has been no determination as to what the compensation to Metro might be.

**Mr. Lewis:** A question of the Minister of Trade and Development, Mr. Speaker.

**Mr. Speaker:** Were there further supplementaries?

**Mr. Singer:** Certainly it is very clear the Premier's answer on anything is—

**Hon. Mr. Davis:** Well the member's questions are about the same.

## IMPERIAL TOBACCO CLOSEDOWN

**Mr. Lewis:** What reply has the Minister of Trade and Development given to the town of Delhi in terms of their notification to him that the Imperial Tobacco Company has decided to close down entirely, throwing 225 people out of work?

**Hon. Mr. Grossman:** As far as I know, Mr. Speaker, I have not received such a communication.

**Mr. Lewis:** By way of supplementary—I do not know whether to ask the Minister of Labour (Mr. Carton) or the Minister of Trade and Development—but how is it that a company in the province can announce an arbitrary closedown with 225 people unemployed and the Minister of Trade and Development has no advance notice of it whatsoever?

**Hon. Mr. Grossman:** Merely because, I presume, Mr. Speaker, the company has not given me advance notice.

**Mr. Lewis:** Right! Well—

**Hon. Mr. Grossman:** If the hon. member is asking the question if in fact that has happened, or if any member of my staff has involved himself in order to see what we can do to help, that is another matter altogether. If I recall, the hon. member merely asked me whether I had received a communication and I said no.

**Mr. Lewis:** By way of supplementary, I have a copy of a letter addressed to the minister, July 19, from the town indicating exactly what had happened, asking for particular departmental help; 225 people losing jobs there is an obvious tragedy for the area—

**Mr. Speaker:** What is the question?

**Mr. Lewis:** Has the Minister of Trade and Development—I redirect—has the Minister of Labour been notified in advance of the decision of the Imperial Tobacco Company to close, and has appropriate notice been given to the workers involved?

**Mr. Sopha:** No, no!

**Hon. G. Carton** (Minister of Labour): I received a letter from Imperial Tobacco and there has been a joint committee set up.

**Mr. Lewis:** Say that again. I am sorry?

**Hon. Mr. Carton:** I did receive notice, and there has been a joint committee set up.

**Mr. Lewis:** A joint committee set up?

**Hon. Mr. Carton:** Under CMCS.

**Mr. Lewis:** By way of supplementary, can the minister tell us exactly when the closing occurs and what happens to the 225 men and the economy of the region?

**Hon. Mr. Carton:** I was advised only as a courtesy matter because they are not being laid off until the end of the year, when they are moving in fact to another town. They are moving to Aylmer. My understanding is it will be at the end of the year.

They really did not have to give me notice but they live within the spirit of the legislation and in fact sent me a letter. I understand there are some 40 regular employees and 175 seasonal employees affected.

**Mr. S. J. Randall** (Don Mills): How did the member for Scarborough West come to get the letter?

**Mr. MacDonald:** This government is the last to hear of anything happening in this province.

**Mr. Speaker:** The member for Fort William has a question?

## THUNDER BAY POLICE DISSATISFACTION

**Mr. J. Jessiman** (Fort William): A question of the Attorney General, Mr. Speaker: Has there been any resolution between the Board of Police Commissioners of Thunder Bay and the Police Association of Thunder Bay. And is the minister aware of the deep concern felt by the citizens of Thunder Bay that the police force be satisfied with its working conditions, as it is not at the present?

**Hon. A. F. Lawrence:** Mr. Speaker, this has been a matter of continuing, and still is a matter of continuing concern of the government in relation to the rather unfortunate dug-in positions in the Thunder Bay area of both the police association and the police commission.

I must say, as the responsible minister in this House, I deprecate the delaying and stalling tactics of both sides in respect to this particular matter. It has done nothing to further the interests of the community, the people in the community, the police forces or the personnel of the police forces. I am probably making myself very unpopular with both sides by saying that, but really the public interest should be paramount.

**Mr. Stokes:** The minister can say that again.

**Mr. T. P. Reid:** That is normal.

**Hon. A. F. Lawrence:** In matters such as this, when we are dealing with a law enforcement agency especially, we have been—by we, I mean the office of the Attorney General and the Ontario Police Commission—have been in constant contact with the situation. I am now told that, in spite of some of the court actions that have been taken and court applications, which really have only resulted in delaying the whole matter, the arbitration award should be ready for publishing on Monday, July 26 next, I believe.

**Mr. Speaker:** The oral question period has expired.

Petitions.

Presenting reports.

**Hon. J. White** (Minister of University Affairs): Last May I tabled the audited financial statements of the 14 provincially assisted universities of Ontario. It is now my pleasure to table the 1969-1970 audited financial statements of three other organizations that receive a large portion of their financial support through the Department of University Affairs. These organizations are: The Royal Ontario Museum, the Art Gallery of Ontario and the Ontario College of Art. In addition, I am tabling the annual report of the College of Art for the year ended May 31, 1970.

This is the first occasion on which the audited financial statements of the institutions have been tabled in this Legislature. As I stated last May, in tabling these financial statements the government once again shows its determination that there should be full financial accountability, not only by government departments and agencies but also by those public and quasi-public institutions which are in receipt of substantial public funds.

**Mr. Speaker:** Motions.

Introduction of bills.

**Hon. Mr. Wishart:** Mr. Speaker, before the orders of the day I wish to table the answers to the following questions standing on the order paper: Questions No. 22, 29, 30 and 34. [See appendix, page 4578.]

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** The 13th order, resuming the adjourned debate on the motion for second reading of Bill 98, The Department of Colleges and Universities Act, 1971.

## DEPARTMENT OF COLLEGES AND UNIVERSITIES ACT, 1971
*(continued)*

**Mr. Speaker:** Is the hon. member for Sudbury (Mr. Sopha) the next speaker?

**Hon. J. White** (Minister of University Affairs): Mr. Speaker, I rise now to rebut certain of the remarks—

**Mr. Speaker:** Order!

At the time of adjournment the hon. member for Sudbury was speaking, and if he is not available perhaps the hon. member for Lakeshore should—

**Mr. P. D. Lawlor** (Lakeshore): Mr. Speaker, I was waiting for you to—

**Hon. Mr. White:** I am sorry the opposition is all asleep.

**Mr. W. G. Pitman** (Peterborough): Not at all.

Interjections by hon. members.

**Mr. V. M. Singer** (Downsview): That is another good joke.

**Hon. Mr. White:** The member for Peterborough should not leave. I have got something to say to him.

**Mr. Pitman:** The opposition has to go somewhere else. I have been called down the hall. I will be back.

**Hon. A. Grossman** (Minister of Trade and Development): Do not rush!

**Hon. W. G. Davis** (Prime Minister): We must all retain our sense of humour these days.

Mr. S. Lewis (Scarborough West): Just relax over there.

Hon. Mr. White: The hon. member for Sudbury was having a snooze.

Hon. W. D. McKeough (Treasurer): Complete confusion on the other side of the House.

Mr. Lewis: Just one half of the other side of the House.

Hon. Mr. McKeough: Just shows their bankruptcy after 27 years in opposition.

Hon. J. Yaremko (Provincial Secretary): The hon. member for Sudbury should be here.

Mr. E. W. Sopha (Sudbury): At the beginning of my remarks, which embraced only a very few minutes, I made a light-hearted allusion to the method in which the new minister took control of this department. There was a certain undertone of seriousness about it because we felt, or I was one who felt, that a certain dynamic determinism had infused itself into the department by the emergence of an alpha personality in the person of the member for London South as a replacement for the former Minister of University Affairs (Mr. Davis), who made a veritable way of life of being all things to all people.

It is certainly true in this province, in this country, and throughout the whole world—I would not expect to be gainsaid—that there is a very definite and pervasive malaise on university campuses; and that of course is connected to the emergence of youth as a very penetrating force in the life of all countries of the western world, if not beyond that.

Now by allusion to the fact that I thought that education, and particularly higher education had become the preserve of the experts, the teachers, the university administrators, those who felt they had a certain command of a body of knowledge in the area, I thought that was a very fair comment also because the other side of the coin, Mr. Speaker, is that one detects, upon even the most cursory eaxmination, a very great disinterest, if not boredom with institutions of higher learning among the general public.

Certainly in my own community, as the Inco or Falconbridge worker trudges to work in the morning, lunch bucket in hand, he must look across the lake at that magnificent institution in all its architectural integrity and wonder what is in it for him; he must wonder what it gives to him personally.

Now for the Slavic immigrant who has made a new home in Canada, in Sudbury, and contributes so much to the national life and the economy of this country, his derivation from the great infusions of money that we make from this place in the world of secondary education is small and he cannot expect that he will have a personal enrichment from it. Anything he gets must be derivative and ancillary. He would hope that his children would benefit and they would go on to enjoy a fuller life than he had himself.

On the other hand, he must sometimes reflect with a certain poignant sadness about what he conceives to be the irresponsibility of the young who inhabit our institutions of higher learning.

In my own community, to be specific, whereas demonstrations of students have occurred throughout the western world, those demonstrations have concerned themselves with the most soul-searing issues that afflict our modern society. In Sudbury the only time that the students marched downtown was when they wanted a pub to be established on the premises of the university which, upon reflection, is a very selfish and self-indulgent sort of thing with which to be concerned. Amid all the wonders and the grandeur of the philosophies of the great figures of all time it rather pales into insignificance.

I conceive, speaking for myself, that there is a very definite malaise in the institutions of higher learning. I have listened in this House to the experts talk about the area and they seem to convey the notion that education is a collective experience; that if but people sat around and engaged in democratic idle talk, that there would be a dissemination and a communication of knowledge and understanding.

Sometimes one gets the impression that amid this exercise in cometology no one has to particularly know anything to contribute to it; thus one sees the emergence of this new species of homo sapiens called the resource person. And the resource person—I take it his presence is based upon the necessity that if you are going to discuss in common profound matters that affect human understanding and needs, then you might as well have somebody present who knows something in order to contribute some facts to the discussion.

I have always been under the impression, speaking personally, that the accumulation of facts and knowledge, the raw material so to speak, was the basis from which intelligent discussion or thought or reflection proceeded; that it was the very essence.

On the other hand, in this new collectivism of the learning experience—and I am not building fanciful castles—there seems to be, as I listen to the member for Peterborough, to some extent as I listen to my colleague, my beloved colleague from Scarborough East and others, there seems to be an essence in their thinking that we must take away the competitive aspect of education. We must not let children excel their fellows.

Even the Ontario scholar went into decline. They used to give him $400, now he is reduced to a mere $100. That shows the measure of his worth.

And yet the anthropological evolutionists tell us that the very nature of the human being is the drive for competition, the drive to excel, the drive for adventure; and it is being replaced, as I read the Hall-Dennis report, it is being replaced by this new collective attitude of sitting around in a circle—in circular school houses where everybody communicates with one another.

Well, then if the principle of the bill, as I say, is to make our institutions of higher learning more viable, more progressive, more relevant to the community, then I say that perhaps it is a good thing that we revamp this department in order to reassess the objects and the purposes of that expensive adventure—expensive to the people of Ontario—into the realm of higher education.

The thing has many many aspects to it. I am adverted to the fact that among the public there is a tremendous disinterest in educational matters. You could not summon a corporal's guard to a school board meeting whereas you might get a platoon or a company to go to a council meeting. The council meeting on the other hand is a part of our cultural life.

Municipal institutions have been around for a long time. So have school boards, but they have not attracted the interest of the public; and yet they spend as much as do municipal councils and more.

I have said in public—and sometimes I get criticized for what some consider to be egregious language—but I have said that the interest in higher education in Sudbury, or in education in general, does not seem to go beyond the necessity of the school bus stopping within 200 feet of the residence. And most of the calls I get are from irate mothers who tell me that the school bus stops too far away.

But the nuts and bolts, the nitty-gritty of education, does not appear to absorb the interest of the general mass of the body politic.

Maybe that is what is wrong with it. Maybe what is wrong, in my thesis, is that it has been left to the experts; you and I have heard them sit around, talking and using the jargon that they summon in order to communicate with each other.

Now to come down to this bill; parts of it are frightening. That section 5 of the bill, as properly pointed out by my colleague from Scarborough East, which gives the Minister of Education—in all the majesty of his authority at the top of the hierarchy, sitting alone on top of the pyramid—it gives him the authority in his sole discretion to determine which institutions of higher learning shall receive the largesse of the public purse.

Now that to me sir, is a vicious principle. I would not want to repose that power in any man, particularly when I think of the necessity of the independence of these institutions.

The very essence, the most compelling ingredient about institutions of higher learning is that they must, to some extent, sit apart from the society. They must be masters in the determination of those areas of the expansion of human knowledge with which they will concern themselves. And I want to leave that determination to them, or at least to an independent tribunal that will be receptive to the importunings made by people on behalf of universities.

When you see it in that way, as against the total body of knowledge, its expansion, its dissemination among the young who inhabit the universities, then you can see that it is a violation of a very deep-seated principle that a political figure should have the right to determine how that money is to be distributed.

The proposal advanced by my friend from Scarborough East is far more rational and sensible than that, in setting up some independent form of tribunal which shall have the right to determine the priorities, the rate, the value of the projects that the universities will embark upon; and what is wrong, as an extension of that principle. The universities should act together in a collective way, to determine first among themselves what shall be their individual areas of interest and need.

**Mr. T. Reid** (Scarborough East): Collective autonomy!

**Mr. Sopha:** Collective autonomy—a very good phrase. That they can decide!

Because ultimately they will decide. For example, to use one that is close to my heart, that the school of mines and the school of forestry will be at Laurentian, that certain institutions will be at Queen's, that Western and Windsor will have responsibility for yet others. Then, having made that initial determination, they approach an independent tribunal, put their case and suggestions before it, and that tribunal, in turn, approaches the minister.

But you see the evils, you see the pitfalls, the dangers of this section—Pardon?

**Hon. Mr. White:** An interesting Liberal idea, to shift all the responsibility off the shoulders of the politicians and onto the bureaucrats.

Interjections by hon. members.

**Mr. Sopha:** Well the minister is not unknown to use very vicious and vile language when we are discussing something on a very high plane; but I put it in a quiet way that it is just not a suitable matter for a political determination, that it is more appropriate to be determined by some independent body, independent of politics.

**An hon. member:** Hear, hear!

**Mr. Sopha:** If I were him, to put it conversely, I would not want the responsibility of making the determination. I would not want to be the focus of complaints of favouritism and discrimination that inevitably he must get in requiring that this discretion reside with him.

**Hon. Mr. White:** Well we will set up something like the CBC.

**Mr. Sopha:** What is wrong with the CBC?

**Hon. Mr. White:** Plenty, and the member is one who knows it.

**Mr. Sopha:** What is wrong with the CBC? Or the CITC? What is wrong with them?

**Hon. Mr. White:** The member need only go back to some of his previous speeches in this House.

**Mr. Sopha:** Listen, the minister does not need to tell me that this idea of independent determination in very important sectors of our national life is in any way novel in this country. It is well-engrained as a political institution.

Well all right, I will put it even more bluntly than that. I do not trust the minister—not as a person. I do not trust the Minister of University Affairs, or any minister, to make these decisions objectively, because there is always lurking there in the background, like nemesis, the possibility of political favouritism. There is always there the suggestion made by people who do not get what they think they ought or that they are being discriminated against.

**Mr. T. Reid:** A return to Leslie Frost.

**Hon. Mr. White:** The whole idea is claptrap and the member knows it.

**Mr. Sopha:** Without dwelling upon the matter, one cannot say that the university advisory committee, acting as it does under the aegis of the minister, has been a terribly successful institution. It has been accused of favouritism. People have wondered at its selection of priorities. Universities have been known to accuse it of making wrong decisions.

Laurentian University, to come close to home, has felt that it ought to have been more in the limelight of the sun's rays than it has in the past; and certainly President Mullins made a career in bringing that to the ears of the government.

Now I say there is a malaise in our university life. There certainly is in that great experiment in participatory democracy, the meeting of the human resources committee which dealt with The University of Toronto Act. We saw in that a wonderful expression of the democratic life, we had the advantage of listening to intelligent and articulate people, each attempting to make their case in a democratic forum—

**Hon. Mr. White:** A point of order, Mr. Speaker!

**Mr. Sopha:** —to forward their—

**Mr. Speaker:** A point of order!

**Hon. Mr. White:** It is clearly against the rules to debate another item on the order paper during a particular debate.

**Mr. Sopha:** I was not debating it.

**Hon. Mr. White:** The University of Toronto bill is still on the order paper.

Mr. Sopha: I was merely calling attention to the forum in which it was debated. I say nothing about that bill whatsover.

However, during the debates, whereas one was sometimes impressed by the plausible arguments of the students—their articulateness, their farseeing progressivism, as well the faculty—one was a bit concerned.

I want to tell you a couple of things in university life that concern me. One was the suggestion of intellectual arrogance on the part of the faculty. One does not encounter that among the students, but it is a natural outgrowth of people who have accumulated the body of knowledge. Once they have learned something, once they have armed themselves with knowledge, an attitude of intellectual arrogance or elitism sometimes inevitably follows.

Now one that put me off—I could use stronger verbiage if I were sitting in the seamen's messdeck in the aircraft carrier "Warrier"—one that really put me off was this attitude disseminated that the University of Toronto is the greatest institution in higher learning this side of Mars at least. At least the greatest on the continent, we were told.

Hon. Mr. White: Is this in order?

Mr. Sopha: If the principle of this bill is to make our universities better and more viable institutions, if that is the purpose of it, then I say that so long as the idea is disseminated that the University of Toronto will be the very paragon of excellence in university life, it must follow that Laurentian University, to name the one that I represent, must suffer by default. That it must be content to be in the second rank.

I thought that as a matter of principle, in line with this bill which reorganizes this department, that we would be far better off if we had a whole series of good universities in the province. How many are there in Ontario? About 17?

Mr. T. Reid: It depends on how you add them up.

Mr. Sopha: About 17! Well, I thought that ought to be our objective; that ought to be why we are reorganizing this department under this bill. That Laurentian University might expect, through the auspices of some decision-making body, be it the minister or someone else, that the scholars of competence, teachers of excellence will come to Laurentian University and raise its calibre in the family of universities.

I say that many of these university people are indeed sometimes arrogant of thought. Let me give you an example. I appeared before the Senate House of Commons committee on the constitution and presented a 10-page brief and I was quite amazed. I advocated lots of things in that brief, a great many things. The abolition of the Senate, the abolition of the monarchy—

Mr. J. Renwick (Riverdale): Was that before or after the Victoria charter?

Mr. Sopha: Before, well before.

Mr. J. Renwick: It had no effect.

Mr. Sopha: —that the provinces give up certain powers to the federal government for the economic life of this country. In the next issue of the university newspaper I was quite astonished to read an article written by a professor at Laurentian who reviewed my contributions in rather sneering fashion, very sneering. He had not made one himself to the committee and mine was incapsulated and it said in the report that I had made some remarks about Ron Collister, which indeed I had; indeed I had. But I said a great deal more than that.

Well it all comes down to this, that if universities are to play their full role in the society, there must be a much greater communication between the universities and the public that they seek to serve in their community. In a word, they must become more relevant. I have made that point before in the House. It bears repeating. It is an important one.

Suffice it to say, Mr. Speaker, that the day has passed when the universities can exist in a climate of lonely majesty outside or incapsulated some place within the core of the urban community and that they can operate in an almost bland disregard of the community that supports them. That day's departure has got to be hastened.

Now that is the framework in which I view this bill. One is disturbed, of course, in looking at it that it has only six sections. One would think that the draftsmen, the minister and those who advise him, could have sat down and come up with a compendium much more expansive than that, about what the purpose of The Department of Colleges and Universities is to be in the Seventies.

One sees with horror that at the end of section 6, the minister is given powers to make regulations subject to the approval of the Lieutenant-Governor-in-Council, (a) to

(k), which leads one to the belief that not a great deal of thought was given to this and that this was hastily drafted at the end of the session—and oh let me say that part of the syndrome that one recognizes after 12 years in the House, that inevitiably, almost with the compelling inevitability that one encounters in, say, "Oedipus Rex," in the plays of Sophocles, the same inevitability that when a new minister takes control of the department, when he comes into it, he has got to change the name.

It is a mark of status. He has got to change the name, the name of the department, to make the imprint of his personality on it.

**Mr. T. Reid:** We would abolish it.

**Mr. Sopha:** We would abolish it. So the hon. minister, who really wanted the hon. Minister of Trade and Development's department and did not get it, though he strived mightily for it my informants tell me—

**Mr. Lawlor:** No, no, he really wanted to be Treasurer!

**Mr. Sopha:** No, he wanted Trade and Development. He wanted the one the Minister of Trade and Development inhabits; that is the one.

**Mr. Lawlor:** I know the hon. Minister of University Affairs better than the member does.

**Mr. Sopha:** He saw himself as the modern Marco Polo of Ontario; he was going to travel the byways of the world with the jet set.

**Hon. Mr. White:** In fact, it was not the Premier who denied me, it was my wife.

**Mr. Sopha:** It was his wife. Well, well!

**Mr. Speaker:** All of which has nothing to do with the bill.

**Mr. Sopha:** The minister is announcing his second choice.

**Hon. Mr. White:** No, I am sorry if the member infers that, I did not mean that at all. It was never offered and never asked for.

**Mr. Lawlor:** Mr. Speaker, this byplay is the life of the House.

**Mr. Sopha:** Then one can come to the conclusion, or at least a faint suspicion, Mr. Speaker—

**Hon. Mr. White:** And so did my friend the member for Lakeshore, I must say.

**Mr. Sopha:** —that the bill was hastily drafted.

There are so many bills in the dying days of this session. And then they say, "Leave it all to regulations." Well there is one other thing about the bill that disturbs me, and that is the accretion to the department of responsibility for colleges, because there was a very salutary operating mechanism that existed when the colleges of applied arts and technology were under the control of the Minister of Education, when they were disparate, separate, one from the other, that whatever the cap the one minister wore at least they had the opportunity to listen in an independent and objective environment.

Because there is a struggle; no one can deny it. There is a struggle for funds between the colleges of applied arts and technology and the institutions of higher learning. I am not entirely satisfied that as the result of the bringing together of these two that John Koski in Sudbury will not suffer.

That remarkable man has done so much in the expansion of Cambrian throughout the whole of the northeast. He is a man jealous of his prerogatives, a man ambitious to make a contribution to the economic life of the northeast and to train people who will find their way with skills into the economy.

How hard the man has suffered for his efforts, training people in the field of social work, and then The Department of Social and Family Services refusing to hire them as the result of a snobbery that you were not qualified to work in the field of social welfare unless you had a masters of social work degree attached to your name.

That is the allegation and accusation that Koski made; that people in that department denigrated the qualifications of his graduates who were trained at public expense and expected to find employment in that important area of human need in the community.

He was training assessors. He had an assessment programme under way. The Department of Municipal Affairs suddenly decided not to give its further support. I think he intended to move it to London. Does London get everything?

**Mr. T. Reid:** Not after the next election.

**Mr. Sopha:** Up to now it has done very well. And a mighty struggle was engaged in by Koski to rescue that course.

Now that has been the story of his life and I am not certain that with the minister taking responsibility for these colleges rather than

the Minister of Education, that instead of their being a dialectic operating in the struggle there will be a synthesis that will mean the debilitation of these colleges. And they are important. They are terribly important. I am one of those who believe that not everybody need go to university.

I am going to complete my remarks about the rights of some people to go to university, but not everybody need go. Many would more aptly and suitably find the fulfilment of their personal lives if they were trained in the arts, technology, artisanship, afforded by the—

**Hon. Mr. White:** I notice the people who say it is not important to go to university are the people who went to one.

**Mr. Sopha:** Pardon?

**Hon. Mr. White:** I notice the people who say it is not important to go to university are the people who went. That is too bad, but that is my observation.

**Mr. Sopha:** People who went?

**Hon. Mr. White:** Yes.

**Mr. Sopha:** People who went!

**Mr. Lawlor:** They are the people who are saying it is not important. That is what the minister is saying.

**Mr. Sopha:** Oh, yes. Well that would be an inviting inquiry for speculation, and we will not get into that.

**Mr. Lawlor:** Yes, but not today.

**Mr. Sopha:** We will not get into that.

But it is interesting to note that after the 28 years of Tory rule in this province—to come down to an area of personal knowledge, personal chagrin, and personal disappointment—that after 28 years of Tory rule many, many hundreds, thousands of our young people who want to seek a career in the professions are unable to do so. There are no places for them.

What are the chances? Does that department calculate the chances of a person in the last year in a secondary school of getting into a school of medicine, dentistry or law? The chances are very remote. I happen to know the figures.

In law—in this the 28th year of Tory rule: 2,200 applications this year, 1,050 places; a 50 per cent chance. They did not look at anybody under 73 per cent average, I think it was, if they do have an average.

**Mr. E. R. Good** (Waterloo North): The medical schools are even worse. Is that in all the law schools?

**Mr. Sopha:** Even worse. In all the law schools—1,050 places, 2,200 applications.

But they have a new device, and this gives me an opportunity to advert to it as against this general principle of the bill, that universities must be brought into rapport, a quorum, that they serve in maximum degree the needs of the community. That I take it to be the principle of the bill to which I speak.

The law schools—six of them in Ontario—have a thing called the law school aptitude test, and within the minister's department with Professor Soberman at Queen's, with Dean Tarnopolsky, the man who hires Americans to teach the British common law—yes, that is what he does, the British common law applicable in Canada—

**Mr. Lawlor:** Does the member think he could pass that test?

**Mr. Sopha:** I did not have to take it, fortunately. I was a veteran, that automatically qualified us.

But they have this test and they exalt it.

It has never been explained to me what skills it measures or how it determines the aptitude. But I want to make two points about it. I want to make two simple, brief points about it.

I will tell you the one aptitude it cannot measure—it cannot possibly measure—it cannot select out the lawyer that a client told me about when he came to see me making allegations of medical malpractice. He said that the lawyer he had consulted had told him he would not take an action against the doctor because he would not take on the medical establishment in Sudbury. He would not take on the medical establishment.

So by the time the client got to see me he was beyond the year; the limitation period had expired. That law school aptitude test cannot define that lawyer. It cannot define the one who lacks the courage—the minister's word is "guts"—and it cannot debar him from getting into the law school.

What does it define? They all have to take it. It has become compulsory, whether by edict of the law schools or by the minister I do not know. They all have to take it. What does it define?. The smart lawyer? The clever lawyer?

**Mr. Speaker:** Order please!

I fail to see where the hon. member is referring to the principle of this particular bill.

**Mr. Sopha:** All right, I am going to complete my remarks. I know all kinds of clever lawyers, lawyers of ability. The woods are full of them. Just go down to the Toronto Dominion Bank, the Bank of Commerce building; go into any of the edifices of University Avenue. There are all kinds of smart lawyers, clever ones, agile, minds of great acuity. Is that the kind that we want to produce in Ontario or is it the concerned lawyer?

**Mr. H. Worton** (Wellington South): The concerned.

**Mr. Sopha:** Is it the concerned lawyer? Is it the Aubrey Golden, the Clayton Ruby, the lawyer who devotes his passion and his determination, his energy, his intelligence, to human needs? Is that the kind? I daresay it is, for a change.

We have enough of the servants of the corporate establishment, the well-paid agents. I had better not say anything more than that. I am a bencher in the Law Society, but I do not let that interfere with my attitude to my public responsibilities and my conception of serving the needs of the Province of Ontario.

That is what I think about the law school aptitude test. I said to several—

**Mr. Speaker:** The hon. member is out of order. He is not talking about the principle of the bill.

**Mr. Sopha:** I am talking about making our universities more relevant to the needs of the community.

**Mr. Speaker:** That is not the principle of the bill.

**Mr. Sopha:** That is not the purpose of the bill? Well, I am delighted to hear it.

**Mr. Speaker:** The principle is defined in the explanatory notes.

**Mr. Sopha:** I am delighted to hear it. Then we really do have a vacuum—if that is not the purpose of the bill, to make them—

**Hon. Mr. Grossman:** What a revolting development.

**Mr. Sopha:** I think the hon. minister had better retract that statement.

All right, I have made my point. I can hardly wait to hear our leader speak because he came in late to the debate and he is going to participate I am sure, and he is going to announce to the House the official policy of this party in respect of this bill.

I merely say that as one member I am very dissatisfied with it, and particularly that section 5, particularly its brevity. And as I sit down I am not at all sure that this tinkering—a good word—this tinkering with this vital area of our provincial life by this newcomer to the department advances the cause of progress in the field where the energies of the mind, the attributes of intelligence and all those things of the human spirit, the achievements and the hopes and dreams of mankind are so important to our life.

**Mr. Speaker:** The hon. member for Lakeshore.

**Mr. Lawlor:** Mr. Speaker, let me take time out to inform the member for Sudbury that the position of the Liberals as I understand, was enunciated very incisively and very well by their critic on education, and it is the same position we are taking with respect to the bill. And pretty much on the same grounds incidentally.

Those grounds, just to re-emphasize the major one, which the minister himself tried to turn awry or aside in his opening remarks, has to do with the nature of education itself as being a seamless web; and the claim that there ought not to be two ministers presiding over this and there ought not be any necessity for transferring the CAAT colleges into his department and renaming it.

The university and educational matters from K to PhD is very much like Joseph's coat. It is a coat of many, many colours; and the CAAT colours are at a different point in the spectrum than that of the universities. It performs a different function. It has not got the same role at all.

What this department should envisage in the future is not just one deputy minister, but a diversity of functions and a diversity of departmental heads handling various segments and areas which ought to vary from time to time. One of the difficulties which you are emphasizing in this legislation and with which we take umbrage, precisely because of the bifurcations involved, is that really traumatic experience that students go through in going from 13 or 12 into the university or into the CAAT colleges.

The breach there has been to some extent mended over the past decade. In my time it was a formidable leap, so much so that many failed to cover the chasm and fell in. They could not make that first year at university.

But look at your figures now with respect to the first year. There is a high failure rate. The professors somewhat plume themselves upon the devastation that they can wreak at the universities during the first year, just to prove, so far as they are concerned I suppose, the very great superiority of what they teach over what may be absorbed.

I think the failure largely lies in the faculty itself in being unable to sufficiently impart the wisdom, such as it is, that they vaunt themselves with, and to bring about with malice aforethought, or at least deliberation, that very great failure rate.

We have at the present time a deeply truncated system of education with artificial divisions all along the line running directly contrary to the evolutionary nature of the development of individual minds and betraying the sense of growth, the sense of phychological maturity, the various levels that Hall-Dennis has gone to such lengths to point out; and which the Mackay Report which I spoke about in the educational committee last night at considerable length—or maybe it was the night before, one loses time here as you know There the whole thing was circulated around a professor by the name of Kalberg from Harvard University as to the gradations of the development of intelligence. And not only intelligence, but the total character and the ability of the effective sides of our nature which have a great deal to do with our capacity and absorptive powers in learning.

This whole thing is somehow segmented and called into question by a perpetuation of the system of this kind. The only possible grounds upon which the minister can defend it is because of the sheer volume of reports and what not that pour in, that one man would not be in a position to contend with. That is an administrative problem, not a problem based upon the rationalities of the educational system itself.

The minister goes a little Hegelian on us, or in poetic terms he turns to William Blake and he says he sees all heaven in a grain of sand. He sees everything, the whole of education, all absorbed into a single focus as far as his department is concerned and the range that he seeks to exercise powers over.

That is extremely fallacious. If you come down and get away from the whole parameter of education and simply concentrate on what he is trying to do here today, then very serious problems of dichotomy and even possible conflict arise. There is going to be reposed in the hands of a single minister two different segments or areas or functions of fairly higher education, at least the highest that our formal systems give at this time in our history.

The role and function of a university, Lord knows, is sufficiently elusive at this time in our history when within the academic community itself there is an enormous conflict as to what its functioning should be; whether it is a community of scholars on one side of the fence; or a technocratic institution on the other, forming the multiversity which George Grant so much hates, and having lost the old feeling for ancient things and battles long ago and the classical learning as such with its sense of isolation, its sense of high scholarship, its sense of dedicating itself to a pure pursuit of truth for itself alone. There is that one segment over against people who think that the university life should be more collated to the needs and meaning and movement in a community; and that it ought to accommodate itself to that and be a reflection at a highly reflective level of that possibility—which is my position—that the university has socially responsible functions to perform. Within that community by itself the issues and the conflict is far from being resolved. As a matter of fact, we were aggravated and stimulated, as far as we were concerned, through these past days in that atrocious committee.

Over against that then, we have the CAATs coming under the wing of the minister now. A mighty mother hen he must be to accommodate these two quarrelling children, because we have not really at this time a very clear picture, least of all a definition, of precisely what the CAATs are trying to do and of what their purpose and function in the community really is. The minister well knows this. Why it was not a year ago when the minister had to clamp down—not this minister but the now Prime Minister—pretty hard on some of the 20 community colleges.

This extract, I think from the Star, says:

> All colleges have been reminded of a provincial rule that arts students must spend at least 30 per cent of their time taking job-training subjects. In Metro the ruling will mainly affect Humber College,

which has 35 students in an arts and science class, and Centennial College which has 350 students enrolled in arts and sciences.

It goes on in that vein. This is one of those surreptitious rules or regulations which apparently were tending to be more honoured in the breach than in the observance. There would be a kind of internal tendency to gravitate towards the esprit and the prestige that we do tend to accord to universities within these colleges.

I have some friends there teaching philosophy, for instance, in one of those colleges which is just a little out of the central path of what these colleges, I suppose, were designed to really accomplish. They are vocationally, technically-oriented institutions; and whereas the high school type of vocational school like Central Technical over here filled in a gap for a long time for students at high school age, the degree of expertise, the degree of sophistication necessary in advanced training in electronics, in graphics and in a whole range of disciplines were such in the contemporary world that some gaps appeared.

California gave the lead in creating and carving out this particular dimension of education, which is extremely hard to confine within contour lines while affording to the young person a fair liberality of mind and some visitations of the spirit, while not making him into a pure technological machine as the whole educational system tends to do, including the arts colleges.

So that within this one bed this minister is seeking to lay down two incompatible infants, and they are squalling and quarrelling creatures.

He has taken on a task here that seems to me mischievous and ill-advised at this particular time in our history and he does that within an ambit of authority that is terribly questionable.

I am not going to berate the minister this afternoon upon clause 6 of his lengthy section, giving the structure and functions of what goes on inside these institutions, showing the composition of the council of regents setting out the way in which the boards of governors sit. He prates and he seeks to withdraw—

**Hon. Mr. White:** Word for word from The Department of Education Act.

**Mr. Lawlor:** —and get off the hook on the basis of some studies taking place out there. Why bother embodying it in legislation at all?

**Hon. Mr. White:** Word for word from The Department of Education Act.

**Mr. Lawlor:** And the most undemocratic possible setup on the boards of governors: with his, the minister's, appointment. Where is representation from faculty? Where is representation from the student body? The whole cathartic thing we have been through in the past few days, to which the minister himself, in the course of the committee, gave affirmation. Nothing about that in his legislation here before us!

Do not try to slough it off by saying that he is giving consideration to it, or that in some future afternoon or three o'clock some other morning he will get around to it. That is not satisfactory.

I say I am not going to berate him unduly on that particular head. Perhaps he will get around to changing it.

One thing I would like to know on the question of principle. Consider the fact that we have these two quarrelling adolescents in the minister's same stable here—and he no doubt will be using the powers of his party to bring it to pass in the next day or two—that he does have this power, which by the way makes him kingpin.

I suppose if we would look at the figures he would now become the chief spender for the Ontario government; a position devoutly to be desired. This minister has always aspired to achieve a particular kind of preeminence. Well, he has achieved a measure of intellectual preeminence in this House that is not visited upon other ministers, heaven knows. And now he wants to match it with the wisdom of Croesus.

He will spend the bulk of the money for the province well over—what is it, very close to $1 billion in this particular area. The minister said himself that he was terribly concerned about the homogenization of the two different kinds of institution that are falling under his sway; that one did not seem to acclimatize itself to the other.

I would like to know when bringing it into a single department, is the minister not giving courage and energy and encouragement to that very process? How does he propose to segment off the two and keep them in a separate category so that they do not duplicate, so they do not homogenize one another and not become somewhat identical. He is going to have to have a structure there that will keep them very separate.

He himself is going to have to perform a schizophrenic act of mind whereby he retains them in separate categories, which means also that he must have a fairly defined picture in his own head at this time as to what the mutually exclusive functions of these two types of institutions are; and if so then I would like to hear the justification for that and precisely how the minister intends to manage it.

Coming into this new field with the temerity of going where angels fear to tread, has he had experience in this particular field? To what extent at this hour is the minister aware of the actual operations and contour lines that govern the community colleges?

**Hon. Mr. White:** I was practically the father of them.

**Mr. Lawlor:** Has the minister had any experience—

**Hon. Mr. White:** I will deal with that in my rebuttal.

**Mr. Lawlor:** — has he been handling the work for the past few months?

**Hon. Mr. White:** Where was the member in 1961 and 1962?

**Mr. Lawlor:** He what?

**Hon. Mr. White:** Where was the member in 1961 and 1962?

**Mr. Lawlor:** I was dreaming of becoming a politician.

**Hon. Mr. White:** Well, I was doing it.

**Mr. Lawlor:** Well, it was a bad dream; but he can tell us about it afterwards and I will listen closely.

But the problem is at this stage, in his taking on these enormous responsibilities. I just want to know the minister's background and qualifications for so doing and what he has done in the past few weeks in order to climatize himself to the necessities of this job.

**Mr. Sopha:** The minister was moonlighting in 1961 and 1962, was he not?

**Mr. C. G. Pilkey** (Oshawa): Will the minister tell us about that?

**Hon. Mr. White:** Yes, I was selling equipment.

Interjection by an hon. member.

**Hon. Mr. White:** No, I was running a small business.

**Mr. Pilkey:** And working on the side.

**Hon. Mr. White:** And meeting payrolls, as my friend from Oshawa has never had to do.

**An hon. member:** The member is in trouble over that?

**Another hon. member:** It is a different thing for the taxpayers.

**Mr. Pilkey:** I am meeting a very large payroll, much bigger than he ever had. I have three guys on my staff.

**Mr. R. F. Nixon** (Leader of the Opposition): They are all working to elect the member and I doubt if they will do it.

**Mr. Pilkey:** I will have to hire some more, that is all.

**Mr. Sopha:** He had no female employees? We are having a terrible time with these socialists.

**Mr. Lawlor:** Do members not know that the member for Oshawa is the foremost crusader in this province for women's rights?

Interjections by hon. members.

**Mr. Lawlor:** In entering into this new task I would adjure the minister to consider the function and role of community colleges, at least, and some of their superficial aspects as I understand them.

They have not done a good job thus far, in my opinion, and this would segregate them somewhat from the university life, in giving accommodation to, and inviting, and making room for people with low formal educational acquirements; that was one of their prime functions.

They are supposed to be open colleges, and the former minister said when he originally conceived these colleges, about 1965, that he conceived and publicized the community colleges as an open education system, open to anyone over 19 and with grade 12. My informant tells me that Humber College, for instance, is more or less closed, that one needs a good grade 13 diploma.

They have more applicants than they can handle and they select by mechanically creaming off the top 2,600 or whatever number they can absorb. They do not look at references as a rule, nor do they conduct interviews.

That is a wrong emphasis, is it not, within the area. They should be more circumspect and more interviews should be conducted and the need in the community of those without the formal education but with the aspirations and with the native intelligence and with the native desire to be trained in certain skills ought to be accommodated in these colleges and they must not go back to an academically oriented or to a piece-of-paper concept as to what qualifies you for getting in or staying out. That is one of the problems.

Another problem is mentioned in an article in the Globe and Mail in January of this year, written by R. J. Renwick, who was registrar of Lambton College in Sarnia from 1968 to 1970. Having been freed of that responsibility, he now has an open mind and can write as he feels he must write.

He says that it might be argued, of course, that the first CAATs graduates had unfortunately had to act as bellwethers, breaking paths in business and industry for a host of others to follow. Such an argument is cold comfort to a disillusioned graduate who feels he might just as well have gone into employment right after secondary school and who may advise other students to do just that. It tends also to gloss over what could become a serious sin of omission on the part of those responsible for the creation of CAATs, the failure to do active and exhaustive need surveys before legislating the colleges into existence or for expanding them. That would be another prime responsibility the minister should launch into immediately upon taking over this expanded office, to determine the needs on an objective basis as to the role and function of the colleges.

And the minister should accommodate them to be precisely what the name indicates they ought to be and which they are not yet, namely community colleges, places where the whole spectrum of the community has a role and function and can feel at home in a sort of learning process—whoever heard of learning being separated from pleasure or from the processes of delight?—where you can have theatricals and where—this summer up in the community college on the Queensway in my riding, they are trying to conduct a free university on that particular campus. This is a breakthrough, this is a commendable thing being done by them. We are showing a considerable amount of vitamin. That is the area upon which the minister should focus.

His task—I do not envy him—he has taken on something, I would think, somewhat bloated. I know his powers and his formidable perspicacity. I wish him the best of luck in his new role. I say that it is not quite the thing that should have been done; that we must move in the future toward consolidation and amalgamation and a single structure which interpenetrates. Then you will get the feeling into the whole education, the timbre and the life of the mind which is lacking because of the present artificial barriers and truncations.

**Mr. Nixon:** Mr. Speaker, the position of our party on the separation of the two levels of responsibility on education is clear. We voted against the establishment of the bill originally and we feel that this bill, which in a sense strengthens and entrenches this division of responsibility, is a serious step back by the government. We cannot support it and I want to put forth very briefly our reasons.

We feel the total education responsibility should be in the hands of one minister of the Crown and that only in this way can the responsibility of this House and the people of the community—and particularly the taxpayers—be fairly, effectively and efficiently dealt with.

To continue the separation is not in the best interest of the people and I reject the argument made by the minister who has just left the House in that he or any other human being could not handle a responsibility bigger than the one he had.

I believe that is true if the ministers persist in so much day-to-day responsibility for the operation of the institutions that come under their direction. Their concern with appointments, their concern with the financial, the raising of the funds, the expenditure in detail of the funds is not in our view something that should concern the minister but the auditors at the level of the institution and particularly the reports made to this House and examined by the public accounts committee and by the auditor.

We feel most strongly that the whole ambit of education responsibility should be in the hands of one minister and to add, I suppose, strength to the opposite argument that the minister himself put forward before we began this debate, we feel that the Minister of Education should not only have the power to administer post-secondary institutions but he should also have the oversight of correctional services because this should, in our

view, be envisaged as an educational problem, an education situation, rather than a punitive one.

I was interested to see an article in the Toronto Star yesterday or the day before, commenting on the latest piece of legislation put forward in the name of the Premier, establishing a policy and priorities committee of the cabinet. It is obvious that the Premier finds he cannot organize the—what?—23, 24 or 25 ministers who sit around that massive table; there are so many of them that when the cabinet was sworn in originally they had to be numbered so that they could be identified. That must be an impossible job, to keep that bunch in any sort of harness, or moving in any kind of direction, and he has probably learned that it is at those luxury lunches that he has Thursday noons, or whenever it is that the decisions associated with policy are in fact taken.

We believe the basic reorganization of the cabinet is overdue, seriously overdue. The problems that the government has faced in the few months of its life are patently associated with the size of the cabinet and the fact that the Premier does not command sufficient confidence among his colleagues, nor sufficient strength so that positions taken are going to be backed up by properly prepared legislation, positions that can be defended properly in this House and in the community.

Our basic objection, then, is that the amendment to the bill before us entrenches this artificial division in the field of education; one which we object to in principle and which we cannot support in this bill.

The second objection has to do with the responsibility given in section 5 very specifically that the minister has total control of the funds to be voted. Over the years our position has remained consistent—if anything been strengthened—that the responsibility of the Minister of Education and the members of this House is to discuss and debate the total allocation from the budget of the province to be spent on matters educational. That for us to concern ourselves with the amount of money to be available to Trent University or McMaster or Humber Community College or any other individual institution, should not be of primary concern other than in the broadest possible policy aspects.

Some years ago I had the very interesting responsibility of being the education critic. I read a good deal of the material available at that time and was much impressed by a report prepared by Lord Robbins for the government of the United Kingdom. Following his report there was established a university grants commission which withdrew from the ambit of public and political pressures the distribution of huge funds in that jurisdiction to be allocated for education.

It was during those days that, as we look back, political pressures were directing funds here and the presidents of universities, as much as anything else, were grass roots politicians as they tried to transfer the kind of influence that they had had over Premier Frost to the then Premier (Mr. Robarts), and some of them were relatively successful in so doing.

We feel that this approach to the financing of education is a bad one, to say the least; that our role as members of the Legislature, and the role of the Minister of Education under a Liberal administration, would be to lead the discussion in the House to a decision which would allocate a specific proportion of the available budget for the funding of the education responsibilities in the province. The distribution of the funds, at the postsecondary level, would be carried out by a university or postsecondary grants commission. This is our position which has, as I say, been consistent and, if anything, been strengthened, as we examine the matter further.

For these reasons, these two specific reaons, Mr. Speaker, we are voting against the bill. We do not believe in this continued bifurcation of the responsibilities in education, and we do not believe that this minister particularly should have the sole control of the distribution of the funds to the institutions coming under his purview.

**Mr. Speaker:** Is there any other member who wishes to speak to this bill before the minister? It not, the minister has the floor to close the debate.

**Hon. Mr. White:** Mr. Speaker, I welcome the remarks of certain of the members opposite. Notwithstanding the pecksniffian cant of the hon. member for Sudbury, who I notice leaves the room in every debate immediately following his own contribution; thereby, I think, illustrating the seriousness with which he takes the matters before this Legislature.

**Mr. J. E. Bullbrook** (Sarnia): That is fortunate he does.

**Mr. Nixon:** That is hardly worthy of a lead-off from the hon. minister.

He had not been in this House for days until he appeared last night and that was the signal that we might have some legislation on education.

**Hon. Mr. White:** I have been in this House every day and every night for weeks.

**Mr. Nixon:** He has been hiding up in his office with the bags under his eyes getting larger.

**Hon. Mr. White:** I have been in this House and in committee every day for weeks.

**Mr. J. Renwick:** I should hope so. He is a minister of the Crown.

**Mr. J. R. Breithaupt** (Kitchener): Judge not!

**Hon. Mr. White:** I should like to take the various points in order, Mr. Speaker.

The hon. member for Scarborough East made mention of the lack of communication between the community colleges and the secondary schools. I am not able to bring very much light to this particular question except to say that I agree with the proposition that there should be continuing intercourse between these different types of institution—and whatever deficiencies may exist I trust can be overcome. I do not accept as a fact that the existing system is inadequate, but I certainly would expect to familiarize myself with that particular allegation in the early days of my responsibility for the community colleges.

The hon. member intimated at one point that if the government were prepared to embark upon some ambitious system of forecasting, some sophisticated system of forecasting with respect to vocational opportunities, that the Liberal Party might find it possible to support this bill, although I would judge from his leader's remarks before the Leader of the Opposition leaves the debate as I see he is now doing—

**Mr. Bullbrook:** Exactly what the minister did when he spoke, exactly what the minister did!

**Hon. Mr. White:** —that in fact the Leader of the Opposition is not amenable to reasoning our way towards a consensus in this matter.

**Mr. Breithaupt:** The minister left during his speech.

**Hon. Mr. White:** Anyway, let me give the House the assurance that this problem is paramount in my mind.

**Mr. Lawlor:** It hurts the minister when people do not agree with him.

**Hon. Mr. White:** And as some of the hon. members may recollect, a month or two ago I said when I was asked in the committee on university affairs to explore the possibility of forecasting the need for graduates from different courses of study at the postsecondary educational level, that I though this attempt should be made notwithstanding the perils involved as a result of changing tastes and changing technology.

**Mr. Breithaupt:** Does the minister want to comment on the leader's return too?

**Hon. Mr. White:** We will in fact be exploring that subject in the hope that we can give better information and better counselling to students as they embark on courses at different levels and different types of post secondary educational institutions in the future.

The hon. member for Scarborough East, and his leader sometime later, explained that if they were to form the government they would establish a commission, à la the United Kingdom model, to apportion resources. Mr. Speaker, we hear not once a year but a dozen times a year, that we are avoiding our responsibility in establishing such commissions as the Liquor Control Board, The Liquor Licence Board and so on. And now we find the gentleman opposite, in what I can only conclude is a vote catching ploy, urging that this government abdicate its clear responsibility—

**Mr. Singer:** Almost unparliamentary, that remark.

**Hon. Mr. White:** —for the apportionment of public resources.

In the present system of parliamentary democracy which we have here the appropriate minister stands before this House annually, he defends his estimates, receives the criticism, the comment, the suggestions of all members of the Legislature, and if it is their wish the approval of those estimates. Then he becomes, and holds himself, fully responsible for the appropriate, honest and efficacious use of these enormous public revenues.

That, it occurs to me Mr. Speaker, is ever so much superior to abdicating this responsibility to a Judge Robb, however honest and able a Judge Robb may be.

I am not deeply touched by that Liberal policy declaration. I think it is the weakest

kind of an argument and a substitute for really meaningful and bold policy declarations for the future of education in this province.

**Mr. Nixon:** The minister should spend his time talking about people walking out on the debate.

**Mr. T. Reid:** That is a good speech for when the minister is in opposition next time.

**Hon. Mr. White:** In a way that was most unfortunate, the member for Peterborough called into question the integrity of the Committee on Post-Secondary Education in Ontario—in a way that I think he would not have done had he and the rest of us been better rested, in a way that I think he would not have done if he and others had had an opportunity to consider the point at greater length and with greater wisdom.

**Mr. Lawlor:** The hon. gentleman wears too many hats.

**Hon. Mr. White:** He implied or asserted at one stage of his remarks that he would have accepted this particular statement from COPSE as being appropriate had similar statements been invited and put into evidence from the presidents of the community colleges and the presidents of universities.

In fact that advice from those particular groups of presidents was made to me verbally and it is relayed to the members of this House verbally. The opinion sought and offered by COPSE was provided to me in writing with a covering letter which says:

> Dear Mr. White:
>
> Confirming the point we discussed at the time the commission was preparing its recommendations regarding the transfer of the colleges, it would be desirable and appropriate to put into the public record the commission's recommendations when the enabling legislation is given first reading.

And that is the reason I read the two- or three-page report from the Commission on Post-Secondary Education in Ontario. Never think that I have to call upon that particular group to defend the policies of this government for which my colleagues and I take full responsibility.

Now the member for Peterborough suggested that there be a department of continuing education, starting I suppose with day nurseries and running through, I suppose, to Ontario Place. I think I dealt in my preliminary remarks with the theoretical desirability of having that kind of overall responsibility and the very heavy costs involved. There was a quotation in a periodical this week from Napoleon stuck in the back of his palace, "The emperor can only know what people dare to tell him"

Before the luncheon break I attempted to persuade the members of the Legislature that while there was certainly a cost in bifurcating—to use the word utilized by the Leader of the Opposition, and borrowed it is interesting to note from Mr. John Diefenbaker—there is a cost in a bifurcation to this particular continuum, but there is a benefit also.

**Mr. Lawlor:** Did John Diefenbaker write the dictionary?

**Hon. E. Dunlop** (Minister without Portfolio): Yes.

**Hon. Mr. White:** The benefit very simply is that two responsible ministers can give twice as much time, energy, ability and dedication as can one; and I challenge my hon. friend from Lakeshore—whose approach to politics is not highly partisan and whose dedication to the public weal is appreciated by many of us—to tell me if the Minister of Education and the Minister of University Affairs could have heard the very large numbers of submissions—

**Mr. Lawlor:** Can I use that remark in my campaign?

**Hon. Mr. White:** —from school boards, from student adminstrations, from faculty members and so forth in the past three or four months alone. And will he not acknowledge, and—

**Mr. J. Renwick:** It will not get the member for Lakeshore elected because it is going to be an extremely partisan campaign.

**Hon. Mr. White:** —will he not agree with me that having these two responsible ministers of the Crown available to citizens from every sector of the community has made it possible to have a much greater degree of participation from the citizenry, from the school system at every level; a higher degree of participation, a higher input into the decision-making process?

And will he not agree with me that at this time the benefit exceeds the cost? I think if he cares to ponder that he will come to the conclusion I have, namely that the change being put in front of the Legislature for its

approval is a step in the right direction, at least for this decade.

**Mr. Lawlor:** I think the minister brought that up for Labour Day.

**Hon. Mr. White:** Now the member for Sudbury, whom I see has not returned yet, and his leader—

**Mr. Singer:** If the member had only known the minister was going to make a speech, he could not have stayed away.

**Hon. Mr. White:** —made reference to clauses (a) to (k) and he averred that the changes were hastily drafted. In fact every word of clauses (a) to (k) is taken unchanged and in toto from The Department of Education Act, 1969, and I—

**Mr. Nixon:** That was badly drafted too.

**Hon. Mr. White:** —should think that this gives no evidence of hasty drafting.

**Mr. Nixon:** Why does the minister not show some initiative?

**Hon. Mr. White:** The member for Lakeshore, in his remarks, made mention of the sheer volume of work as being reason enough —or perhaps I am overstating the proposition; I think he said reason enough to have two ministers. And that is the reason, of course. So if sheer volume is reason enough, I should expect my hon. friend, and perhaps some of his colleagues, to come along with us and to vote this important bill into law.

**Mr. Lawlor:** The minister sure devastated me.

**Hon. Mr. White:** The community college—

**Mr. Lawlor:** I thought I pointed out the fallaciousness of that argument.

**Hon. Mr. White:** —reference, which I made by way of interjection, is rather interesting, it seems to me, and somewhat amusing. Having been elected in 1959, I became aware of the deficiency in the provision of technical training facilities at every level in the educational system, because the educational system at that time had come down almost unchanged from the days of Egerton Ryerson.

I remember vividly one of the statistics available at the time. For every engineering technician graduating from an Ontario institution, we were graduating 10 engineers, whereas in the United Kingdom there were three technicians graduated for every engineer, which is to say, the ratio in the United Kingdom was 30 times as great as it was here in Ontario.

It may be remembered at the time there was rather high unemployment and young men and women coming out of our own school system could not get jobs, while immigrants from the United Kingdom, Germany and other countries obtained the best-paying jobs in Canadian industry. There was hardly a day went by that one did not read something about this problem which existed both here and in other parts of North America.

In a speech which I gave to the Kiwanis Club of London, in December, 1959, I pledged mystelf to make mention of this deficiency in every speech I gave until the deficiency was corrected. True to my promise, when I spoke in this chamber and elsewhere, I hammered at this shortcoming of the education system. Of course my—

**Mr. Lawlor:** Bully for the minister.

**Hon. Mr. White:** —my neighbour from London North became Minister of Education, in 1960—

**Mr. T. Reid:** And what happened to him after?

**Hon. Mr. White:** —and sometime afterward said to me: "I am a little surprised that you singled out my portfolio for particular attention and criticism." Of course when I explained the public pledge I had made he understood.

True to my pledge, I continued to harp on the need for additional technical training facilities. Mr. Diefenbaker, who was then the Prime Minister of Canada, offered to pay for 75 per cent of the cost of vocational educational capital investment. The thinking of the government, because of my remarks, and the comments of no doubt hundreds of other people—

**Mr. Nixon:** The minister is the father of that programme?

**Hon. Mr. White:** I said in a manner of speaking. I qualified it. Hundreds, maybe thousands of other people—

**Mr. Nixon:** I did not think it was clinical.

**Hon. Mr. White:** —had so conditioned the administration of Premier Frost, that we were able to move very quickly in the field. We provided the other 25 per cent, leaving the other levels of government with a nil

capital cost. And while it has not been publicized, we utilized more of those federal funds than all the other provinces of Canada put together.

I remember arguing about in 1964 with the vice-president of administration of the University of Western Ontario to the effect that having a strong system of community colleges would be the best insurance for the integrity of the universities. At that time, believe it or not, the universities were adamant in their opposition to creating a college system of any kind. Perhaps believing, I am not quite sure, but my thought at the time was that they were afraid that such a system would drain off resources which would otherwise be made available to the universities proper.

Well we did go ahead with this college programme under the distinguished, innovative and courageous leadership of the present Premier, and we very quickly established the 20 community colleges which have become a prestigious addition to the total range of educational institutions in this province. We did go ahead with it and in the last few years community colleges are the best assurance that the universities' purpose will not be in some way transmorgified —is that my friend's expression?

**Mr. Lawlor:** That is a strange word.

**Hon. Mr. White:** In some way transmuted into a purpose other than that desired by them and by society.

I take very strong exception to the member for Lakeshore's assertion that the colleges of applied arts and technology are not in fact community colleges. I am going to send to the hon. member, and to anyone else who so desires, a copy of the report prepared by the adult education association on the subject of community colleges, which I am perfectly sure will prove to the hon. member and anyone else who harbours this delusion that the colleges of applied arts and technology have reached out into the community and have had the community contributing in a wide variety of ways to the success of the college system across the province in a way that can almost be described as miraculous. And I will say that having read that report travelling from Toronto to London, my hand was almost shaking with excitement as I became aware of the innovations, experimentation, the successful integration of the services of the community colleges on one hand and the needs of the community on the other, and I think it is not doing a service to the community—

**Mr. Lawlor:** I spoke well of the Queensway campus of Humber College.

**Hon. Mr. White:** —it is doing no service to the dedicated people in the community colleges, or their friends and allies in the communities who serve on advisory committees who come in to teach short courses, to assert as the hon. member did do that they were not community colleges because they are.

Now I think I have mentioned several points Mr. Speaker, and I hope in the process that I have persuaded at least my friend from Lakeshore. I hold no hopes for the Leader of the Opposition, but perhaps having met the conditions expressed by the member for Scarborough East, perhaps he also would find it possible to vote in favour of this bill here today.

**Mr. Speaker:** The motion is for second reading of bill 98.

The House divided on the motion for second reading of Bill 98, which was approved on the following vote:

| Ayes | Nays |
|---|---|
| Allan | Bolton |
| Apps | Braithwaite |
| Auld | Breithaupt |
| Bales | Brown |
| Belanger | Bukator |
| Bernier | Bullbrook |
| Boyer | Burr |
| Carruthers | Davison |
| Carton | Deacon |
| Connell | Deans |
| Davis | De Monte |
| Demers | Edighoffer |
| Dunlop | Ferrier |
| Dymond | Gaunt |
| Evans | Gisborn |
| Gilbertson | Good |
| Grossman | Haggerty |
| Guindon | Innes |
| Haskett | Lawlor |
| Henderson | Lewis |
| Hodgson (Victoria-Haliburton) | MacDonald |
| | Makarchuk |
| Hodgson (York North) | Martel |
| | Newman (Windsor-Walkerville) |
| Jessiman | Nixon |
| Johnston (St. Catharines) | Paterson |
| Kennedy | Peacock |

| Ayes | Nays |
|---|---|
| Kerr | Pilkey |
| Lawrence (St. George) | Pitman |
| Meen | Reid (Rainy River) |
| Morin | Reid (Scarborough East) |
| Morningstar | Renwick (Riverdale) |
| Morrow | Renwick (Mrs.) (Scarborough Centre) |
| McKeough | Ruston |
| McNeil | Singer |
| Newman (Ontario South) | Smith (Nipissing) |
| Potter | Sopha |
| Price | Spence |
| Pritchard (Mrs.) | Stokes |
| Randall | Trotter |
| Reilly | Worton—41 |
| Reuter | |
| Rollins | |
| Root | |
| Rowe | |
| Smith (Simcoe East) | |
| Snow | |
| Villeneuve | |
| Welch | |
| Wells | |
| White | |
| Whitney | |
| Winkler | |
| Wishart | |
| Yakabuski | |
| Yaremko—54 | |

**Clerk of the House:** Mr. Speaker, the "ayes" are 54; the "nays" are 41.

**Mr. Speaker:** I declare the motion for second reading carried.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Agreed.

## MUNICIPAL ACT

Hon. Mr. Bales moves second reading of Bill 136, An Act to amend The Municipal Act.

**Mr. Good:** What we hope will be the last bill brought in by the Minister of Municipal Affairs is before us today for second reading, and I would like to deal with several of the major principles within the bill, of which there are six to eight. The first principle is one which now permits the municipality to receive from the colleges of applied arts and technology within their municipal limits payment of $25 per student in lieu of taxes for that institution. The principle here is a continuation of the principle that was put forth in the amendment to The Municipal Act last year which permitted the municipalities to levy an assessment on the universities which resulted in $25 for a student grant being given to the municipality by the university.

The money is supplied by the provincial government to the institutions and in turn passed over to the municipality.

The principle here with community colleges is a continuation and a slight extension of the promises made by the government whereby they would extend grants in lieu of taxes and the right to assess and tax public buildings in the municipalities. We agree that this need exists. Municipalities that have large numbers of students within their boundaries do have special problems. They have additional problems when it comes to servicing, policing, fire protection and things of that nature, and as many municipalities have found out a greater proportion of the assessment is non-revenue producing than that which normally creates a proper balance.

Any municipality can afford to have a small percentage of its assessment as non-revenue producing, but when that percentage reaches too high a mark it becomes detrimental to the municipality. Perhaps the cities of Waterloo and Kingston are two of the smallest cities within the province that are uniquely in this situation and the member for Kingston and the Islands (Mr. Apps) and I have spoken of this for the past number of years.

We are glad to see an extension of this aid in the community college section of the grant and the amount is exactly the same at $25 per student.

Now in this same section there is a new principle set forth whereby the amount for university students is raised from $25 to $35 for municipalities where the student population exceeds five per cent of the population of the municipality; as defined, I presume, by the DBS statistics.

I phoned The Department of Municipal Affairs to get figures as to what municipalities and what institutions in fact qualify for the grant this year, and unfortunately I have not received them as yet. So I would ask the minister in his reply whether there are any municipalities other than Waterloo and Kingston which will qualify for the additional $10 per student grants.

I would like to use this opportunity, Mr. Speaker, to mention that in this section I believe there is still a great deficiency that existed in the amendment last year in that the grant does not apply to students who are affiliated with church colleges. A great portion of the student population in the city of Waterloo is affiliated with church colleges—which really are nothing more than dormitories for the students, and their affiliation with them in no way detracts from the fact that they are in the community putting the same strain and the same pressures on the services of the community as do the students who are living in university residences. But for some reason or other, the former Minister of Municipal Affairs decided that these students would not be included and not be eligible for grants to the municipality.

Now it is of course the policy of the government that grants would not be made to religious universities, or to students in church-related colleges, but this situation is entirely different. The grant is not going to the university. The grant is going to the municipality. Why the government decided to exclude those students rather than some other group I will never know, because it is the municipality which is suffering because of this rather narrow approach to the whole subject of relieving the municipality of additional expenses.

One could just as easily imagine that the minister might have used some other method to reduce the grants payable by the university to the city of Waterloo. He might have said "We will pay it for every student over 21 but not for every student under 21," and it would have made just as much sense as that amendment which was put forth last year.

I am very much disappointed that this bill before us today does not include an amendment which would extend the grant to students living in church-affiliated colleges at the University of Waterloo; nor has it been extended to include the number of students, which amounts to about 2,000 at the Waterloo Lutheran University.

**Mr. L. C. Henderson** (Lambton): Move the university; move the university out!

**Mr. Breithaupt:** That is a brilliant comment!

**Mr. Good:** In that regard I feel that the—

**Mr. Breithaupt:** That does not make it any different, or are you not bright enough to see that?

Interjections by hon. members.

**Mr. Good:** In that regard the bill is deficient. I would hope the new minister of the department would give additional thought and study to this particular aspect of the deficiency.

The municipality is given rights under this Act to require payment by the university, and in fact they are given rights to apply liens for nonpayment of this payment in lieu of taxes against the property and lands of the university. The right to add interest for late payment of this by the university is denied the municipality for some reason; and of course, the discounts for prior payment are also denied.

The principle in the next part of the bill is to make it clear that members of the police force are municipal employees. I am not quite sure what the intent is behind that but I presume that it would have something to do with whether or not they could receive the normal benefits as employees of the municipality.

I thought myself there was no difficulty in this regard. I am wondering, Mr. Speaker, perhaps the minister could inform me when he replies whether there have been problems with police force personnel in the municipalities entering the OMER system of the province. All municipal employees must—it is compulsory that they become, that they have their pension plans through the Ontario Municipal Employees Retirement System.

I have brought this to the attention of the former minister. The police force in the town of Copper Cliff is offering a non-contributory pension plan which has on occasion caused problems in other municipalities when they advertise this fact. It creates an incentive for that municipality over and above other municipalities who have their police force pension plans through OMERS which is a contributary penson plan.

Now whether or not this will help to correct that situation I am not aware. The minister could perhaps inform me on that.

The principle of section 4 is that of changing the amount which a municipality may charge for space to trailer camp operators. Trailer camp operators, as members know, are assessed only for the land on which the trailers are situated. The municipality may not assess or charge taxes on either mobile homes which are permanently set up, or trailers that come and go on a daily or weekly basis. Consequently when mobile home

camps are established the municipality would lose considerable revenue by the lack of their ability to assess; and provisions in The Municipal Act have allowed the municipality to charge a monthly rental of $20 per space.

The $20 space was fine for people who are living there permanently and it resulted in mobile home tenants paying to the municipality $240 a year in lieu of taxes. This payment was a licence fee and was not considered as taxes. Consequently, these people are still denied their rights to vote on such things as school board members, or money bylaws, even though they are contributing $240 a year to the municipality. This is something else that could have been cleared up to do something better for these people.

The problem arose, of course, with day camping and regular camping parks where trailers were coming and going on a daily or weekly basis. Municipalities under the existing Act were allowed to charge these operators $20 for space for these camps whether they were there for a month or a part of a month; as long as the space was in use at all that month they had to be charged.

There was considerable agitation from the trailer camp people a year or two ago who thought they were being charged too much and most of us agreed that they did have a problem and that some separation should be made between mobile home parks and trailer parks.

The section as it now reads is an attempt to eliminate the problem and shows the difference between the two types of use; but in my view it has now created a new problem. So often when this government does try to grapple with a problem, they create a new problem. The $20 per month fee was much too high for casual campers. Those spaces may be used only on weekends for the whole month. There are many municipalities which have taken a very liberal attitude towards camping parks and have not utilized the $20 a month fee but have charged only up to about $5 or $6 a month. Other municipalities have gone the whole limit of the present legislation and charged $20 for space, whether they were used for one weekend or one day or the whole month.

Now, section 4, Mr. Speaker, eliminates the charge completely where the person using the camping space has a permanent home somewhere else. In other words, the space he is using is not a mobile home camp but simply a trailer space. These municipalities are still going to be required to provide some services to this trailer camp, and I think most of the camp operators would be quite satisfied to pay some small fee of $4 or $5 a month on that basis rather than the $20 which many of them had to pay previously.

The member for Essex-Kent (Mr. Ruston) will speak on this a little later and give concrete examples to do with his area where daily and weekly trailer camps provide a source of revenue to the municipalities.

We have recognized the necessity to reduce the $20 fee, but I feel after talking to some municipalities, that they think there should be a nominal fee of about $4 or $5 a month for these casual camping units, because they are providing garbage collection service in some cases, they are providing police protection, they are providing fire protection.

I think that between now and the time that this bill goes into Committee of the Whole House the minister should take a look at that particular section.

The other sections of the bill, Mr. Speaker, are quite routine.

For some reason the power to allow a road to be built below standard width of either 66 feet or 100 feet is being transferred from the OMB to the minister and I suppose that is just to speed up the consent which could be given. We have no objection to the principle in the last section which will allow the city of Toronto to enter into agreements with CMHC to provide loans for the refurbishing of houses within the city of Toronto and to permit the city of Toronto to subsidize the interest rate on those loans. Personally, I feel his is a very desirable thing if it will help to refurbish certain sections of an existing city.

**Hon. C. J. S. Apps** (Minister of Correctional Services) Mr. Speaker—

**Mr. Speaker:** The member for Wentworth.

**Hon. Mr. Apps:** Mr. Speaker—

**Mr. I. Deans** (Wentworth): Mr. Speaker, I do not intend to tell the minister what the principles of his bill are. I want to deal with two matters in the bill.

Initially I want to register with the minister a feeling that in section 1, the change that is being proposed should affect all persons; that it should affect all municipalities regardless of the ratio of student enrolment to the municipality's population. But in fact of the principle of paying grants to the municipality

in lieu of taxes, which is what we are doing, for the purpose of alleviating costs that are brought about by the establishment of an institution, a provincial institution, whether it be university or otherwise, within the confines of the municipality; if that principle is to be adhered to then it would make some sense that the change should have been completed and that it should be then granted to all municipalities with provincial institutions of learning as designated, if you wish, but regardless of the population ratio. I make that point to the minister. I am not going to argue it with him. It is self explanatory.

I spoke with the minister earlier and I want him to consider again, because I thought it out again, the point I raised under section 5. I have a very strong sense that by removing the authority from the Municipal Board and vesting it in the minister as opposed to the board, that occasions may well arise where the only opportunity afforded to the citizens for a hearing will be the opportunity afforded to them by the municipality in the first consideration of any proposed change.

Let me try something on and see if this fits. If we were to build in the city of Hamilton the freeway that is proposed to be built east to west on the mountain, all of the property owners who would be directly affected as a result of purchase or asquisition of land would, as the minister pointed out to me, be afforded a hearing as a result of The Expropriation Act, if they could not come to an agreement.

But it is not inconceivable that there are a number of citizens whose properties, though they are not immediately abutting the land, have a direct interest in whether or not that highway is located there in that form, whether that highway should be a highway of some size or whether it should be simply an access to properties.

They would never have an opportunity to appear. If the decision of the council was to go ahead with the development of a major highway, through the heart of the mountain area, and thereby sever it into two parcels, no person other than those people who would be directly affected monetarily would have any opportunity for appeal whatsoever beyond the council's final decision.

I always feel that in areas where there is a doubt, and the minister may well be able to dispel that doubt, I am not sure, but in areas where there is a doubt that it makes good sense to have an opportunity for a hearing afforded.

It may never be used, but it makes good sense that notice should be given that persons should have a chance to appeal the decision of the municipality in those regards. And I would think that the change—the member for Waterloo North is correct, it deals with Metropolitan Toronto; I checked that too—it could well in the future deal with other municipalities and other perhaps more drastic changes than the ones we are contemplating in this bill.

I think that while what is proposed in the bill will probably meet the main objective, as raised by the municipality of Metropolitan Toronto, it will inevitably at some point create a situation where persons who have a direct interest, who are directly affected though not affected financially, may well not have an opportunity to launch an appeal beyond the original hearing as established by the municipality.

I want to suggest to the minister that while my fears may prove to be without foundation, that I would prefer to have that opportunity remain in the Act rather than to take it out and find some day in the near future that all of the development that is taking place, and with the great changes that we have on every single day of the week, to find that a person directly affected has not got the opportunity for appeal.

Other than those things, the principles in the bill are quite obvious.

Just in passing, before I sit down, the matter of the trailer camps was a subject of considerable discussion within this House and outside of this House. It has been for some time. I suspect, if I am not mistaken—suggestions much along this line were advanced, at least to me, and I suspect to The Department of Municipal Affairs about changes that had to be made.

I would think that this would probably be in keeping with the requirements of most of what I would term the holiday trailer camp operators, and that it would be foolhardy to have continued the situation the way it was.

But in regard to the rest of the Act I do not see any problem. However, I really still have some great reservations about section 5.

**Mr. Speaker:** The Hon. Minister of Correctional Services.

**Hon. Mr. Apps:** Mr. Speaker, I would like to say a few words in connection with the principle of this bill as it pertains to subsection 1, whereby grants will be made available, in lieu of taxes, to those municipalities

that have universities and colleges of applied arts and technology within their borders.

Mr. Speaker, you may remember that it was the result of submissions by the city of Kingston that this principle of paying these grants to university towns was implemented last year. As a matter of fact I think—

**Mr. J. B. Trotter** (Parkdale): Took the government a long time to get around to it.

**Mr. J. Renwick:** It just took about five years.

**Mr. Speaker:** Order please!

**Hon. Mr. Apps:** Mr. Speaker, I am always amazed at the members of the opposition. I listened very quietly to both their members in connection with this bill and I would hope that they might keep quiet for maybe five or 10 minutes when I explain to them how we feel in Kingston about this particular bill. I do not think this is asking too much of them.

**Mr. Pilkey:** Yes, let us hear how the minister feels about it.

**Hon. Mr. Apps:** So may I repeat again that it was the result of representations by the city of Kingston—

**Mr. J. Renwick:** Not on the basis of grants.

**Hon. Mr. Apps:** —that this particular bill was instituted last year, and I am very pleased to see that it is being instituted again this year.

**Mr. Pilkey:** Most niggardly!

**Hon. Mr. Apps:** As a matter of fact the city of Kingston is the only municipality that has ever made any representations to the government in this connection.

**Mr. Good:** Not true!

**Mr. Pilkey:** Not True!

**Hon. Mr. Apps:** It was several years ago when a former member of this Legislature, the Hon. Mr. Nickle, was appointed by the city of Kingston to head a committee to investigate this aspect as it affected the city of Kingston. The results of that—

**Mr. Nixon:** It took them a little while to act.

**Hon. Mr. Apps:** —investigation I think enabled the government to see that these particular grants should be made, and I am particularly pleased that this year they have also recognized the fact that there are certain cities in this province which have universities that deserve a little special consideration.

I might mention to the member from Waterloo that as I understand it Waterloo is one of the cities—municipalities—that is involved; and they should be very grateful to the representations of the member for Kingston and the Islands and the people of Kingston that they are getting this.

Interjections by hon. members.

**Mr. Henderson:** What would the hon. members do without the minister?

**Hon. Mr. Apps:** Well they would not have $35 per university student without him that is for certain!

I would also like to point out, Mr. Speaker, that this is in line with the government's undertaking that once the assessment has been completed throughout the province then cities and municipalities might be able to tax universities in the normal way. We are gradually getting these grants to the extent that by 1974-1975 I would hope that all municipalities with universities within their borders will be able to tax them in the normal way.

I would like to point out to the hon. members the peculiar situation as far as Kingston is concerned, because well over 30 per cent of our assessment is non-taxable. This is by far the greatest percentage of any municipality within the province of Ontario.

**Mr. J. Renwick:** That is right. As far as Kingston is concerned, this is still inequitable.

**Hon. Mr. Apps:** This is why we have pressed so hard over the last few years to get some consideration, particularly with respect to university property. I am very pleased today to be able to speak in connection with the bill and to say that the government has finally realized that there are certain areas that should receive special consideration.

**Hon. L. Bernier** (Minister of Mines and Northern Affairs): Great stuff!

**Mr. Trotter:** That will not get the minister re-elected. They are too smart in Kingston.

**Hon. Mr. Apps:** If the members would stay with me just for a few moments I would like to tell them why I think this is justified.

The member for Waterloo North and the members from some of the areas that are getting it may also have some very good reasons as well.

**Mr. Nixon:** Tell us why it was delayed.

**Hon. Mr. Apps:** In addition to the high tax-exempt property that Kingston has, the expansion of the university is accomplished only by tearing down many fine residential properties within the city. We lose the assessment on the residential properties, and we do not get it when the university builds their buildings on them.

I think that Kingston is unique in this respect because when one gets to Trent, Waterloo, Brock and all those other universities that have expanded rapidly, they expand not at the expense of the residential community but in areas where the ground does not have many buildings on it. This is why I have tried so hard to convince the province that cities such as Kingston should receive this special consideration. I think the hon. members will have to admit that it has been because of the representations of the people of Kingston and myself that the government is making these grants available.

**Mr. Deans:** Did the minister ever get a sore arm from patting himself on the back?

Interjections by hon. members.

**Hon. Mr. Apps:** That is not a very good remark from the member for Wentworth, because if anybody over there pats himself on the back, I think that he is standing in the front line.

**Mr. Lewis:** He has reason to.

Interjections by hon. members.

**Hon. Mr. Apps:** I think that every hon. member in this House, who is a hard working member, has reason once in a while to give himself a pat on the back because I think they work pretty hard. I even include the members from the NDP as well as the Liberals.

**Hon. Mr. Bernier:** Very charitable.

**Hon. Mr. Apps:** Mr. Speaker, that is all I wanted to indicate. I think the principle in this bill as I see it, particularly as it is involved in section 1 (b) where for the first time special consideration is being given, admittedly in a limited way, to those municipalities which have universities in their midst where the tax exception is very, very high and where the number of students represent a very large proportion of the number of people in the municipality.

**Mr. Speaker:** Will the last speaker accept a question?

**Hon. Mr. Apps:** Yes, Mr. Speaker.

**Mr. H. Worton** (Wellington South): I would like to ask the Minister of Correctional Services if he would make such an eloquent plea on behalf of residents in Guelph?

Interjection by an hon. member.

**Mr. Worton:** Right. At $25 a piece, we will be in business.

**Mr. Nixon:** That is a little broader than Kingston.

**Hon. Mr. Apps:** Mr. Speaker, that is a very good question, and I think if we could do the same thing with the federal government for the city of Kingston in respect of the Kingston penitentiary, then we would be in the same boat.

Interjections by hon. members.

**Mr. R. F. Ruston** (Essex-Kent): Mr. Speaker, with regard to speaking to the principle of this bill, I am actually speaking on section 4 since there are a number of sections and all have to do with the principle. Each one has a certain principle.

I might say in the matter of the trailer park licensing and the exemption now for overnight trailers or people who maintain a residence in some other location, that the municipality would not be able to charge for this service. I was talking of one of the municipalities in my riding, and it is interesting to note that last week I got up in my place here and agreed with what the government had done on one subject, that is giving a grant for a provincial park. That municipality was going to receive $1,450 from the Province of Ontario because it has a provincial park, but now with this legislation they are going to take $5,000 away from them.

So it seems like the article I read in the paper about "Robarts gives, Davis takes away" comes up to light again. It just makes one wonder.

We do agree that there should be some difference in it, as the member for Waterloo North mentioned, whether it is a mobile home or whether it is overnight camping.

So I would hope that the minister could consider taking a look at that when it comes into committee, because I think we will be prepared to make an amendment to it and I will then detail some of the remarks more thoroughly.

**Mr. Speaker:** The member for Kitchener.

**Mr. Breithaupt:** Mr. Speaker, just a few brief comments solely with respect to the situation concerning Waterloo Lutheran University.

Now if the hon. member for Lambton would give his full attention to this matter—it was his interjection that suggested that we move the university out!

The purpose is one of dealing properly with the municipalities. The hon. member for Kingston and the Islands, the hon. Minister of Correctional Services, I think perhaps might well discuss this matter with his colleague, the hon. member for Grey South, the hon. Minister of Revenue (Mr. Winkler), who with me shares the responsibility that faces members of the board of governors of Waterloo Lutheran university. The fact is that the payments are not going to the university at all. The fact is that the payments are needed by the municipality.

The municipality of Waterloo, I agree, does not hit the 30 per cent of non-taxable assessment that the city of Kingston has; but it does have I believe 27 per cent, and that is pretty close. The problem there, of course, is that the police and other services that are needed for the municipality must be provided for students whether they happen to wear the jacket of one university or the jacket of another.

Therefore while this approach is admirable in extending this particular benefit in the first section to Ryerson Polytechnical Institute, it of course should be carried further. The matter of church-related colleges in this instance has nothing to do with organized religion in any way; it is a benefit to the municipality and I would presume, Mr. Speaker, that the city of Waterloo has the same additional benefit the city of Kingston will have. Because in each case I dare say these are the only two municipalities that have student population greater than five per cent of the municipality. Perhaps there are others, but I would think that these two are certainly included in that number.

The number of students who received grants last year were 8,725 in the city of Waterloo, and this additional benefit of $10 per student, multiplied by the increase in student population will, of course, be most useful. But I would call on the minister to once again consider the problems of a second university in that city.

The hon. Minister of Correctional Services mentioned that the university at Queen's has to remove certain residential properties in order to expand, and there is assessment which is lost to the municipality. And this should be a most important consideration. But I put it to him that Waterloo Lutheran University is in the same position; to expand areas within the block of land owned by the university, it must reduce obviously assessible properties by destruction of houses which would otherwise bear taxes favourable to the city of Waterloo.

So I would call upon the minister to reconsider this matter; and as he deals with the development and principle of this bill to consider once again the situation of church-related colleges. The municipalities which service these colleges and this university have a benefit, but of course they have certain burdens. There is one way in which these burdens can be somewhat released and that is by carrying on this application of grant per student to the municipalities that have the burden. I think that if this were done we would have a much better bill. I would call these things to the minister's attention and hope that he would consider this matter in the future.

**Mr. Speaker:** The hon. member for Oshawa.

**Mr. Pilkey:** Mr. Speaker, I want to just have a moment to speak to that section that increases the student allowance or the money that will be given to the municipalities from $25 to $35.

The thing that really bothers us on this side of the House is that this is just part of the whole truncated system of providing proper resources to municipalities, when this government knows that it is impossible for them to come up with some concrete proposal that would give our local governments the revenue they need for expenses they are faced with because of urbanization, and that would provide funds they require to close the gap of expenditures versus revenue in the municipality.

The member for Kingston and the Islands got up and more or less congratulated the government for introducing this improvement as it relates to areas where they have high

exempt property from assessment, and he knows full well that this does not compensate in any sense of the word for the 30 per cent short-fall, as far as his municipality is concerned.

**Mr. Lewis:** Hear, hear!

**Mr. Pilkey:** As a matter of fact, in many municipalities where they have provincial institutions and buildings this government has just not come to grips with the situation in those areas and they have not provided the equity that is necessary so that these municipalities can function without additional burden on the people in those municipalities. This bill is totally inadequate.

The Minister of Correctional Services knows full well that in the federal jurisdictions the institutions are fully assessed and they pay full municipal taxes on federal buildings; but this province has not come to grips with this yet. They do it in a fashion, as I said, that is truncated and that only comes to grips with the problem in a very minute way.

The government knows that the increase they are recommending in this bill, in reference to the total budget of those municipalities that have provincial institutions, that this is a very small portion of their total budget. Kingston and the Islands, I suspect, have a total budget of something in excess of $14 million. What does this relate to the $14 million budget that Kingston has? Very very small—

**Hon. Mr. Apps:** Three mills; three and a half mills. That is significant; that is significant.

**Mr. Pilkey:** Very small in terms of the total budget of that municipality.

**Mr. J. Renwick:** That is right!

**Mr. Pilkey:** But can you imagine, can you imagine the significance in Kingston if the provincial building and universities were taxed as to their total assessment on those buildings? Then we would be doing something significant in those areas where there are provincial institutions. I would suggest to the minister that this should really be the policy and the programme that is embarked upon by this government. Not one where in a very minute and small way, they sweep a crumb from the table for those municipalities where public institutions prevail.

I just want to urge upon this minister that he do something in respect of those municipalities.

As a matter of fact, as I recall, there were a number of municipalities in 1968 which appeared in front of the select committee on taxation that made the case for full assessment on provincial buildings. Municipality after municipality appeared in front of that committee; and it fell on deaf ears.

**Mr. J. Renwick:** That is right.

**Mr. Pilkey:** As a matter of fact, the minister may say that it has not, but this is all they have done really.

**Mr. J. Renwick:** That is all!

**Mr. Pilkey:** The government provided some increases, but let me tell the minister how truncated his whole system is as far as assisting municipalities is concerned. Basic shelter grants, unconditional grants, conditional grants, assistance for universities through this bill—a whole system that does not provide any equity for the municipalities in this province. The party on this side has urged year after year that the government adopt a municipal foundation plan that is going to provide equity for every municipality across this province.

**Mr. J. Renwick:** Hear, hear! Withdraw the bill though!

**Mr. Pilkey:** And yet the government keeps bringing in this type of legislation that does not meet the full needs of the people of this province. As a matter of fact let me tell the minister and this government—

**Mr. R. Gisborn (Hamilton East):** The minister of Municipal Affairs gets the late night tonight!

**Mr. Pilkey:** —that the Smith committee recommended in 1967 that the government provide, in a three year period, 60 per cent of educational costs and that would assist the various municipalities. This government has not even reached that plateau yet. That was in 1967 and it is now four years later and they said that within three years they should be able to meet that level of support.

**Mr. Speaker:** The hon. member is not on the principle of the bill.

**Mr. Pilkey:** I just want to illustrate—

**Mr. J. Renwick:** Right on I thought myself.

**Mr. Pilkey:** My thanks to the member for Riverdale.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): No, he is not.

**Mr. W. Ferrier** (Cochrane South): He is making a lot of sense though.

**Mr. T. P. Reid** (Rainy River): Just what we like—an unbiased observer.

**Mr. Pilkey:** I want to then conclude on that point. I just do not happen to think that this government is providing any meaningful support for those municipalities where there is highly exempt assessment as far as the institutions that the province controls are concerned.

**Mr. J. Renwick:** Mr. Speaker, I only have one brief word on another matter related to one matter that is contained in the bill.

Is it the intention, by including members of the police forces within the term "employee" under the Municipal Act, in some way to extend the OMERS coverage to members of the police forces of the province so that if they move from one municipality to another and remain as police officers they will have the benefit of that plan? And if it is not the intention of the government to do that, will the government give some consideration to providing some similar scheme for the police officers of the province, similar to the Ontario Municipal Employees Retirement System?

**Mr. Speaker:** The member for Brantford.

**Mr. M. Makarchuk** (Brantford): Mr. Speaker, I have two or three points that I wish to bring up. The first point I am concerned about is why in section 1 it has to be designated by the Lieutenant-Governor-in-Council. In other words, will certain areas of certain municipalities be designated? Is this going to be a club that the minister is going to hold over their head? Why does he not make it a complete coverage across the province of Ontario and say that every municipality that has—

**Mr. J. Renwick:** It depends if it is a sitting Tory member or not.

**Mr. Makarchuk:** —a community college or a university situated in it, it may pass. Why does he have to put in the clause that it will have to be designated by the Lieutenant-Governor-in-Council? Is this a form of either patronage or handout, or what is the purpose behind that?

The other point, of course, has been raised earlier. Why is there discrimination, where the legislation says certain municipalities will get $25 and other municipalities will get $35? Why the discrimination? Another point I am concerned about is whether satellite colleges of other colleges located in different centres come under the provisions of this Act. There does not seem to be anything in here to say that they are covered.

I think the other major point that is missed by this bill is the fact that in various municipalities there are special provincial institutions, educational institutions, such as the school for the deaf or the school for the blind, and they in many cases have close to a 1,000 students, and again they are not taxable institutions. They use the city services and the city is in no position to assess them or collect any taxes from them.

The minister has left them out of this bill, and if this bill is going to have any kind of equity in it I think these institutions should also be included. Although they are not institutions of higher learning, they certainly are institutions of learning and therefore should be included in this bill.

**Mr. Speaker:** Is there any other member who wishes to speak to this before the minister?

**Mr. J. Renwick:** It being six of the clock—

**Mr. Speaker:** Then the minister will have the floor when the House reopens.

It being 6 o'clock, p.m., the House took recess.

## APPENDIX

*(see page 4552)*

Answers to questions were tabled as follows:

22. *Mr. Reid* (Rainy River)—Inquiry of the ministry:

1. Could the Minister of Energy and Resources Management advise the number of charges laid in the last two years by the Ontario Water Resources Commission or the air management branch or his department in regard to (*a*) water pollution and (*b*) air pollution. Against whom were the charges laid. Was there a conviction and what was the penalty.

2. How many firms have been served with a ministerial order within the last two years that would require them to discontinue practices which contribute to (*a*) water and (*b*) air pollution.

3. How many of these have been complied with.

4. How many that did not meet the deadline have been charged and what were the results of these charges.

Answer by the Minister of Energy and Resources Management:

1.(a) 84
(b) 32

The list of charges laid and findings of the court is attached.

2.(a) 22
(b) 72

3. At the present time all ministerial orders issued under the Ontario Water Resources Commission Act have been complied with.

To date, 20 have completed the programme required in the minister's orders issued under The Air Pollution Control Act, 1967 and the remainder are actively working on their programmes.

4. Charges have been laid against three firms which did not comply with the required programmes. Two were convicted and have since completed their programmes. The third case is now pending before the court.

**Section 27(1)—June 16, 1969 - December 31, 1969**

| Accused and Address | Date of Trial | Plea | Judgement | Fine |
|---|---|---|---|---|
| Eastern Splash Mat (Can.) Ltd., Beeton | Dec. 10 1969 | Guilty | Convicted | $100 |
| Hahn Brass Ltd., New Hamburg | Nov. 20 1969 (2 counts) | Guilty on both | Convicted on both | $350 and $500 |
| Millhaven Fibres Ltd., Twp. Ernestown | Oct. 16 1969 (7 counts) | Guilty (2) Withdrawn (5) | Convicted on both | $250 and $250 |

**Section 27(1)—January 1, 1970 - December 31, 1970**

| | | | | |
|---|---|---|---|---|
| Abitibi Paper Co. Ltd., Thunder Bay. | May 4 1970 | Guilty | Convicted | $350 |
| Abitibi Paper Co. Ltd., Smooth Rock Falls | June 17 1970 (3 counts) | Guilty (2) Not Guilty (1) | Convicted (2) Withdrawn (1) | $1000 and $1000 |
| Beaver Wood Fibre Co. Ltd., Thorold. | June 26 1970 | Not Guilty | Convicted | $700 |

| Accused and Address | Date of Trial | Plea | Judgement | Fine |
|---|---|---|---|---|
| Canada Foils Ltd., Muskoka. | Dec. 14 1970 | Not Guilty | Dismissed | |
| Canadian Pacific Rlwy., Thunder Bay. | Oct. 23 1970 | Guilty | Convicted | $500 |
| Cleaver-Brooks of Can. Ltd., Stratford. | Jan. 26 1970 | Guilty | Convicted | $300 |
| Disher-Ferrand, Barrie. | Oct. 7 1970 | Guilty | Convicted | $350 |
| Domtar Newsprint Ltd., Red Rock. | Jan. 22 1970 (2 counts) | Guilty (1) Not guilty (1) | Convicted (1) Withdrawn (1) | $1000 |
| Douglas Aircraft, Mississauga. | Oct. 23 1970 | Not Guilty | Convicted | $205 |
| Eddy Forest Products Ltd., Espanola. | May 18 1970 (4 counts) | Guilty | Convicted on all four | $1000 $1000 $1000 $1000 |
| Formosa Spring Brewery Ltd., Carrick, Bruce City. | July 27 1970 (2 counts) | Guilty | Convicted (1) Withdrawn (1) | $200 |
| Garden City Paper Mills Co. Ltd., St. Catharines. | Feb. 4 1970 | Not Guilty | Convicted | $700 |
| Greig Piggery, Twp. of Normanby. | Dec. 9 1970 | Not Guilty | Convicted | $75 |
| Huntsville Dairy Ltd., Huntsville. | Feb. 4 1970 (2 counts) | Not Guilty | Convicted (1) Dismissed (1) | $100 |
| Kimberly-Clark of Can. Ltd., St. Catharines. | July 20 1970 | Not Guilty | Information Quashed | |
| La Fromagerie St. Andre Ltd., Russell. | Apr. 16 1970 (3 counts) | Guilty (2) Not Guilty (1) | Convicted (3) | $100 $100 $100 |
| Maple Leaf Mills Ltd., Toronto. | May 29 1970 | Guilty | Convicted | $500 |
| McKenzie Canners Ltd., Colborne. | Feb. 25 1970 | Guilty | Convicted | $100 |
| Metropolitan Toronto, Toronto (Mimico Creek). | Aug. 27 1970 (2 counts) | Not Guilty | Convicted (1) Withdrawn (1) | $1000 |
| Natl. Steel Corp. Ltd., Sudbury. | Aug. 26 1970 (3 counts) | Not Guilty | Convicted (3) | $200 $200 $200 |
| North American Plastics, Wallaceburg. | May 25 1970 (3 counts) | Guilty (1) Not Guilty (1) | Convicted (2) | $500 $500 |

| Accused and Address | Date of Trial | Plea | Judgement | Fine |
|---|---|---|---|---|
| Public Fuel Transmission Systems Ltd., Nepean. | Feb. 16 1970 | Not Guilty | Convicted | $1000 |
| Sonco Tube Ltd., Brampton. | July 9 1970 | Guilty | Convicted (2) Withdrawn (1) | $350 $350 |
| Tam Horticultural Ltd., Sydenham, W. G. Sparkhall (Pres.), A. C. Pruetz (Mgr.-Piggery). | Mar. 11 1970 (5 Counts) | Guilty (3) | Convicted (3) Withdrawn (2) | $25 $50 $75 |
| Tank Truck Transport Ltd., Vaughan. | Apr. 29 1970 | Not Guilty | Convicted | $300 |
| Trans Canada Pipelines Ltd., Muskoka. | Nov. 20 1970 | Not Guilty | Convicted | $200 |
| United Dairy Producers Co-op Ltd., Weston. | Jan. 8 1970 | Guilty | Convicted | $150 |
| Wimco Steel Sales Ltd., Etobicoke. | Nov. 27 1970 | Not Guilty | Convicted | $200 |
| Abitibi Panel Products, Sturgeon Falls. | Apr. 28 1971 | Guilty | Convicted | $500 |
| Barrie | Jan. 20 1971 | Not | Convicted | $1000 |
| Bulk Carriers Ltd., Mississauga. | July 16 1971 (2 Counts) | | | |
| C.P.R. & R. Gignac, Windsor. | June 29 1971 27 (1b) | Guilty Not Guilty | | |
| Diversey (Can.) Ltd. Mississauga. | Jan. 4 1971 | Not Guilty | Convicted | $300 |
| Erie Canning Co. Ltd., Tilbury East. | June 14 1971 (2 Counts) | Not Guilty | Convicted (2) | $100 $500 |
| Formosa Spring Brewery Ltd., Carrick. | Mar. 29 1971 | Not Guilty | Dismissed | |
| Hall Corp. of Canada (ship) Thunder Bay. | Feb. 14 1971 | Not Guilty | Convicted | $200 |
| T. D. Marshall, F. Chrzanowski, Cayuga. | Jan. 6 1971 (2 counts) | Guilty | Convicted (1) Withdrawn (1) | $50 |
| Owen Sound Transportation Co., Tobermory. | Jan. 12 1971 (2 counts) | Not Guilty | Convicted | $50 $50 |
| Great Lakes Forgings Ltd., Anderdon Twp. | Jan. 14 1971 | Not Guilty | Mistrial Retrial Convicted | $1000 |
| Sanco Construction Ltd., London. | Feb. 5 1971 | Not Guilty | Convicted | $200 |
| Walkerton Dairies Ltd., Walkerton. | June 21 1971 (2 Counts) | Not Guilty | | |

## Prosecutions — Miscellaneous

| Accused and Address | Date of Trial | Plea | Judgement | Fine |
|---|---|---|---|---|
| **Section 31 (Sewage Works)** | | | | |
| Gwillimbury Hills Development Ltd., Wallace Chester Swanek (Pres.). | Appeal Oct. 31 July 3 & 4, 1969 | Not Guilty Not Guilty | Convicted Dismissed | $1 |
| Great Lakes Forgings, Twp. Anderdon. | Jan. 14 1971 | | Mistrial Retrial Convicted | $300 |
| Twp. Sandwich West, Smith Bros. Excavation Ltd. | Feb. 9 1971 (4 Counts) | Guilty | Convicted (3) Withdrawn (1) | $1200 |
| Finnie Distributing Ltd., Blanshard. | Apr. 23 1971 | Not Guilty | Dismissed (Appeal) | |
| **Boating regulations 284/69** | | | | |
| P. A. Allen, Toronto. | Feb. 9 1970 | Not Guilty | Convicted | $25 |
| J. P. Bell, Toronto. | Feb. 9 1970 | Not Guilty | Convicted | $50 |
| Jean Desjardin, Tobermory. | Jan. 21 1971 | Not Guilty | Convicted | $10 |
| Owen Sound Transp. Co. Ltd. | Jan. 13 1971 | Not Guilty | Withdrawn (Guilty on 27(1) charge) | |
| Archie Simpson, Tobermory. | Jan. 21 1970 | Not Guilty | Convicted | $10 |

## Actions at Court

| | | Disposition |
|---|---|---|
| **June 24, 1969—Toronto** | | |
| Wilson Courts Apts. Ltd. re: 1393 Wilson Ave. | Smoke density | Fine—$100 |
| Goute Construction Ltd. re: 25 Cedarcroft Blvd. | Smoke density | Fine—$200 |
| Robt. McClintock Ltd. re: Finch & Pharmacy | Open fire | Fine—$200 |
| **September 19, 1969—Hamilton** | | |
| A. Cope & Sons Ltd. Saltflet Twp. quarry | Open fire | Fine—$1,000 (appealed) (appeal upheld) |
| **October 14, 1969—Brampton** | | |
| Bramalea Cons. Dev. Ltd. Construction Site | Open fire | Dismissed |
| **October 15, 1969—Peterborough** | | |
| N. Peconi Peterborough Rendering Company | Odour | Fine—$150 |
| **October 21, 1969—Toronto** | | |
| Semple Gooder & Co. Ltd. | Failure to comply with Minister's Order | Fine—$100 |
| T. Eaton Realty Co. Ltd. re: 800 Warden Ave. | Smoke density | Fine—$250 |
| Cottingham Manor Apts. Ltd. | Smoke density | Fine—$250 |

| | | Disposition |
|---|---|---|
| **November 3, 1969—Oshawa** | | |
| Cdn. Interurban Properties Ltd.<br>re: Oshawa Shopping Centre | Smoke density | Fine—$1,000 |
| **November 4, 1969—Whitby** | | |
| Continental Aluminum Smelting Ltd.<br>Warren Road, Whitby | Smoke density | Fine—$1,000 |
| **November 18, 1969—Toronto** | | |
| 1749 Victoria Park Limited<br>Toronto | Smoke density | Fine—$100 |
| **November 21, 1969—Oshawa** | | |
| Manny Kimel—1<br>190 Nonquon Road,<br>Oshawa | Smoke density | Fine—$500 |
| **November 27, 1969—Peterborough** | | |
| Nicholas Peconi<br>Peterborough Rendering | Odour (2nd Charge) | Case dismissed |
| **December 8, 1969—Brockville** | | |
| Township of Augusta | Open burning | Fine—$100 |
| **March 24—April 10, 1970—Bellville** | | |
| (Hearing continued)<br>McFarlane-Gendron Mfg. Co. Ltd. | Smoke density | Fine—$500 |
| **April 9, 1970—Windsor** | | |
| Westdale Shipping Ltd.<br>Port Credit, Ontario<br>S.S. "Ferndale" | Smoke density<br>Canada Shipping Act | Fine—$350 |
| **May 15, 1970—Orillia** | | |
| Otaco Ltd. | Fail to comply with Minister's order | Fine—$200 |
| **May 28, 1970—Oakville** | | |
| Whiting Mfg. of Canada Ltd.<br>Oakville | Smoke density | Fine—$500 |
| **June 17, 1970—Waterloo** | | |
| Heinz Peper | 2 charges—<br>smoke density | 1. Fine—$ 50<br>2. Fine—$100 |
| **June 30, 1970—Toronto** | | |
| Semple, Gooder & Co. | Section 12, O. Reg. 133/70 | Dismissed |
| **November 27, 1970—Cooksville** | | |
| Gulf Oil Canada Ltd. | Section 6, O. Reg. 133/70 | Fine—$1,500 |
| **February 4, 1971—Thunder Bay** | | |
| Lakehead Scrap Metal Co. Ltd. | Section 8, O. Reg. 133/70. Smoke density—open fire | Fine—$500 |
| **March 9, 1971—Kitchener** | | |
| Beaver Furniture Co. Ltd. | 2 charges<br>Section 8, O. Reg. 133/70 | Oct. 31—Fine—$500<br>Nov. 3—Withdrawn |
| **April 5, 1971—Newmarket** | | |
| Inland Marine & Salvage Ltd. | 2 charges<br>Section 6, O. Reg. 133/70<br>Section 8, O. Reg. 133/70 | 1. Fine—$500<br>2. Withdrawn |
| **April 16, 1971—Oshawa** | | |
| Fittings Limited<br>(for penalty argument) | Section 6, O. Reg. 133/70 | Fine—$2,000 |

| | | |
|---|---|---|
| **April 21, 1971—Peterborough** | | **Disposition** |
| Nicholas Peconi, trading as Peterborough Rendering Co. | Section 6, O. Reg. 133/70 | Fine—$250 |
| **April 30, 1971—Hamilton** | | |
| J. F. Scott, Manager (Lister Estate) | Section 8, O. Reg. 133/70 | Dismissed |
| **May 6, 1971—Brantford** | | |
| United Co-op, Burford | 2 charges, Section 6, O. Reg. 133/70 | 1. Fine—$500<br>2. Dismissed |
| **May 17, 1971—Toronto** | | |
| Ontario Laundry Limited<br>260 Berkeley Street, Toronto | O. Reg. 133/70<br>Section 8 | Withdrawn |
| **May 20, 1971—Kitchener** | | |
| Kitchener Hotels Ltd.<br>re: Walper Hotel | 2 charges<br>O. Reg. 133/70<br>Section 8 | 1. Fine—$250<br>2. Fine—$500 |

29. *Mr. Young*—Inquiry of the ministry:

Will the Minister of Agriculture table the names and addresses of those persons previously registered as research facilities, and the names and addresses of those persons registered as research facilities and those persons licensed as supply facilities since enforcement of The Animals for Research Act.

Answer by the Minister of Agriculture and Food:

Part 1. No research facilities were registered prior to May 3, 1971.

Part 2. Registered Research Facilities as of June 30, 1971.

| | Operators | Locations |
|---|---|---|
| 1. | Ortho Pharmaceutical (Canada) Ltd.<br>Biological Research Laboratories | 19 Greenbelt Drive<br>Don Mills, Ontario |
| 2. | Ethicon Sutures Limited | Lansdowne St., West<br>Peterborough, Ontario |
| 3. | Upjohn Company of Canada | 865 York Mills Road<br>Don Mills, Ontario |
| 4. | Warner Lambert Research Institute | 2270 Speakman Drive<br>Clarkson, Ontario |
| 5. | The Hospital for Sick Children<br>Research Institute | 555 University Avenue<br>Toronto, Ontario |
| 6. | Canada Packers Limited<br>Research and Development Lab. | 2211 St. Clair Avenue<br>Toronto, Ontario |
| 7. | St. Lawrence College of Applied Arts and Technology<br>Animal Care Technology Laboratories | Kingston, Ontario |
| 8. | St. Michael's Hospital | 30 Bond Street<br>Toronto, Ontario |
| 9. | Addiction Research Foundation | 33 Russell Street<br>Toronto, Ontario |
| 10. | Lakehead University | Thunder Bay, Ontario |
| 11. | Conestoga College | 299 Doon Valley<br>Kitchener, Ontario |
| 12. | Women's College Hospital<br>Research Laboratory | 76 Grenville Street |
| 13. | Sunnybrook Hospital | 2075 Bayview Avenue<br>Toronto, Ontario |
| 14. | Clarke Institute of Psychiatry | 250 College Street<br>Toronto, Ontario |

Part 3. Licensed Supply Facilities as of June 30, 1971.

| | Operators | Locations |
|---|---|---|
| 1. | High Oak Ranch<br>Mr. Frank Henke | R.R. No. 1<br>Goodwood, Ontario |
| 2. | Bio-Breeding Laboratories of Canada Limited<br>Dr. W. R. Chappel | 2224 Cyrville Road<br>Ottawa, Ontario |

30. *Mr. Renwick* (Riverdale)—Inquiry of the ministry:

Under the joint federal-provincial programme for the importation into Ontario of 1,000 West Indian workers for the period from May to November 1971, will the Minister supply the names and addresses of all employers who contribute $250 for this programme.

Answer by the Minister of Agriculture and Food:

The Ontario Federal-Provincial Agricultural Manpower Committee is only involved in the Caribbean worker programme by rendering support to the requests of Ontario growers to the Canada Department of Manpower and Immigration that this programme be carried out. The administration of the programme is the entire responsibility of the Canada Department of Manpower and Immigration in co-operation with the Caribbean governments and the growers concerned.

We know of no stipulation in this programme that requires the employers to contribute $250.

The essential requirements of the contract which the employer enters into in this programme are that the workers must be paid a wage rate equal to at least $1.65 per hour or at the prevailing hourly or piece work rate, whichever is greater; the employers are responsible for arranging and paying for return fare for each worker and they must provide accommodation and meals for which the worker may be charged $1.70 per day.

The Department of Manpower and Immigration completes the necessary arrangements with Caribbean governments and arranges for the recruitment of workers for employers who provide one month's notice of their requirements to their local Canada Manpower Centre.

It is the employer's responsibility to make his own arrangements relative to transportation of the workers.

34. *Mr. Reid* (Scarborough East)—Inquiry of the Ministry:

1. When will Canadian standards for infant and children's car safety devices be forthcoming?

2. Under whose jurisdiction will these standards fall? If provincial, how will they be co-ordinated so that devices which do not meet one province's regulations are not sent to another province where they are still legal?

3. Will these standards include a requirement for dynamic testing (i.e.) impact sled/barrier tests?

4. Who will develop and administer these standards?

5. Will standards be developed for different age groups, bearing in mind that although infants, toddlers, and children all require any impact to spread over as much of the body as possible, each group also has individual, and quite different design requirements?

Answer by the Minister of Transportation and Communications:

1. Probable date of publication of standards for infants' and children's safety restraint devices is not known. The standards are currently being developed and this process may take some time to ensure that they are the best that can be devised.

2. Provincial jurisdiction. The Canadian Conference of Motor Transport Authorities through its Advisory Council on Automotive Safety is directing the development of the standards with a view to ensuring their acceptance by all provinces.

3. The matter of whether or not impact sled/barrier tests form part of the standards is currently under ballot and under study by a special subcommittee of the Canadian Standards Association committee on seatbelts.

4. Standards are being developed by CSA and would be administered by the provinces.

5. Yes.

# CONTENTS


**Thursday, July 22, 1971**

**Park community development in Wasaga Beach area,** statement by Mr. Davis ..... 4537

**Formation of energy advisory committee,** statement by Mr. Davis ..... 4538

**Energy advisory committee, questions to Mr. Davis,** Mr. Singer, Mr. Lewis, Mr. Paterson, Mr. Makarchuk, Mr. J. Renwick, Mr. Bullbrook ..... 4540

**Land acquisition re Wasaga park community project, question to Mr. Davis,** Mr. Singer ..... 4542

**Definitive statement re conducting business of House, questions to Mr. Davis,** Mr. Singer, Mr. Lewis, Mr. Shulman ..... 4543

**Mistaken identity re Gary Yeo, questions to Mr. A. F. Lawrence,** Mr. Singer ..... 4546

**Dow Chemical lawsuit, questions to Mr. A. F. Lawrence,** Mr. Singer ..... 4546

**Investigations and submissions re Ronald Shatford case, questions to Mr. A. F. Lawrence,** Mr. Singer, Mr. J. Renwick ..... 4547

**Forgivable loan re Linten and Hurst Limited of Goderich, questions to Mr. Grossman,** Mr. Lewis ..... 4548

**Position re transporting sand from Quinte dunes, questions to Mr. Bernier,** Mr. Lewis ..... 4548

**Recent acquisition of A & A Record and Book Company by Columbia Records, questions to Mr. Wishart,** Mr. Lewis ..... 4549

**Metro putting out tourist literature indicating Spadina to be completed, questions to Mr. Davis,** Mr. Lewis, Mr. Peacock, Mr. Singer ..... 4549

**Imperial Tobacco Company decision to close down, questions to Mr. Grossman and Mr. Carton,** Mr. Lewis ..... 4551

**Board of Police Commissioners and Police Association of Thunder Bay, questions to Mr. A. F. Lawrence,** Mr. Jessiman ..... 4551

**Tabling financial statements of Royal Ontario Museum, Art Gallery of Ontario and Ontario College of Art,** Mr. White ..... 4552

**Tabling answers to questions on the order paper,** Mr. Wishart (also see appendix) ..... 4552

**Department of Colleges and Universities Act, 1971,** bill intituled, Mr. White, second reading ..... 4552

**Municipal Act,** bill to amend, Mr. Bales, on second reading ..... 4569

**Recess,** 6 o'clock, p.m. ..... 4577

**Appendix,** answers to questions Nos 22, 29, 30 and 34 on the order paper ..... 4578

# Legislature of Ontario Debates

Official Report (Hansard) – Daily edition

Fourth Session of the Thirty-Eighth Legislature

Thursday, July 27, 1972

Evening Sitting

No. 112

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Thursday, July 22, 1971

**Evening Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO



The House resumed at 8 o'clock, p.m.

## MUNICIPAL ACT
*(continued)*

Hon. Mr. Grossman moves the adjournment of the debate.

Motion agreed to.

**Clerk of the House:** The 10th order, House in Committee of the Whole; Mr. R. D. Rowe in the chair.

## ONTARIO DEVELOPMENT CORPORATION ACT

House in committee on Bill 99, An Act to amend The Ontario Development Corporation Act, 1966.

**Mr. Chairman:** Bill 99, An Act to amend The Ontario Development Corporation Act, 1966. There are three sections of this bill; are there any questions, comments or amendments on any section? If so, which section? The hon. member for Brantford.

**Mr. M. Makarchuk** (Brantford): Mr. Chairman, I have an amendment to the bill.

**Mr. Chairman:** Which section?

**Mr. Makarchuk:** Section 1, clause 1, of Bill 99 be amended by deleting after the word "lesser" in the fourth line the phrase:

> That where a majority of the ownership and the control of an undertaking is held by a Canadian citizen or Canadian citizens—

And substituting therefor the following:

> But where there is a degree of Canadian ownership as defined by The Corporations Tax Act,

so the clause shall read:

> (a) exceed one-third of the first $250,000 of the cost of the undertaking and one-quarter of the balance of the cost thereof, or $500,000, whichever is the lesser, but where there is a degree of Canadian ownership as defined by The Corporations Tax Act, a loan under the said clause C may be made up to an amount not exceeding 50 per cent of the cost of the undertaking or $500,000 whichever is the lesser.

**Mr. Chairman:** Mr. Makarchuk moves that clause 1 of Bill 99 be amended by deleting after the word "lesser" in the fourth line the phrase:

> That where a majority of the ownership and control of an undertaking is held by a Canadian citizen or Canadian citizens—

And substituting therefor the following:

> But where there is a degree of Canadian ownership as defined by The Corporations Tax Act,

so the clause shall read:

> (a) exceed one-third of the first $250,000 of the cost of the undertaking and one-quarter of the balance of the cost thereof, or $500,000, whichever is the lesser, but where there is a degree of Canadian ownership as defined by The Corporations Tax Act, a loan under the said clause C may be made up to an amount not exceeding 50 per cent of the cost of the undertaking or $500,000 whichever is the lesser.

**Mr. Makarchuk:** I have not got the other copies at the moment. We were not sure you were going to move this bill. We expected that you were going to continue with the bill introduced by the Minister of Municipal Affairs (Mr. Bales), and this is why we only have the one copy.

**Mr. W. Ferrier** (Cochrane South): They had a long supper hour.

**Mr. Makarchuk:** In fact, we are happy to welcome the Minister of Municipal Affairs back to the House.

The point of the amendment, Mr. Chairman, is that this was brought out in the discussions on the bill. This is to ensure that the corporations that receive the money from The Department of Trade and Development are actually Canadian-owned corporations or that majority control is Canadian. The phrase that we borrowed in that amendment is the phrase that is used to define Canadian ownership by the revenue department of the government of Ontario.

**Mr. Chairman:** Does the minister wish to reply?

**Hon. A. Grossman** (Minister of Trade and Development): I have not had, of course, time to study the amendment. There was another reference, it seems to me, in the amendment having to do with a third, rather than 50 per cent. Can the hon. member tell me what he had in mind in respect of that amendment?

**Mr. Makarchuk:** The amounts are the same. The only change there has been is in the qualification as to what is considered to be Canadian ownership and the qualifications should fall in line with that used by the revenue department of the government of Ontario.

**Mr. G. Ben** (Humber): Mr. Chairman, will you send the amendment to us so we can find out what it is about.

**Mr. I. Deans** (Wentworth): There is actually only one copy.

**Mr. Chairman:** Can we get a copy?

**Mr. Ferrier:** If the Minister of Municipal Affairs had been here we would not have been in this difficulty.

**Mr. Deans:** The member for Downsview (Mr. Singer) often writes amendments and hands them in, so do not start crying.

**Mr. J. P. Spence** (Kent): We are quite sorry that we could not oblige the hon. member, you know.

**Mr. Chairman:** Is the amendment coming back?

**Hon. Mr. Grossman:** Well, Mr. Chairman, if you feel that we should wait and get some photostatic copies for the hon. member for Humber, I am prepared to wait.

**Mr. Ben:** Could we revert back to the business of the House?

**Hon. Mr. Grossman:** No, I think we should proceed with this, Mr. Chairman, and not go backwards and forwards. I think we will proceed with this.

As far as I am concerned, in any case, Mr. Chairman, I do think throwing in an amendment at this late hour without giving it the necessary study by the legal officers of the Crown, and so on, would be a very unwise thing to do. Right off the top of my head, I know this matter has been discussed in the past. I know the question of what is Canadian ownership and how one would establish it, particularly in relation to the reference the hon. member has made with respect to the other Act he has referred to. It is not quite that simple here.

Actually what happens in the Ontario Development Corporation is that our people make sure that, no matter what the structure is, in their view there is sufficient guarantee that it is, in fact, Canadian controlled and Canadian owned, regardless of what it appears on the surface. As the hon. members will appreciate, public stock ownership and, so on, have a great deal of effect on the matter of who is actually in control. Unless ODC is satisfied and unless the applicants are prepared to make the necessary changes to satisfy ODC that they are, in fact, controlled and owned by Canadians, then they would not get any assistance.

That is all I can do to assure the hon. members that the principle that the hon. member for Brantford is trying to enshrine in his amendment, would, in fact, be carried out. I think this discretion is better left to ODC so that, if they even suspect that however technically one could argue that ownership and control is in the hands of Canadians, if in their view there was the slightest suspicion that this is, in fact, not the case, then they would refuse to give this assistance. I am sure the hon. members of the House would want us to do that in those instances.

**Mr. R. Haggerty** (Welland South): How do you explain that to the tourist industry?

**Hon. Mr. Grossman:** So, therefore, Mr. Chairman, as I say, I do not think it is wise, on the spur of the moment, to throw in an amendment here which could possibly detract from, or lessen the ability of the Ontario Development Corporation to deal with this in a manner which is in the best interests of Canadians.

**Mr. Chairman:** The member for Humber—

**Mr. Ben:** Although I have not seen the amendment, I do not blame you, but as I understand it there is simply a definition of ownership to coincide with a definition of ownership in the federal legislation. And the definition of ownership in the federal legislation would enable a firm to be Canadian owned even though fewer than 50 per cent of the shares were Canadian. May I have your indulgence, Mr. Chairman?

The words that we are substituting, for the benefit of my colleagues, are "but where there is a degree of Canadian ownership as defined by The Corporations Tax Act, so the clause shall read—"

It does not say what it is and I do not think we can support this, unless they set out what they mean in The Corporations Tax Act, because we cannot refer here to federal statutes, and we believe in the federal Corporations Tax Act it can be less than 50 per cent, and we do not want Canadian ownership to be defined as less than 50 per cent. Perhaps the people to the left could enlighten us on that.

**Mr. D. M. Deacon** (York Centre): Mr. Chairman, we have an amendment here that I would like to have considered also if we can, because we do not want lose this opportunity of voting on this. The amendment reads:

> I move that clause A of section 1, subsection (a) be amended by the deletion of the words "the ownership and" in the fourth line, and the addition of the words at the end of that clause: "but that such a loan would become due and payable to the extent it is in the excess of the amounts set out in the general loan limits of this section at such time that such control is not held by a Canadian citizen or Canadian citizens."

**Mr. Chairman:** Order, please. We had one amendment to that particular section and subsection. There is no way we could entertain another amendment at the present time.

**Hon. Mr. Grossman:** Yes, Mr. Chairman, with great respect what the hon. member is trying to do, in fact what both hon. members are trying to do, is, in fact, the practice of ODC now except that the corporation has a great deal more power, as I said, to use its judgement. Whatever stipulations the hon. members want to put in the Act would have been performed by the applicants, but if there is still a suspicion in the corporation's view that control is not there, or the ownership is not there, they would not agree to the loan.

And having agreed to a loan even where they are satisfied that it is under Canadian control and Canadian ownership, it is put right into the agreement with the applicant that if the company ceases to be Canadian the loan will be recalled—that is over a period of X years; they cannot go into perpetuity. This is a protection that is put into the agreement.

Quite frankly, Mr. Chairman, I think if the hon. members will study any of the corporations in other provinces they will find that where they have a development corporation they retain this power so that they can deal with these unusual situations.

The hon. member for Brantford, in the committee on supply, when we were discussing the estimates of my department, was at great pains to point out that the Manitoba Development Corporation, for example, had regulations written right in—or that they do have regulations—and that these regulations provide for whatever protection he feels are necessary.

We have found out since, in fact, that while the Act provides for regulations, the Manitoba Development Corporation has seen fit not to enact any regulations because they have found that there are legal ways and means of overcoming some of these kinds of restrictions we want to put into the Act—

**Mr. J. E. Stokes** (Thunder Bay): The minister is taking their lead then?

**Hon. Mr. Grossman:** —and some of the protection we need to make sure it is in fact Canadian and will remain Canadian. If you put it under regulations they find some way or other; somehow or other the odd company will find a way of getting out of it. Whereas if it is at the discretion of ODC and the government, they will make sure—regardless of the technical and legal manner in which they have set up the structure of their company—if in the view of ODC they have not in fact remained Canadian or are not Canadian-owned and controlled, they will not be in receipt of any assistance from the government. Having received that assistance, it can be recalled by contract with the company.

**Mr. Ben:** Mr. Chairman, the reason we object to this particular amendment is that Canadian ownership would henceforth be defined by the federal government insofar as it affects the affairs of the Province of Ontario, and the federal government could at any time change the definition of ownership under The Corporations Tax Act. They could reduce it to 15 per cent shareholding, to 20 per cent, 30 per cent, and we would have to abide by that if this particular amendment—

**Mr. J. Renwick** (Riverdale): That is not what we are talking about.

**Mr. Ben:** We want 51 per cent Canadian ownership and this is not what the NDP is striving for.

**Mr. Deacon:** Mr. Chairman, I would like to have the minister consider the situation—I do not know how to get this before him, but I discussed it in principle on second reading and the minister did not seem to understand what I was getting at. I want to emphasize it here because I think an amendment to this is really warranted.

The first thing is that the words "ownership of" really do not add anything to this situation. The words are not needed in order for the minister to achieve what his purpose is in bringing in this legislation. As I understand his purpose, he wants to be sure that this special form of loan, this little extra boost, is given to firms which are Canadian-controlled.

I want to bring to the minister's attention there is a very clear difference between ownership and control—or can be. There can be a very clear difference. Ownership can involve non-voting shares or shares with very few voting privileges and it can involve a lot of money with very little influence on the control of the company.

For example, Power Corporation of Canada is controlled by its class B preferred, a preferred stock which has, I think, 100 votes per share. That stock was owned by a certain family for many years—and I think it still is by a new family—and it permits a very large operation to be controlled by a relatively small investment. This is a way that we should try to encourage Canadians to go.

If we can get foreigners to invest their money without insisting on the voting control then we should not be concerned. But this very definition that the minister has in the legislation of "investment and" means that if a Canadian group is fortunate to find a foreign partner who is willing to put in equity or ownership on a non-voting basis—or on a relatively small voting percentage—it loses the advantage that the minister is trying to bring to Canadian controlling positions.

The other point I think the minister should recognize here is that he can provide in this legislation, by adding the words that I have suggested, that such loan would become due and payable to the extent it is in excess of the amount set out in the general loan limits of this section at such time as such control is not held by a Canadian citizen or citizens. What this brings very clearly, Mr. Chairman, to the person who is borrowing the money is that if he should negotiate as a Canadian citizen—or as a Canadian citizen in control of a company—he can negotiate an advantageous loan, and with the financing on that advantageous basis, is offered a good price or better price by a foreign group for that stock, he knows that immediately the advantage he has been able to achieve under this provision is lost forthwith. There is no question that it is right down in the legislation. It is not a matter of just regulations or signing the agreement; It is right down here in the understanding.

The minister must remember, as he is trying to show us in the bill what I think is a good objective, that we are wanting to give incentive to Canadian-controlled situations. Let us put that in the legislation. So I ask the minister to consider rewording this; I have a proposal here that would include this provision, and I would appreciate if he would give it consideration and comment on it.

**Mr. Chairman:** We are dealing with this particular amendment of Mr. Makarchuk at the moment.

The member for Riverdale.

**Mr. J. Renwick:** Mr. Chairman, the amendment is really quite simple. What we are saying is what we said in the second reading of the bill, that under certain circumstances the Minister of Trade and Development is prepared to grant up to an extra $104,000 by way of loans—if my calculations are correct, that is what we are talking about—if certain conditions are fulfilled. My colleague, the member for Brantford, made the point on second reading that much as one would like to think that in some way or other this would affect the control of the Canadian economy, a $104,000 addition to a loan to a company because it has a majority of—

**Hon. Mr. Grossman:** Pardon me, Mr. Chairman.—Where does the hon. member get the figure of $104,000?

**Mr. J. Renwick:** Well, whatever the percentages are—

**Hon. Mr. Grossman:** Well, on $1 million, for example, where they are presently both equal, under the amendment a Canadian company would be able to get $500,000 as against a non-Canadian company, which would be able to get approximately $278,500, which is a great deal more than $104,000.

**Mr. J. Renwick:** What are the figures which the minister is using?

**Hon. Mr. Grossman:** For example, on $1 million?

**Mr. J. Renwick:** Yes, and he gets $200,000-odd?

**Hon. Mr. Grossman:** It would be $278,500—

**Mr. J. Renwick:** All right, I will accept the minister's figures.

**Hon. Mr. Grossman:** —for a non-Canadian company and $500,000 maximum for a Canadian company.

**Mr. J. Renwick:** I accept the minister's figures. The figures I was using were on the basis of $500,000, and as I understand it the differential would be $104,000. But give or take the problem of the exact mathematics of the question, the difference between $100,000-odd and $200,000-odd up to the maximum amounts which the minister is permitted to loan under the EIO programme is not going to alter in one way or another the question of Canadian control of the industries which are involved in it.

Therefore, because it is not influencing or affecting Canadian ownership in the strict sense of the term—that is, in terms of 51 per cent of the control of the equity share capital of a particular corporation—what we are saying is that in this circumstance, because the minister is confused as to the distinction we are making—

**Hon. Mr. Grossman:** I am not confused.

**Mr. J. Renwick:** —because it is not affecting the control of the Canadian economy, we are saying why does he not go to the real substance of the problem. If it is a Canadian-controlled operation, then they should be entitled to get the higher amounts for the additional amounts of money provided under the bill. The minister knows as well as I do that Canadian control does not depend upon whether you own 51 per cent of the equity voting stock. Control may very well be less than that. All we are saying is that the more sophisticated definition of a degree of Canadian ownership, which should permit a Canadian operation to derive the benefits of the additional amount of money, is the same definition which is set out in The Corporations Tax Act of Ontario and is the identical definition which is set out in The Income Tax Act of Canada.

Mr. Chairman, some people may endeavour to say that this is a contradiction in terms, but it is only a contradiction if one is hidebound to the suggestion that only those Canadian corporations where a majority of the ownership is in Canada should be entitled to these additional amounts. Now we would agree with that, if the number of dollars that the minister was talking about in some way or other affected the control of the operation. But the minister knows as well as anyone else that the question of control is a question which has been determined under The Income Tax Act of Canada in a much more sophisticated area than the minister's loan and has been determined under The Corporations Act of Ontario insofar as what is the meaning of control.

So what we are saying is, any Canadian operation which is controlled in Canada should be entitled to the higher loan benefits. And we are saying that on the question of control, the best definition that we can find, to determine whether or not a Canadian undertaking is controlled in Canada, is to use the phrase: "a degree of Canadian ownership as set out in The Income Tax Act of Canada, and in The Corporations Tax Act." That is all we are saying. We are not saying anything else.

We think that the limitation which the minister has imposed is much too high, that there are, in fact, Canadian controlled operations that do not have a majority of the ownership owned by Canada, owned in Canada by Canadian citizens.

What we are therefore saying is that you do not need to have that high a criterion for the purpose of the additional amounts of money which are to be made available.

On the other hand, if the government, or the minister, were at all interested in protecting the Canadian ownership of the economy, if they were really interested in that, then we would go along with a higher requirement. But no matter what mathematics the minister uses, $100,000, $200,000, $300,000 is not in any way going to affect the control of a Canadian operation.

The kind of Canadian operations that we in this party are concerned about are the resource industries which are capitalized at an immensely higher amount of money. They are not coming to the government for EIO loans. So what we are simply saying is: Do not kid anybody, if there is Canadian control.

The hon. member for York Centre knows that Canadian control is not involved in the question of 51 per cent of the equity share ownership. Then let us be realistic. If there is a degree of Canadian ownership which

amounts to control of that operation then we, in this party, think that the government should provide that operation with the additional funds which are permitted under this programme. And for him to restrict it to those companies that happen to have 51 per cent of the equity of shares owned in Canada is an unreal and arbitrary distinction which has no significance in business terms.

**Mr. Chairman:** Are you ready for the question now? Those in favour—yes?

**Mr. Deacon:** Mr. Chairman, has the minister any further comment on this question?

**Hon. Mr. Grossman:** Mr. Chairman, actually there is not a great deal of difference between the proposition which the hon. member for York Centre presented and that which the member for Riverdale presented. I know precisely what they are driving at and the point is here, and perhaps the suggestion is that I do not understand what they are driving at and I do not think they understand what I am driving at. Actually I do understand what they are driving at.

The point I am trying to make is that if you try to put it down in black and white we are going to find ourselves in a situation where someone is going to, in legal terminology, find a method which only good lawyers can find, a way of proving that they have either Canadian ownership or Canadian control. I think what the member for York Centre is saying is that you do not need to put into the amendment Canadian ownership and control. The hon. member for Riverdale makes a great point of the fact that there is a more sophisticated definition of Canadian ownership—

**Mr. J. Renwick:** Less onerous.

**Hon. Mr. Grossman:** I know, but the hon. member says there is a more sophisticated definition—

**Mr. J. Renwick:** And less onerous.

**Hon. Mr. Grossman:** —and I would suggest to him that the very fact he uses that phraseology, "a more sophisticated definition," implies that that is by no means the last word in what the definition is and he knows perfectly well that it is very difficult to define it. He also made the statement that just because the company has 51 per cent of ownership does not mean necessarily that, in fact, it is in control of the company.

**Mr. E. W. Sopha** (Sudbury): It is not worth all this time.

**Hon. Mr. Grossman:** We have not said that. That is precisely why we have not said these things.

Any definition we use, we are going to run into difficulty with. The best definition really is what it says in the Act:

> And the Ontario Development Corporation, as an arm of this government, is going to have to make a decision in respect of what it finds in the company that is applying for a loan, deciding whether we have all the protection we need regardless of any other Acts which may be in effect and which may, in the opinion of those people who are applying, make them Canadian owned and/or controlled.

The ODC says, "We still think we need more protection and we are going to get it and if you do not want to give it to us, we will not give you the assistance."

Having given them the assistance we then put into the agreement that if, in the opinion of ODC, it ceases to be Canadian owned and/or controlled, whichever is more important at that precise time, then it is considered to be a breach of the contract and we will get our money back. The ODC then has to face the people of this province, through this Legislature, and justify what it has done in that case. Otherwise you would be in court forever in some cases trying to prove whether in fact they have abided by the Act as it has been written.

The hon. member for Humber made a very good point. I did not think of it before he did; I wish I had. He says quite frankly the suggestion that we do it in accordance with The Corporations Tax Act makes this particular province, in what it wants to do, subject to what some other jurisdiction decides to do and we may not be able to do anything about it at that time.

In any case, Mr. Chairman, I say that it is not good law drafting to make an amendment to a bill of this kind at the eleventh hour without giving it a great deal of thought. As a matter of fact the reason this bill was brought in relatively late—although we only announced and decided on the policy I think some time in May and it could have been relatively easy to bring in a bill then—we gave it a lot of thought because we were concerned about the definition. Quite frankly, at first there was not even in this bill any reference to a majority of Canadian owner-

ship in the control of an undertaking, and soon, because it was decided that there was an opinion among some of the law officers of the Crown that it is going to be impossible to define this.

Now the hon. member for Riverdale may feel that he is more qualified than the law officers of the Crown and I am not saying that he is not. All I am saying is it was very difficult to make this decision and so the decision was to make sure that our intentions were written into the bill, and I assure the hon. members that what our intentions are, is precisely what we are going to carry out.

We are giving an incentive, a greater incentive, to Canadian companies, and we want to make sure that we are not going to, in fact, discourage foreign investment. I want to make that quite clear. At this stage this government is not prepared to do this and I do not know of any government in Canada, provincial or the federal government, which is discouraging foreign investment. We are not doing that at all.

What we want to do is to encourage greater participation in the economy by Canadians and for that reason we have this amendment so that there will be a tremendous bonus to Canadian companies over and above non-Canadian companies, so that we will in fact do that. And I say to the hon. members under the present situation, as they know, there is no bonus to Canadians; there is nothing written in the Act which distinguishes as between a Canadian or a non-Canadian company.

The hon. members have agreed that this is a step forward and I say to the hon. members at this 11th hour when we may be adjourning tomorrow, that this is a step forward, we are making sure that we are giving greater incentives to Canadians to invest in their own economy. The wisest thing to do is to proceed with this amendment, as it is presented to the Legislature tonight, and make this move forward—else we will be in a position where we are not going to be able to give any added incentive to Canadians, and I would appeal to the hon. members because this is a step forward, a step in the right direction, not to throw a lot of legal verbiage—

**Mr. J. Renwick:** Come off it.

**Hon. Mr. Grossman:** I do not mean that in a derogatory fashion. Do not throw this into the hopper at this late stage because I just refuse, as a minister of the department—I always have—to accept an amendment to a bill which may have many implications which we cannot see at this particular moment.

I would want that studied in great detail by the law officers of the Crown to make sure that what is attempted to be accomplished by those who have submitted the amendment is, in fact, what they want to accomplish even though we may agree with them. I think the hon. members must appreciate that that is the best way to right legislation. I appeal to the hon. members at this late hour—

**Mr. J. Renwick:** It is not late. It is 8:40.

**Hon. Mr. Grossman:** —that they move with this amendment because it is a step forward.

**Mr. Deans:** What late—

Interjections by hon. members.

**Mr. Lewis:** Come back next week or recess until September. Do not give us the late hour.

**Mr. Chairman:** The hon. member for York Centre.

**Mr. Deacon:** Mr. Chairman, I want to come back to the point again. If there is a company called Kapuskasing Sawmills and the owner of that mill finds that the only way he can get certain advances is to get some more equity capital, and he is able to find a foreign interest which is willing to invest on a non-voting basis, maybe more money, quite a bit more money than he himself has put in, but he retains control, he cannot take advantage of this new legislation because the minister has written in the words "ownership of" and ownership of implies a degree of equity funds that have been placed. It has nothing to do with the voting control, and the minister is wanting to encourage those who keep control of the companies in Canada.

I repeat, this legislation also does not make it clear that if someone is able to negotiate a loan, as soon as he negotiates that loan, and if he has managed to still control that company, the loan reverts to the former levels. He has it proxided for. This is the thing that we want to provide for in this legislation, for the minister to achieve his objectives.

**Hon. Mr. Grossman:** I am not unmindful of what the hon. member is driving at, Mr. Chairman. He is telling me that in his amendment what he is attempting to do is liberalize

it more so that there are some Canadian companies who will be able to qualify who might not qualify as the bill before the House reads. That may very well be. I still say, Mr. Chairman, with great respect, that that might be the next move to make if we find in fact we are up against those kinds of situations.

**Mr. Chairman:** The hon. member for Sudbury.

**Mr. Sopha:** The minister addresses himself to the principle and says we want to encourage Canadian ownership. Then he uses the metaphorical phrase "at the 11th hour," or "at this late hour." This amendment proffered by our friends to the left, as far as we are concerned, is not worth the wastage of time on it, because it really is a picayune point; it does not go to the principle.

But it is very apposite to say that salvation at the 11th hour and repentance is perhaps theologically the most justifiable; that it is the most persuasive. The minister's predecessor made many trips into the United States, on each one of which he wanted to sell a little more of Canada, a little more of Ontario. He wanted to divest us of our heritage and birthright. He said if you have a resort, sell it, if it is marketable.

I am overjoyed, as we face the election, that repentance has come to this department. What I thought you were concerned about in that ODC, having read the incontrovertible assemblage of facts in the Canadian Forum, in the latest edition—you do not find this type of thing in the Globe and Mail because it does not attack you on this basis; the Toronto Star does sometimes; the Toronto Telegram is largely silent—but Calvert in the Canadian Forum indicates that all you were concerned about was pouring as much money as possible into the Conservative ridings.

**Hon. Mr. Grossman:** That is nonsense, just nonsense.

**Mr. Sopha:** The Minister of Transportation and Communications (Mr. MacNaughton), in Huron was able to get $1.5 million. The member for Huron-Bruce (Mr. Gaunt) next door got a mere $400,000. And so it was across the whole of the province. The member for Northumberland (Mr. Rowe) the Chairman, was the beneficiary of the largesse, and, that is what I thought preoccupied the government in that department. And suddenly at the 11th hour—I always like that phrase; that phrase indicates salvation; that is the way to a state of grace—at the 11th hour you are concerned about Canadian ownership, after 10 years, when the nationalists on this side of the House pleaded with you to preserve our birthright. That is one of the—Oh yes, and I am one of them. I am one of the foremost.

**Mr. J. Renwick:** You are one of them; boy, talk about 11th-hour comment.

**Mr. Sopha:** I have stood in my place in this House and talked about the principle of Canadian ownership of our resources, and—

Interjections by hon. members.

**Mr. Sopha:** —the former leader of that party said I was wasting the time of the House; I was wasting the time of the House to talk about that.

**Hon. Mr. Grossman:** He has got his back to us, Mr. Chairman.

**Mr. T. P. Reid** (Rainy River): Who was the former leader of that party? Is that the guy with all the knives in his back down there?

**Mr. Sopha:** The former leader, the ageing boy scout. Well, all right, if we are to be out of here, let me just make this final point, if we are to be out of here in the small hours of Saturday morning. We will hasten that reward in the summer recess, if our friends to the left will stop putting forward these Philadelphia lawyer amendments.

**Mr. J. Renwick:** Mr. Chairman, if we may ignore the member for Sudbury, what we are saying to the minister is something quite simple.

**Mr. Sopha:** Then why do you make it sound so complex?

**Mr. S. J. Randall** (Don Mills): Sic him, Jim.

**Mr. J. Renwick:** What we are saying to him is that if this government is interested in maintaining Canadian ownership in small businesses in the province of Ontario, then it is important that they make the distinction that so long as there is Canadian control of an undertaking they should be eligible for the higher maximum amount of loan which the member is providing.

Now, the way in which this is accomplished is not by the definition which is contained in the statute of some other jurisdiction. The Minister of Revenue (Mr. White) is in the House. The Minister of Revenue knows full

well that the definition of a degree of Canadian ownership which confers certain benefits under The Corporations Tax Act of the Province of Ontario, is a method by which you, in fact, base the reality of the economic situation in Ontario.

We are not involved, Mr. Chairman, in determining whether or not control will be maintained in Canada. What we are engaged in doing is asking whether Canadian-controlled operations within the province of Ontario have the opportunity to get the higher rate of loan. And I am not prepared to suggest or to accept from the minister a suggestion, or from the member for Sudbury, that it has something to do with Philadelphia lawyerism, that it is legal, that it is difficult, or that it is awkward. A degree of Canadian ownership is defined already in the statutes of the province of Ontario. We are simply saying to the minister: accept that particular qualification, get into the game, understand what we are talking about, and recognize that it is very important that Canadian-controlled organizations in the province of Ontario have the benefit of the increased benefits which the minister is providing.

That is all we are saying. That is what the amendment says, and insofar as we are concerned, we believe that when the minister, on reflection, considers what we have to say, he will bring it in and extend that definition.

And we do not intend to divide the House on this particular issue. We are simply saying that we are not prepared—

**Mr. Sopha:** All right, let us get on with it.

**Mr. J. Renwick:** —because the Liberal Party wants to get out of here, because the Tory party wants to get out of here, we are not prepared to so curtail debate that there is no possibility of getting through to the government what is a very sane, real and pertinent amendment to the problem which is involved.

I am not going to accept the proposition that what is good enough for The Corporations Tax Act of the province of Ontario is not good enough for the Minister of Trade and Development.

**Mr. Chairman:** Ready for the question?

Those in favour of Mr. Makarchuk's motion will please say "aye."

Those opposed to Mr. Makarchuk's motion will please say "nay."

In my opinion the "nays" have it.

I declare the amendment lost and the section carried.

Any other comments, questions, or amendments on any other section of the bill? If not, shall the bill be reported?

Bill 99 reported.

Hon. Mr. Wishart moves that the committee rise and report.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the Committee of the Whole House begs to report one bill without amendment and asks for leave to sit again.

Report agreed to.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, it is my intention that we go back to order 23 and dispose of that matter on second reading which was nearly completed.

Mr. Speaker, I would like to take the opportunity at this time to ask the House to allow me to make a motion so that we may know the routine for tomorrow. And I would move therefore that tomorrow the routine proceedings be taken up at 10 o'clock in the morning, that the House rise for the usual luncheon interval, from 12 until 2 p.m., and I might say in respect to that motion, Mr. Speaker, that we would then, continue as of the usual day.

**Mr. Speaker:** There is no debate until the motion is placed. Hon. Mr. Wishart moves that tomorrow the routine proceedings will be taken up at 10 a.m. and the House will rise for the usual luncheon interval from 12 noon until 2 p.m. The deputy leader.

**Mr. V. M. Singer** (Downsview): Mr. Speaker, I would like to find out if I can from the House leader why, when he introduces this rather unusual type of a motion, he is not prepared to tell us at the same time what the general order of business is.

**Hon. Mr. Wishart:** I am quite prepared to tell you.

**Mr. Singer:** Let us just see and let us just see in specifics.

**An hon. member:** It is a good thing the Minister of Trade and Development (Mr. Grossman) is back.

Interjections by hon. members.

**Mr. Singer:** Are you through?

**Mr. S. Lewis** (Scarborough West): Yes.

**Mr. Singer:** Thank you very much. Mr. Speaker, as I look at the order paper there seem to be—

**Mr. J. E. Stokes** (Thunder Bay): Such histrionics over there.

**Mr. T. P. Reid** (Rainy River): The hon. member does not even know what the word means.

**Mr. Singer:** —some 27 items of business—

**Mr. Lewis:** More than that.

**Mr. Singer:** When I am through the hon. member may have the floor and then expound at great length and with his usual stupidity.

**Mr. Speaker:** Order.

**Mr. Singer:** Now, Mr. Speaker, if I may speak uninterrupted by the hon. leader of the NDP.

Interjections by hon. members.

**Mr. Speaker:** Perhaps the members will allow the member for Downsview—

**Mr. Singer:** As soon as they are ready, Mr. Speaker, I will be glad to resume.

Interjections by hon. members.

**Mr. Speaker:** The member will proceed or—

**Mr. Singer:** Thank you, Mr. Speaker, I will. Yes, I was saying, Mr. Speaker, that there are some 27 items by number on the order paper. Item number 10, Committee of the Whole House, has perhaps another 15 or 20 items, perhaps some 50 in rough calculation, and I think that we are entitled, sir, to know in some considerable detail, since the House now seems to be about to sit 14, 16, 18, 20 hours a day, what in fact the government has in mind. We have the unusual motions produced from time to time by the House leader, who happily has shrugged off all responsibility for being a continuing member of the House who gets nice editorials in the paper and we all pay great tribute to his ability.

We would like however, sir, and we believe that we are entitled to a careful enunciation of what, in fact, the government expects this House to do in the ensuing 24, 36, 48 hours that the Premier indicated we might be sitting before an adjournment is asked for.

And I think, sir, we are entitled to have it in some detail because as we watch the comings and goings, watch the civil servants who appear and then disappear, we note that there are people from the insurance branch, we note people from Municipal Affairs. Sometimes we miss the presence of the Minister of Municipal Affairs (Mr. Bales) or the Attorney General (Mr. A. F. Lawrence) or others, but we would like to know what really is the plan of government and I think we are entitled to know because, sir, as reasonable people, we want some kind of reasonable performance programme that will be outlined. And I say, before we either decide to approve or disapprove of the House leader's motion, we would like some additional detail as to what in fact he has in mind.

**Mr. Lewis:** We are prepared to disapprove without details.

**Mr. Singer:** Well, that is par for you. You disapprove in ignorance.

**Mr. Speaker:** Order. The member for Rainy River, I think, was on his feet, was he not?

**Mr. T. P. Reid:** No, it is not necessary now.

**Mr. Speaker:** It is taken care of—then the member for High Park.

**Mr. M. Shulman** (High Park): Mr. Speaker, is it possible for me to ask if, during this next 24 hours, the government has left time for me to finish my budget speech which I began some six weeks ago?

**An hon. member:** Oh, no.

**Mr. Lewis:** Mr. Speaker—

**Mr. Speaker:** The member for Scarborough West has the floor.

**Mr. Lewis:** Mr. Speaker, I would like the House leader to enunciate in some detail his plans for the next few hours.

**Mr. Singer:** That is a new idea.

**Mr. Lewis:** Well, I thought I would incorporate it.

**Mr. Speaker:** Order. Is there any other member who wishes to engage in this debate before the minister?

**Mr. J. Renwick** (Riverdale): Yes, Mr. Speaker.

**Hon. W. D. McKeough:** (Treasurer): Always the member for Riverdale!

**Mr. J. Renwick:** Mr. Speaker, I do not want to deal with it in any grandiose terms. I just want to understand the meaning of the motion which the minister has put.

**Hon. Mr. McKeough:** Work on what your leader said. We are all trying to figure that out.

**Mr. J. Renwick:** My understanding is that according to the rules of this House, every Friday morning at 10 o'clock we consider the routine orders and the first part of the motion, as I understand it, was to consider routine orders at 10 o'clock and therefore that part must be redundant because on Friday morning we do that. Then it says that the House will adjourn at 12 o'clock for the usual two-hour lunch break. Well, we often adjourn at 1 o'clock and I am just wondering if perhaps the minister is trying to say to us that we are going to sit here tomorrow afternoon? Is that what the purport of his motion is?

**Mr. T. P. Reid:** Even you should be able to understand that.

**Mr. J. Renwick:** If so, the motion is for—

**Mr. Stokes:** Perhaps he is inviting us to tea.

**Mr. J. Renwick:** If so, Mr. Speaker, the motion is defective because it makes no reference to anything other than the fact that we are going to recess at luncheon from 12 o'clock to 2. I do not intend to be back here on the basis of that motion, because there will be no—

Interjections by hon. members.

**Mr. J. Renwick:** —there will be no authority for us to be here. And if the minister is in fact—

**Hon. Mr. McKeough:** There are many dedicated to that proposition, many.

**Mr. J. Renwick:** And if the minister is in fact saying that we are going to come back here at 2 o'clock to conduct the business of the province, I would like to know now whether or not I should bring a sort of sandwich dinner with me tomorrow evening—

**Hon. A. F. Lawrence** (Minister of Justice): That is not what you were thinking of.

**Mr. J. Renwick:** —and whether or not at 6 o'clock at night we are going to recess until 8 o'clock. Is he really saying that we are going to have the conditions which existed yesterday and today in force tomorrow?

**Mr. E. W. Sopha** (Sudbury): The member for Riverdale is going to have a sandwich for supper? Such repentance.

**Mr. T. P. Reid:** It will be a first time in five years.

**Mr. J. Renwick:** Mr. Speaker, I am quite prepared in the interests of expediting the business of the province to have a sandwich for dinner—right here at my desk, if the minister wants it

**Hon. Mr. McKeough:** Great thought!

**Mr. J. Renwick:** Perhaps we could have some clarification from the ministry as to what their motion is all about. They are equally confused tonight as they have been on other occasions in the past week.

**Mr. Speaker:** Is there any other member who wishes to speak? This is a debate on a motion. Then the hon. minister has the floor.

**Hon. Mr. Wishart:** Mr. Speaker, I think I can clarify the subject to the complete satisfaction of all concerned.

**Mr. T. P. Reid:** You know you could have done that in the first place, and saved us 15 minutes.

**Hon. Mr. Wishart:** I thought that is what I had done in the first place.

**Mr. J. R. Breithaupt** (Kitchener): That is exactly the problem—

**Hon. A. F. Lawrence:** We had assumed you were in the House when the original order was put.

**Mr. T. P. Reid:** I was.

**Mr. Speaker:** Order, the hon. members have asked for clarification and I presume we are now receiving it. Let us have order.

**Hon. Mr. Wishart:** One has to relate back to the ninth day of July at which time I moved "that commencing on Tuesday next the House will meet each day—each day—"

**Mr. Lewis:** Oh, that has an ominous ring.

**Hon. Mr. Wishart:** "—including Wednesday, at 10 a.m.—"

**An hon. member:** Seven days a week.

**Another hon. member:** That has great significance.

**Hon. Mr. Wishart:** "—and will rise for luncheon interval from 12—"

**Hon. A. F. Lawrence:** The member for Riverdale was not here that day.

**Mr. J. Renwick:** Oh, we did not meet on Saturday or Sunday.

**Hon. A. F. Lawrence:** Sure we did.

**An hon. member:** He was not here.

**Mr. Singer:** Hardly ever on Thanksgiving Day either.

**Hon. Mr. Wishart:** "—and will rise for luncheon interval from 12 to 12 p.m. and that in the period from 12 noon—" So that when I—

**Mr. Singer:** Come on, let us get down to what he is going to do.

**Mr. J. Renwick:** The Clerk of the House has confused it even more.

**An hon. member:** They are going to have another amendment.

**Hon. Mr. Wishart:** So I had to vary that motion for last Friday, as you will recall, to make it clear that we did not sit through the day. That original motion said "each day."

**Mr. J. Renwick:** He did not say anything about Saturday and Sunday.

**Hon. A. F. Lawrence:** "Each day."

**An hon. member:** Not according to McRuer.

**Hon. Mr. Wishart:** Mr. Speaker, it was out of consideration for the members—

**Mr. Singer:** Oh yes?

**Mr. Stokes:** The minister is all heart!

**Mr. Lewis:** Are we lucky he is House leader!

**Mr. Sopha:** He really chokes me up. Dear old uncle Arthur.

**Hon. Mr. McKeough:** Look after the members.

**Mr. Singer:** Read that editorial again that said the House leader was a nice fellow.

Interjections by hon. members.

**Hon. Mr. Wishart:** I thought you wanted clarification?

**Mr. Singer:** Well we do, just give it to us.

**An hon. member:** Speak up!

**Hon. Mr. Wishart:** You listen!

**Mr. Speaker:** Order, order!

**Hon. Mr. McKeough:** Just listen. Try listening.

**Hon. Mr. Wishart:** Suggestions, Mr. Speaker, were made to me that we sit until 1 o'clock tomorrow. Suggestions were made that, as we have done sometime in the past, we do not rise at all but that members be free to go out at noon and get lunch as they might well manage.

**Mr. T. P. Reid:** The Treasurer made these suggestions.

**Hon. Mr. Wishart:** I got suggestions from several members.

Interjections by hon. members.

**Hon. Mr. Wishart:** And in order that we might have, I thought, a reasonable way of approaching the business of the House, I thought I would make it clear that we would treat tomorrow as any other day which would mean we would start at 10—

**Mr. Singer:** Twenty-three hours of sitting. Logical.

**Hon. Mr. Wishart:** —rise at 12, come back at 2 o'clock and that we would have the usual proceedings in the morning. First part of the day.

**Hon. A. F. Lawrence:** Well, do we not all get paid for a full day.

**Mr. T. P. Reid:** What bills are we going to do?

**Hon. Mr. Wishart:** Mr. Speaker, while I am on my feet on the business of the House, it was the intention, as I had told the members, to dispose of the second reading which we were dealing with at 6 o'clock, among the others that we dealt with this afternoon—

**Mr. Singer:** That was before we lost the Minister of Municipal Affairs or after?

**Hon. Mr. Wishart:** —and then go to the Committee of the Whole House. Through circumstances which were entirely beyond his control, the Minister of Municipal Affairs was not able to be here at 8 o'clock.

**Mr. Singer:** He got stuck on the Spadina Expressway.

Mr. C. G. Pilkey (Oshawa): He could not get out of Dooley's. He asked for his steak well done!

Hon. Mr. Wishart: Therefore we moved to Committee of the Whole so that the House would not be idle.

Mr. Singer: He is all heart.

Hon. Mr. Wishart: Yes.

Interjections by hon. members.

Hon. Mr. Wishart: Now it is my intention—

Mr. Lewis: This is a great finish!

Mr. Singer: The minister has had better hours.

Mr. J. Renwick: A virtuoso performance!

Mr. Pilkey: He and Lorne Greene would look good on "Bonanza".

Mr. Lewis: Just a touch of burlesque as he leaves the House!

Mr. J. Renwick: We will always remember him.

Hon. Mr. Wishart: To answer the member for Downsview and the member for Scarborough West, as soon as this second reading, item 23 on the order paper, is concluded we will go to Committee of the Whole and we will take, and not necessarily in chronological order—

Mr. Singer: No, that would be too logical.

Hon. Mr. Wishart: —but we will stay with committee—

Mr. T. P. Reid: The ministers get lost between the washrooms and the House.

Hon. Mr. Wishart: If we just open the windows you could hear that in Rainy River.

Mr. Breithaupt: He is going to stick pins in the order paper.

Mr. Singer: Would the minister care to give us the order he is going to take it in?

Mr. Sopha: I think it would be more effective if he just led us in "Rock of Ages."

Hon. Mr. Wishart: Yes. Has the member been attending the rock festivals?

Mr. Lewis: The minister is a fine stand-up comic.

Hon. Mr. Wishart: We will have Committee of the Whole, not necessarily in chronological order.

Mr. T. P. Reid: On what bills?

Mr. Singer: Mr. Speaker, before the motion is put, could I ask the House leader a question by way of clarification? There are some 23 items shown for Committee of the Whole. Could the minister give us even the remotest hint as to the order in which any of these 23 items might be called?

Hon. Mr. Wishart: Yes, I would be glad to.

Mr. J. Renwick: He is going to take them up, but not necessarily in order.

Hon. Mr. Wishart: Since the Minister of Trade and Development has dealt with Bill 99, if we can go back to Committee of the Whole he might do Bill 100 which is—

Mr. Singer: We might do, yes.

Hon. Mr. McKeough: No, no, The Audit Act.

Hon. Mr. Wishart: I deal with the municipal bills, which are Bills 112, 114, and Bill 73, an Act to amend The Audit Act.

Mr. Singer: Bill 73? Now we are back over there! Yes? That is four. Four out of 22; 18 to go. What might we do after that?

Hon. Mr. Wishart: Well, we might do Bill 81.

Mr. Singer: We might eh? That is good—81. Yes?

Hon. Mr. Wishart: And possibly Bill 64.

Mr. Singer: Possibly Bill 64. That is six. Yes? After that? What about the other 16?

Hon. Mr. Wishart: Well, that, I think, will occupy us for the balance of the day. I will make a further announcement at the end of the sitting today.

Mr. Singer: Could I ask the House leader if he might guess at what time we might adjourn tonight?

Hon. Mr. Wishart: Not any later than last night.

Mr. Stokes: For the benefit of the gallery that was 3 a.m.

Mr. Speaker: Order! Mr. Wishart moves that tomorrow the routine proceedings will be

taken up at 10 a.m. and the House will rise for the usual luncheon interval from 12 noon until 2 p.m.

Is it the pleasure of the House that the motion carry?

As many as are in favour will please say "aye."

Those opposed will please say "nay."

In my opinion the "ayes" have it.

Motion agreed to.

Interjections by hon. members.

## MUNICIPAL ACT

Hon. Mr. Bales moves second reading of Bill 136, An Act to amend The Municipal Act.

**Mr. Speaker:** The Minister of Municipal Affairs now has the floor to close the debate on the bill.

**Hon. D. A. Bales** (Minister of Municipal Affairs): If I had had a real great dinner, I would welcome that applause but I have not. Mr. Speaker, dealing with the items the hon. members raised in reference to Bill 136, I will not necessarily take them in the order in which they were raised or the order of the sections.

Dealing first with section 2 in reference to the defintion of employee, the question was raised about the reason for this and the position of police officers. This results from the decision of Mr. Justice Lacourcière wherein it was called into question as to whether police officers were, in fact, municipal employees for matters of fringe benefits and pensions. We want to clarify it for The Municipal Act as well as for other regional government Acts.

In reference to the matter of trailer camps: Under the provisions of The Municipal Act, tourist camps, motels and other such tourist establishments are subject to various taxes and impositions, first of all, of course, to real property taxes. Also, in reference to section 401 the municipalities may levy a licence fee in reference to a motel or tourist cabins, or tourist park, and in addition they may charge a fee of $20 per lot for the parking of trailers.

This seemed to us to be an unfair imposition and I took the matter up with the municipal liaison committee and established a special committee made up of municipal officers as well as representatives of the tourist camp business. They have made a recommendation, and the municipal people have concurred in it, that the special tax in reference to trailer lots should not be imposed.

If there are special charges against the municipality for the collection of garbage or other such matters, the municipality may levy a charge under section 379 of The Municipal Act for the cost involved. As it stands at the present time, the trailer operation where they maintain lots for trailers to park on a summer vacation, for example, for a limited period of time, may charge a tax of up to $20 per lot per month.

It seems to us that if the trailers were parked there on a year-round basis and the occupants were using municipal services, then rightly they should pay the $20 per month charge because there is no special tax on this. But otherwise I think, since it is a tourist operation, they should not be subject to what I regard as a penalty tax, and they should be freed of that special additional charge.

I would point out particularly to you, Mr. Speaker, and the members of the House, that this was taken through the municipal liaison committee and to the special committee established through that so that this matter could be discussed with both representatives of the industry and of the municipality.

In reference to the first provision of the Act, which I think is a very important one that municipalities should be paid additional moneys in reference to community colleges. This was a commitment made by the Treasurer in his budget statement of April 26, and this is a further extension of the province's determination to provide additional moneys to the municipalities for tax exempt properties.

This is given in reference to provincially-supported or assisted institutions and we have to bear in mind that normal provincial institutions pay, are really being charged municipal taxes, not educational taxes. You have to bear in mind the cost involved.

We have felt that in certain areas of the province, where there are a large number of students in a municipality and hence a larger than normal amount of exempt properties for educational purposes, that they should be provided in those cases with some additional assistance, and hence the amendment to the Act which provides additional assistance to certain areas.

The hon. member for Wellington is not in his seat tonight but he raised a question this afternoon and his area is one of those that

does receive additional assistance along with, of course, Kingston, represented by my colleague, the member for Kingston and the Islands (Mr. Apps); Waterloo, and also one other small municipality.

This has been carefully worked out and I think it is an important provision for those areas because there are an exceptionally large number of students welcomed into those municipalities and there are additional services required which are met by the people in those areas, even though the students come from a large number of additional areas—from surrounding and other parts of the province.

The intention of the amendment under section 1 of the Act, 1 1(b), is to clarify that additional assistance is designed to help those municipalities which have a high proportion of exempt assessment. I would say to you, Mr. Speaker, that if this matter goes to Committee of the Whole—and I would move that it does—there will be a slight amendment to the last clause of part 1 of that section to further clarify our meaning in reference to that matter.

Mr. Speaker, I think there are a number of beneficial provisions in the Act and I am glad to see it moved and seconded.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be directed for third reading?

**Mr. J. Renwick:** Mr. Speaker, we have two or three questions that we would like to ask in committee. We would ask that this go to Committee of the Whole.

**Hon. Mr. Bales:** I have an amendment, Mr. Speaker.

**Mr. Speaker:** If there is not unanimous consent of course for third reading the minister has the direction, so Committee of the Whole House.

Agreed.

**Clerk of the House:** The 10th order, House in Committee of the Whole; Mr. R. D. Rowe in the chair.

## REGIONAL MUNICIPAL GRANTS ACT

House in committee on Bill 11, An Act to amend The Regional Municipal Grants Act, 1970.

**Mr. Chairman:** Are there any questions, comments or amendments to any section of this bill and if so which section?

Bill 112 reported.

## REGIONAL MUNICIPALITY OF YORK ACT

House in committee on Bill 114, An Act to amend The Regional Municipality of York Act, 1970.

**Mr. Chairman:** Are there any questions, comments or amendments to any section of this bill?

**Hon. D. A. Bales** (Minister of Municipal Affairs): Mr. Chairman, as I indicated when it was at the conclusion of second reading, I have an amendment for section 7 of the bill.

**Mr. Chairman:** Yes; there appears to be no other amendment to consider before that, if the hon. minister would care to move his amendment.

**Hon. Mr. Bales:** Mr. Chairman, I move that subsection 1 of section 7 of the bill be struck out and that the following be substituted therefor:

> (1) Subsection 6 of section 158 of The Regional Municipality of York Act, 1970, is repealed and the following substituted therefore:
>
> (6) For the purposes of The Construction Safety Act, 1961-1962 and section 47a and 47b of The Ontario Water Resources Commission Act, the regional corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes and for the purpose of section 47 and 47c of The Ontario Water Resources Commission Act the regional corporation shall be deemed to be a municipality.

There is a further amendment in reference to section 11.

**Mr. Chairman:** Shall this motion carry? I can repeat it; perhaps I should.

Mr. Bales moves that Subsection 1 of section 7 of the bill be struck out and that the following be substituted therefor:

> (1) Subsection 6 of section 158 of The Regional Municipality of York Act, 1970, is repealed and the following substituted therefor:

(6) For the purposes of The Construction Safety Act, 1961-1962 and section 47a and 47b of The Ontario Water Resources Commission Act, the regional corporation shall be deemed to be a county, and the area municipalities shall be deemed to be the local municipalities that form part of a county for municipal purposes and for the purposes of section 47 and 47c of The Ontario Water Resources Commission Act the regional corporation shall be deemed to be a municipality.

Motion agreed to.

**Mr. Chairman:** The hon. minister has an amendment to section 11.

**Hon. Mr. Bales:** Mr. Chairman, section 11 deals with the date the sections would come into effect and the amendment is that section 11 be struck out and the following be substituted therefor:

(1) This Act, except section 4 and 7, comes into force on the day it receives Royal assent.

(2) Sections 4 and 7 shall be deemed to have come into force on the 1st of January, 1971.

**Mr. Chairman:** Mr. Bales moves that section 11 be struck out and the following substituted therefor:

(1) This Act, except sections 4 and 7, comes into force on the day it receives Royal assent.

(2) Sections 4 and 7 shall be deemed to have come into force on the 1st day of January, 1971.

Motion agreed to.

**Mr. Chairman:** Any further comments, questions or amendments to this bill? If not, shall the bill as amended be reported?

Bill 114 reported.

**Clerk of the House:** The Honourable the Lieutenant Governor recommends the following:

RESOLVED:

*That*, the moneys necessary for the purposes of section 10a of The Regional Municipal Grants Act, 1970, shall be paid out of the consolidated revenue fund as provided in Bill 112, An Act to amend The Regional Municipal Grants Act, 1970.

Resolution concurred in.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Chairman, I would like to suggest that the bill we have just finished dealing with in second reading, Bill 136, An Act to amend The Municipal Act, might also be dealt with at this time in committee, if that is agreeable to the members. This is another bill they will all be familiar with, because we discussed it today.

**Mr. Chairman:** Will this be agreeable to the committee? Agreed.

## MUNICIPAL ACT

House in committee on Bill 136, An Act to amend The Municipal Act.

**Mr. Chairman:** Are there any comments, questions or amendments to Bill 136? If so, which section?

**Mr. J. Renwick** (Riverdale): Mr. Chairman, on clause 1, I would like to ask the minister—he may have answered it on second reading—why it is necessary to have the designation by the Lieutenant-Governor-in-Council, and why it simply cannot provide that each of the 13 provincially assisted universities and the 20 colleges of applied arts and technology, would make the local municipality eligible for this tax increment.

**Hon. Mr. Bales:** Mr. Chairman, the Act was developed that way because from time to time other universities come into establishment or are formed and hence they have to be added from time to time. For example, just recently an order-in-council was passed with reference to OISE. OISE became one eligible for grants in reference to this provision.

**Mr. J. Renwick:** Well, Mr. Chairman, I do not want to prolong it, but would not the language be general enough to simply provide that, notwithstanding any general or special Act, the council of a local municipality in which there is situate a university or a college of applied arts and technology may pass bylaws and so on, without going through this routine of having them designated?

Well, perhaps to put the question directly: Are there any municipalities in which any of the universities or any of the present colleges of applied arts and technology are presently situated that are not going to be eligible for the power to levy this particular additional tax?

**Hon. Mr. Bales:** None at the present time, Mr. Chairman, but we cannot be sure that there will not be in the future, and I think from time to time we may need to designate them and they are done that way.

**Mr. J. Renwick:** Well, then, Mr. Chairman, as I understand it, each of the present provincially assisted universities in the province of Ontario and each of the colleges of applied arts and technology, depending upon their locality, will confer on that local municipality the power to levy the tax which is provided in this section.

**Hon. Mr. Bales:** That is correct.

**Mr. J. Renwick:** Right.

**Mr. I. Deans** (Wentworth): One question. Is the minister not able to tell us how many municipalities now qualify for the additional grant?

**Hon. Mr. Bales:** Does the member mean the community college grant?

**Mr. Deans:** Well, no, the addition from $25 to $35.

**Hon. Mr. Bales:** Yes, the municipalities are Guelph, Kingston, Waterloo and the township of Whitney.

**Mr. Chairman:** Any further questions or comments? The hon. member for Oshawa.

**Mr. C. G. Pilkey** (Oshawa): Mr. Chairman, could the minister tell us—

**Mr. Chairman:** Which section, please?

**Mr. Pilkey:** On section 1.

**Mr. Chairman:** Section 1, right.

**Mr. Pilkey:** Could the minister tell the House what in total this will cost the government in payments to the various municipalities where universities and colleges are located?

**Hon. Mr. Bales:** Mr. Chairman, the projected payment for universities is just in excess of $3 million—$3,031,000. For community colleges it is $944,000; for a total, as we have it, of $3,970,340. That is not all new money because the universities last year received, or were eligible to receive, moneys at the rate of $25 per full-time student.

**Mr. Pilkey:** The minister is saying this is with the increase?

**Hon. Mr. Bales:** That is correct. Adding to it the community colleges and certain additional moneys in reference to those where the population exceeds the designated figures.

**Mr. Pilkey:** Could the minister tell the House what that figure might be if the universities and colleges came under total assessment and the government paid the taxes on the basis of the total assessment of the various universities and colleges in Ontario?

**Hon. Mr. Bales:** No, Mr. Chairman, I do not have that information before me.

**Mr. Pilkey:** Is there any plan of the government in the immediate future to pay on the basis of total assessment?

**Hon. Mr. Bales:** Not until such time as the reassessment is completed throughout the province. Then, of course, we anticipate a reform in the tax structure on that basis. That will be taken into account at that time.

**Mr. Pilkey:** In 1975?

**Mr. Bales:** That is right.

**Mr. Chairman:** The hon. member for Windsor-Walkerville. On section 1?

**Mr. B. Newman** (Windsor-Walkerville): Yes, Mr. Chairman. I wanted to ask the minister—

**Hon. Mr. Bales:** Mr. Chairman, may I interrupt for just a moment? It is to section 1 that I do have an amendment.

**Mr. Chairman:** The hon. minister does have an amendment to section 1?

**Hon. Mr. Bales:** That is correct.

I referred to it in my remarks in reference to second reading.

**Mr. Chairman:** The hon. member for Windsor-Walkerville, and then we will have the minister's amendment.

**Mr. B. Newman:** Are you going to read the amendment?

**Mr. S. Lewis** (Scarborough West): What clause?

**Mr. J. Renwick:** Where is the amendment? What clause?

**Hon. Mr. Bales:** Section 1.

**Mr. B. Newman:** Mr. Chairman, I wanted to ask the minister why he is using a per-student grant as opposed to an assessment

grant. There may be buildings on the university such as a library that may involve a large expenditure of funds to construct, so that a grant made on an assessment basis would probably be more advantageous to the municipality rather than using a per-student grant.

Likewise, there may be some faculties in the university that have buildings that may be large, but where the number of students is small. So there is an inequality in this setup using a per-student grant as opposed to assessment.

**Hon. Mr. Bales:** Mr. Chairman, this was the arrangement devised last year and it was felt that it was a relatively fair basis tested against the assessment of several universities and that this would yield a comparable and reasonable sum to the municipalities involved. I think it is important to take into account the total number of full-time students involved in these various municipalities and that is the reason the figure was placed at $25.

**Mr. E. R. Good** (Waterloo North): Mr. Chairman, as one final question on this section 1: Has the minister given any thought to extending the grants to cover full-time university students who are affiliated with church colleges, such as those here in the city of Toronto—Trinity, Knox and St. Michaels and the University of Waterloo with its church colleges. The municipalities are not receiving these grants on behalf of the students at the present time.

**Mr. Chairman:** Of course, that it not in the bill although the minister may reply to it if he wishes to.

**Mr. Good:** Well it is a deficiency of the bill.

**Hon. Mr. Bales:** Mr. Chairman, the assistance is provided for provincially assisted institutions only at the present time. That is the principle behind it.

**Mr. Chairman:** Perhaps the hon. minister would now present his motion for amendment to section 1.

**Hon. Mr. Bales:** Thank you, Mr. Chairman. The amendment to section 1 of Bill 136 occurs at the top of page 2 of the bill where it says: "Assessment Act, 1968-1969" and then these words are added:

> And where the total assessment as shown by the last revised assessment roll of all properties within the municipalities that are exempt from taxation, other than properties in respect to which payment in lieu of taxes were received in the year preceding the year of levy, exceeds 20 per cent of the total assessment of all properties within the municipality.

**Mr. Chairman:** Hon. Mr. Bales moves that subsection 1 (b) of section 294 (b) of the Act, as settled in subsection 1 of section 1 of the bill, be amended by inserting after "1968-1969" in the seventh line—and for the information of the committee that is at the top of page 2 of the bill—by inserting in the seventh line:

> And where the total assessment as shown by the last revised assessment roll of all properties within the municipalities that are exempt from taxation, other than properties in respect to which payments in lieu of taxes were received in the year preceding the year of levy, exceeds 20 per cent of the total assessment of all properties within the municipality.

Motion agreed to.

**Mr. Chairman:** The hon. member for Waterloo North.

**Mr. Good:** Am I correct in assuming that that being interpreted would mean there are two standards by which the municipality will get the additional $10 grant, from $25 to $35; the student population must be over five per cent of the municipal population, and the non-revenue producing assessment must exceed 20 per cent of the total assessment?

**Hon. Mr. Bales:** That is right.

**Mr. Good:** Is that right? Thank you.

Motion agreed to.

**Mr. Chairman:** Are there any further comments to section 1 of the bill? Any further comments, question or amendments to any section of the bill? The hon. member for Riverdale, which section?

**Mr. J. Renwick:** Clause 3.

**Mr. Chairman:** Section 3. Nothing on section 2? The hon. member for Riverdale on section 3.

**Mr. J. Renwick:** I note the explanatory note opposite section 3 which says "self-explanatory" but I have read it two or three times and I cannot understand it. Perhaps the minister would explain it to me.

Mr. V. M. Singer (Downsview): That is par.

Mr. J. Renwick: I know it is par.

Mr Singer: That is par for the member.

Hon. Mr. Bales: Mr. Chairman, there is a statement—

Mr. J. E. Stokes (Thunder Bay): The member for Downsview is so brilliant too.

Hon. Mr. Bales: —by Mr. Justice Lacourciere dealing with the St. Catharines police association and in the city of St. Catharines, wherein it was stated that police officers were not employees of the municipality but rather were officers to carry out police duties and were in effect agents of the municipality. As such, their benefits—in reference to certain fringe benefits and certain protections in reference to pensions—were called into question.

This is the reason for the amendment which states that "'employee' means any salaried officer, clerk, workman, et cetera," and includes in the third and fourth lines, "a member of the police force of the municipality." It had perhaps always been taken for granted that members of the police force were in effect employees of the municipality but this decision called it into question.

Mr. J. Renwick: I get that. I can understand that down to the word "municipality" but perhaps the minister could explain this gobbledygook at the last five lines of the section:

> "Nothing in this section affects the rights acquired by any person from a judgement or order of any court prior to the day in which this Act comes into force or affects the outcome of any litigation or proceedings commenced on or before July 20, 1971.

Hon. Mr. Bales: Mr. Chairman, we do not want any awards or other proceedings that were made for the benefit of police officers in the past to be called into question.

Mr. Chairman: Any further comments, questions or amendments to this bill? On section 4, the hon. member for Essex-Kent.

Mr. R. F. Ruston (Essex-Kent): Yes, Mr. Chairman, I have an amendment for section 4. I move that section 4 of Bill 136 be amended by striking out all words after "residence" in the last line and substituting therefor, "the licence fee shall not exceed $5 per month."

Mr. Chairman: Mr. Ruston moves that section 4 of Bill 136 be amended by striking out all words after "residence" in the last line and substituting therefor, "the licence fee shall not exceed $5 per month."

The hon. member for Essex-Kent.

Mr. Ruston: Mr. Chairman, as you are aware in the bill for the licensing of mobile homes, the municipality may charge $20, and this is the way it has been in the past. Some municipalities apparently were charging as high as $20 for overnight camping in camping trailers and it was putting a hardship on many camp operators.

By deleting it completely and having no charge whatsoever, it means that the municipality, if it is furnishing services cannot regain any of these services without a licence. The minister did state in reply on second reading that the municipality could, I think under section 379 of The Municipal Act, charge special services to camping trailer areas, but it would seem to me a municipality should have some right here.

The residents of the community, year round, do probably furnish some items that the trailer would use, I think. I recall a hearing by the Ontario Municipal Board down in one of our areas a few years ago where summer cottages were charged the same water rates the year round. They appealed and it went to the Ontario Municipal Board. The board ruling was that since the municipality was forced to put in large mains to supply water during the summer months, then they had every right to charge the rates the year round on that residence.

That has a slight bearing on this because the municipalities do, in many cases, have to supply garbage pickups and, in some areas, water and, possibly, in some areas, sewage disposal outlets. So, by having it up to $5, I am thinking of some areas that I have talked to where they have one township had a check for June of $764. The rate they charge is $4 a month. They have a camping area licence for June, July, August and September and they charge $4 a month for each trailer that is in that camping area.

It seems a reasonable rate. It is up to $5. In other words, we are lowering it 75 per cent from what it was. The maximum was $20 and now we are making the maximum $5. If the municipalities do not wish to charge then they may not. They could charge $1 or charge $5. So, I think it is a reasonable amendment, Mr. Chairman.

**Mr. Chairman:** The hon. member for Waterloo North.

**Mr. Good:** Mr. Chairman, I would like to say just a word in support of this amendment, that is, that the problem originally created by the discrepancy in section 41 of The Municipal Act was that some municipalities were using that authority to charge a $20 rate for casual camping area. This rate was fine for mobile home camps, but it was much too severe for casual camping areas. There was a need to revise that rate. Pressures and briefs had been sent by the Camp Operators Association. About two years ago we got this. There were townships in the vicinity of the Guelph area that were charging the $20 and it was a hardship to these campers. I do not think there was ever any pressure or delegations asking that the fee be completely removed. All they wanted was that there be a distinction made between a mobile home camp and a trailer camp. That distinction did not exist in the Act before. Now the minister has made the distinction but he has eliminated the fee entirely and for the sake of those townships which have been deriving a few thousand dollars revenue on a $4 and $5 monthly basis, I think it would be quite in order if the minister—I respectfully ask that the minister give this amendment serious consideration.

**Mr. Chairman:** The hon. member for Wentworth.

**Mr. Deans:** Very briefly, Mr. Chairman, I am persuaded that the argument put forward by the hon. member for Essex-Kent is a valid argument.

**Mr. Singer:** As always.

**Mr. Deans:** Not always, but on this occasion. In fact, I would have been prepared to admit it was always if the hon. member for Downsview had not prompted me.

The situation does justify the payment of some fee and the figure of $5 appears to be a reasonable fee. The amendment, I suspect, would help to compensate municipalities for the cost that is incurred by the servicing, limited though it may be, of the trailer camp for holiday purposes, vacation purposes.

There are certain services that are required. There are certain efforts that must be put out by municipalities on behalf of the owners and residents during their stay. As pointed out by the hon. member for Waterloo North, it is not compulsory. It could be a charge less than $5 although I suspect the majority of municipalities would probably go to the maximum. For that reason, we will support the amendment.

**Mr. Chairman:** The hon. member for Essex South.

**Mr. D. A. Paterson** (Essex South): Mr. Chairman, I would like to rise in support of my colleague from Essex-Kent. I know we do have a number of trailer camps in my particular riding, and I am pleased that the minister from Kitchener outlined the difference between a mobile home and—

**Mr. Chairman:** The minister?

**Mr. Good:** Not the minister!

**Mr. Paterson:** Well, he has not got that status yet, but it will come in a few months.

This has certainly been a thorn of contention. I have met with people in my colleague's riding on this particular matter when possibly, a council was overcharging on its particular camp grounds. I think there is an onus—most camp owners would go along with a nominal payment to their respective councils. Many of them do store these mobile homes over the winter months; they are not used and, as such, they are getting year round revenue.

Certainly I think we in this party believe in the discretion of local councils and the right for them to make proper and fitting decisions. I am sure that with this $5 limitation most of them would act quite reasonably in this regard. I would ask the minister to support this amendment.

**Mr. Chairman:** Would the hon. minister like to comment on the amendment?

**Hon. Mr. Bales:** Mr. Chairman, I pointed out before that the operations are subject to various charges. First of all, of course, the normal property tax. Then under section 379, paragraph 78, there is the right to charge a monthly rate for services rendered.

This section has concerned me somewhat, because under section 401, paragraph 15, it says at the beginning, "for licensing regulating and governing tourist camps, trailer camps, et cetera," but it does not set a maximum fee. That being the case, of course, any fee charged could not be punitive and I have not been able to ascertain the average fee they charge in that regard.

I share the view of other members that $20 was too much and, in effect, I thought it was punitive.

The hon. member for Essex South made a good point in that a number of those trailers do remain on those sites year round because people cannot store them at their homes and they must find places to store them. I felt strongly that it must be reduced. I think it is reasonable that it should be eliminated on that basis, but on the other hand the member moved the amendment of up to $5—I think it is not unreasonable and I am quite willing to accept it on that basis.

It would have to be worded in the same way, to the same extent, but I am quite satisfied to accept it.

**Mr. Chairman:** Will the hon. minister accept the motion as placed before the committee?

**Hon. Mr. Bales:** To the same intent, Mr. Chairman, I would be quite content to. Sir, I would suggest that the legislative counsel should word it in the proper way.

**Mr. J. Renwick:** I think that is a good idea.

**Mr. Chairman:** Well, it is perhaps a little unusual. Would the committee agree to this procedure?

**Mr. Singer:** I agree.

**Mr. J. Renwick:** I subscribe to that.

**Mr. Chairman:** Well, then would the committee also agree that if I carry the motion as presented to the committee by Mr. Ruston and then leave it to the legislative counsel to correct it if necessary to get the same—

**Mr. J. Renwick:** And it could be checked when it came to third reading.

**Mr. Chairman:** All right. Is that agreeable to the hon. minister?

**Hon. Mr. Bales:** I think we can devise it tonight.

**Mr. Chairman:** I do have an amendment suggested by, I presume, our legislative counsel, if I might read it to the committee.

**Hon. Mr. Bales:** My only question is—it says: "not exceeding." I would like it to read the same way it does in the section itself, "of not more than $5 per month."

**Mr. Chairman:** That is not what I have before me now. The licence fee shall be not more than $5 per month.

Is it agreeable?

**Mr. E. Sargent** (Grey-Bruce): Agreed.

**Mr. Chairman:** Shall Mr. Ruston's motion carry?

Agreed.

**Mr. Sargent:** All the way.

**Mr. Chairman:** Shall section 4 as amended stand as part of the bill? Agreed.

Are there any further questions, comments or amendments to this bill? The hon. member for Wentworth. On which section?

**Mr. Deans:** On section 5, section 6 and section 7.

**Mr. Chairman:** Section 5.

**Mr. Deans:** I want to say to the minister, there may be a justifiable reason. We discussed this before. I suspect that there would be no disagreement with the minister having the right to grant approval to reducing the width of highways, streets, proposed streets, but I think we feel that there has to be provision for a hearing process if there is to be any widening beyond the width stipulated.

I do not think this provides for that kind of hearing process that we need. There has to be the opportunity for persons who are in the immediate vicinity to be notified of change. There has to be an opportunity for them to make representation before (a) an independent body, and a suggestion, the Ontario Municipal Board, as was previously in the Act.

There is no opportunity for citizen participation and this matter, if the minister is to be the only person sitting in judgement on the municipality's final decision. There is no need, anywhere in the Act, for the municipality to involve citizens other than those directly affected by the sale, or the acquisition of, or purchase of property necessary to acquire rights-of-way.

There are many other citizens who could well be involved and affected by supposed changes, particularly widenings. The matter may well be another situation. And for that reason, we obviously do not require to amend, but rather would vote against the section unless the minister felt that it could be changed to accommodate those things.

I sense that some day in the future we are going to face difficulty over this amendment and we will regret, and citizens will regret, the change that we have made here simply because there will be nowhere for them to turn. And regardless of the fact the minister may well be a benevolent gentleman, it does

not help. It does not help the citizen who has no right to demand a hearing. It is either access to amenities in the community, or if his property is, in some way, in danger in terms of value, or in terms of use, by changes that can be authorized by the minister rather than an independent body. For that reason, we cannot support the amendment the way it is drafted.

**Mr. Chairman:** Any further comments on section 5? Would the hon. minister like to comment?

**Hon. Mr. Bales:** I do not want to let this pass. The hon. member spoke to me ahead of the debate today about this and I recognized his problem, the legitimate concern on it. I would not want to see people deprived of proper protection. However, in this matter, and I considered this later on, it deals mainly insofar as I can find, in reference to subdivision plans where they have to come before the department; and if lands are approved there and then, when everything else is done, they must go to the Municipal Board and wait further hearings at that point in reference to this matter.

There have been very few hearings of this nature, extremely few, but that does not take away the legitimacy or the necessity for care and attention to this matter.

I feel that the amendment as drafted is quite proper, particularly if the municipality must deal with it, and there would be a hearing there; I am sure the municipalities would deal fairly with it. If there is expropriation, then the normal proceedings will take place there. For that reason I feel that the section should remain as presented in the bill.

I will certainly look at it carefully over the next year and see what kind of cases arise and what might need to be done.

**Mr. Chairman:** Anything further on section 5?

Any comments or questions on any other section of the bill?

**Mr. Deans:** Yes, Mr. Chairman, I would like to ask the minister why it is that sections 6 and 7 are contained within this bill at all—why it would be, in a general legislation, that we would make changes or give permission, for example, for the city of Sault Ste. Marie to pass bylaws for making grants. Or why it would be that, in general legislation, we would pass permission for the corporation of the city of Toronto to enter into agreements, why these things are not contained within The City of Toronto Act or perhaps The City of Sault Ste. Marie Act.

And what becomes of these amendments? Do they then become part of the general Municipal Act?

**Mr. Chairman:** No.

**Mr. Deans:** No? Fine. That explains it!

**Hon. Mr. Bales:** Mr. Chairman, the question is quite proper. They would normally not be included in this bill except that the city of Toronto has very recently completed an agreement with Central Mortgage and Housing Corporation long after the time passed wherein they might have it included in its private bill. And since it is a good agreement, in my view at least, with a good purpose of rehabilitation, I felt that it should not be delayed another year to be brought into effect.

The same applies in reference to the other section involving the city of Sault Ste. Marie. The council of the municipality of Sault Ste. Marie recently passed a resolution to assist people where there is settlement of land. It was passed at a substantial period of time after their private bill was submitted, and I felt again that those people involved should have that assistance which the municipality wants to give.

These parts do not remain part of the general Municipal Act, but are segregated out and become a separate amendment.

**Mr. Deans:** I do not want to leave the impression that we are in any way opposed—at least I am personally in no way opposed to the amendments as they are contained.

**Mr. J. Renwick:** As long as the government House leader does not live on Laurier Avenue.

**Mr. Deans:** We just were concerned about the fact that they appeared in general legislation rather than special.

**Mr. Chairman:** Any comments on sections 8 and 9 of the bill?

If not, shall the bill as amended be reported?

Bill 136 reported.

## REGIONAL MUNICIPALITY OF NIAGARA ACT

House in committee on Bill 166, An Act to amend The Regional Municipality of Niagara Act, 1968-1969.

**Mr. Chairman:** Are there any questions, comments or amendments to any section of this bill?

The hon. member for Niagara Falls. On which section?

**Mr. G. Bukator** (Niagara Falls): Mr. Chairman, I do not know where to start really.

**Mr. Chairman:** Let us try section 1.

**Mr. Bukator:** I suppose that is a good place to start. That section pertains to waterworks and apportionment of costs to the municipalities or the municipalities that have services.

I do not think I have too much to say about that section.

**Mr. Chairman:** Shall section 1 carry?

Carried.

**Mr. Chairman:** Anything on section 2?

**Mr. Bukator:** Let us take a look at it and see. Yes, talking about the area bylaws, I would like the minister to explain how they are going to handle the situation where the Niagara regional police force will be responsible for enforcing the bylaws. In the case of Crystal Beach, and such as Wasaga Beach, is the minister going to continue to police them as he has done in the past with the provincial police in that area?

The minister, through Bill 112, definitely has the authority now to assist municipalities and level off the cost to municipalities that are not getting too much assistance. Maybe I should read a letter to him, that would help. I have a letter before me signed by Harry Schisler. He is an alderman of the city of Niagara Falls and he was the reeve of Crowland township.

Now the large portion of Crowland township, as you recall, Mr. Chairman, was taken into the city of Niagara Falls and this man was elected to represent that area. A year ago he found, as the representative of that part of Niagara Falls, that the taxes were increased considerably and that they were hurt badly financially—and no extra services! In his own words—he wrote a letter to Mr. Bales—I think maybe I should read the letter which can explain it better than I can.

> Dear Sir:
>
> As you are aware Niagara Falls city now includes Chippawa, part of Willoughby township and part of Crowland township. Last year that part of Crowland township included into the city was assessed the highest general rate of the entire city, to which I very much objected, but was told that it was because of the provincial factor of assessment.
>
> When our Niagara region was proposed, Mr. McKeough and others assured people that we would only pay for the services that we received. We are strictly a rural area and receive very little in the way of services over which we enjoyed prior to being placed in the big city.
>
> I would very much appreciate an explanation of the provincial factors for the last year as well as the provincial factors for all parts of the city of Niagara Falls for this year, 1971.

I do not know whether or not the minister replied to Alderman Schisler but that same argument can be made for the village of Crystal Beach. They presently have provincial police doing the policing of that village without any cost; the province naturally pays for the police.

Due to those circumstances, the provincial police would not take care of the bylaw enforcement of that village so they hired bylaw enforcement officers. The question that I ask of the minister—if he leaves well enough alone my argument can be very easily settled. If the provincial police continue to police Crystal Beach, they can afford to hire their own bylaw officers or make arrangements with the town of Fort Erie to have their police service the bylaws.

I know if they do then, actually, the area police force will collect the revenue from fines imposed. I was wondering, and I hope I did not confuse the issue—but I was hoping this minister could tell me whether the provincial police would continue to police Crystal Beach.

Will they, in turn, continue to hire their own bylaw officers or, since the minister has met with council and the people of that area, I was wondering whether he had cleared that up in his own mind?

I see he has had a note put before him. It may be that some of his people in the gallery are trying to explain this to him. I would like an answer to that before I pursue this any further.

**Hon. Mr. Bales:** Mr. Chairman, my senior staff have confirmed it for me in some greater detail than I was immediately aware of. Crystal Beach has a very favourable—and has had a very favourable—situation because they

have had OPP policing provided under what the Police Commission call a resort policing policy, through The Department of Justice. They only pay $3,000 for that for the full year.

That, of course, does not nearly pay the cost of the whole matter and as the general Niagara area develops, surely the whole region must bear a much larger and fairer proportion of the cost of that.

Now under this system—and I think we have wandered quite a piece away from the section itself—

**Mr. Bukator:** The bill makes reference to bylaw officers so you are right on the point; you cannot go any place else but direct to the root of it.

**Hon. Mr. Bales:** In the original bill that was put through there was no provision made for the regional police force to enforce the area municipal bylaws and what we have done here, and I have had a meeting with the chairman of the Niagara Police Commission about this, they are enforcing the bylaws. They do not want to use the regional police for that unless necessary and hence the section has been so drafted that if the area municipality wishes to enforce its own bylaws, then they will and they will have the revenues from those fines. Otherwise, so that there would be no void, the regional police force will enforce the bylaws and they will receive the compensation.

So I think this section as it is now drafted gives the authority that is required to the regional police force, and quite properly the bylaws will be carried out, but under a co-operative arrangement so the municipalities can have advantage of the arrangement if they so wish.

**Mr. Bukator:** I understand, according to the section, Mr. Chairman, that they can take advantage of two propositions. In previous years they hired I believe it was college students to enforce the local area bylaws, now they can use the police of the town of Fort Erie to do the same thing. But if the regional do it, I understand they collect the fines. The fines are not that great; it is just a nuisance sort of proposition for having to have bylaw officers in there and the small amounts of money that are collected do not amount to that much.

But what I am saying is they have been put in a favourable position in the past. There was a time when they did pay for the extra police, the 11 that did go into that village, and then the time came, through argument in this House with the former Attorney General, the present Mr. Speaker, they agreed that the policing of that area, with the many thousands of the people throughout the province coming into that area, that the Provincial Police would naturally police their own area, because there is only 2,000 people or so in that village. So this is a proper approach to the problem and they are enjoying a favourable position.

Now with your authority to assist municipalities, such as Thorold township that I was talking about, you can leave well enough alone in that particular village and let them enjoy the benefits of the cheaper policing because of the provincial men doing the job. But they are putting up with the nuisance of many thousands of people coming into that village and naturally creating a disturbance for them; so where they benefit on one side of the ledger and take a bit of abuse on the other, I think in that area you should leave well enough alone.

**Mr. Chairman:** Section 2. Anything further on section 2? Does the hon. member for Niagara Falls have anything on any other section?

**Mr. Bukator:** Yes, Section 3.

**Mr. Chairman:** Section 3.

**Mr. Bukator:** The amendment provides that until such time as adequate police service can be provided by the Niagara Regional Police Force to all area municipalities, special consideration will be given to the apportionment of the police levy among the area municipalities.

There are several arguments that come into this particular area and I think an editorial on January 8, 1971, in the Niagara Falls Review, can again explain it better than I can. I have had this feeling for quite some time and I think the man who did the editorial did it well, so I am going to read it:

POLICE-STATE GERMS IN NIAGARA

The town of Niagara-on-the-Lake has long been noted for its independent state stance on matters that would seem routine to others. Possibly in view of the historical background, the members of the town council now and again give evidence that they believe they are carrying the burden of Upper Canada on their shoulders all alone.

The first year of the Metro Niagara Police reorganization had only reached its first week when charges of police state were heard in the town council chamber as a result of the policing of the town under a new order. As part of the Metro Niagara Police setup, the police affairs of the whole region rest on the authority of the commission whose members have been appointed, not elected. This, conveniently, takes the whole police authority out of the domain of politics.

One need only to look to the police efficiency and organization of many cities of our neighbours to realize the danger implied in such a politic-controlled system. To avoid this, an appointed commission was put at the head of the Metro police. How well this works can be seen by comparing the excellent Toronto police record with that of such cities as Detroit and Washington, but like the elected commission, the arrangement could lead to pork-barrel politics and other unfortunate tactics.

The present members have the confidence of all and were among our most admired citizens, but it may not always be so. But most important since these appointments are made at Queen's Park, they do not represent necessarily, the wishes of the people of the area, nor have the people any control over the appointments. One can argue, of course, that the voter controls Queen's Park. This may be true insofar as a government can be removed from power at the polls but in actual practice the power or influence of the individual is not great. How, for instance, can the wishes of the individual voter be guaranteed at the coming appointment of a new leader for the Provincial Conservative Party?

It was precisely at the lower level of control that fascism in Italy and Germany began 40 years ago. The fears of members of the Niagara-on-the-Lake council may seem exaggerated beyond common sense, but the same was said when Hitler invaded the Rhineland. The government would never permit this to get out of hand. The Review does not imply that the rights of the individual are being seriously threatened, but it does suggest that the machinery is there.

Having read the editorial, I can understand what the editorial writer had in mind and it would appear to me that the argument we put up when the Niagara regional bill came into existence is just as sound today as it was when that bill was brought to this House.

We talked about elected representatives running the commission and being elected by the people of the area rather than appointed by this government and I think that is a sound argument. Having said that, I was hoping there would have been an amendment in this particular bill to clear that situation up now that they have the show on the road in its present form.

I do not say a thing about the board but I have always felt that the people's representatives, both in Queen's Park and municipal councils or police forces, should be elected to the office, so they can quickly be put out in the next election if they do not do their job. That is my argument on that particular section.

**Mr. Chairman:** Does the hon. minister have any comments?

**Hon. Mr. Bales:** Mr. Chairman, you appreciate, and the hon. member does, that there are certain elected members on that commission though they are not a majority; there are two members on the five-man commission.

**Mr. Bukator:** The minister knows better than I do. Is that section carried?

**Mr. Chairman:** Does the hon. member have anything further on any section?

**Mr. Bukator:** Yes, section 4.

**Mr. Chairman:** Section 4.

**Mr. Bukator:** This section authorizes the Niagara police board to pass bylaws licensing cab drivers, taxicab brokers, salvage yards, and so on. These provisions are similar to paragraphs 1 and 6 of section 395 and section 396 of The Municipal Act. The area municipalities are relieved of the responsibility for such licensing.

I do not believe that the area municipality police forces should be relieved of licensing taxicabs, and let me give you a good illustration—a taxi licence and sightseeing licence in the city of Niagara Falls.

How would people of the commission sitting in St. Catharines, or wherever their particular office is, know who can handle the taxi business because people have been known to be in that type of business and have not rendered the service as well as they should and maybe overcharged in some instances. I think the local city police force should continue to license taxicabs from the

city of Niagara Falls for sightseeing in that area.

We talk about local autonomy. Here is a section of a bill that has taken the authority and the local autonomy away from local police forces and giving it to a region to license sightseeing and taxi drivers and setting rates from the central point. In my opinion, that is not quite what ought to be done. I think the local police forces know the people involved. They know the taxi drivers, they know their nature and they know their habits. They should control their own business and not have this appointed commission tell them how to run their affairs at their convenience. It can always say, as the government has said on many occasions when one deals with many departments of government, "Well, we have so many files ahead of you. You will have to wait." Right now you can walk into the city police force in Niagara Falls, make your application for a licence for sightseeing and if you meet the requirements and pass their exams and their tests, you get your licence immediately. And that is the way it should be; it should not be taken from them. This section is giving the authority to the Niagara police board rather than the local municipalities to pass the bylaws, and I do not think that is—or does the government intend to take local autonomy away from people in regions such as we have there and eventually have the nerve centre here at Queen's Park—

**Mr. Sargent:** That is the way they are going.

**Mr. Bukator:** —and eliminate the local autonomy and the wishes of the people at home. That, Mr. Chairman, I would like the minister to comment on.

**Hon. Mr. Bales:** Mr. Chairman, in this regard this amendment is fully in accord with the wishes of the area municipality, because they feel that to license certain taxicab brokers, second-hand shops, salvage yards, et cetera they need certain police information. There is a regional police force, and I can only repeat that the area municipalities are in favour of this arrangement, of giving the power of licensing to the police commission in the Niagara region.

**Mr. Bukator:** Mr. Chairman, I know the minister has taken time to sit down and speak with the elected people of the area; that has been brought to my attention. I am wondering whether we can disagree here as gentlemen. I can hardly be convinced at this time, even though the minister said so, that the municipalities would like to surrender the authority that is rightfully theirs and if they are, I think the council of that area is wrong, and I have never said that before.

**Hon. Mr. Bales:** Well, I think we have to take into account and it is a very important point—

**Mr. Sargent:** They had McRuer wrong!

**Mr. Chairman:** Order!

**Mr. Sargent:** What do you mean, order?

**Mr. Chairman:** I mean exactly that—order!

**Mr. Sargent:** Who says so? You can make a comment if you want, interject if you want. Why do you say you cannot interject here?

**Mr. Chairman:** I called for order. The hon. member is interfering with the comments of another member on his feet. If he will read the rules or ask someone to read them to him, maybe he will understand.

**Mr. Sargent:** Is that not too bad.

**Mr. Chairman:** The hon. minister has the floor.

**Hon. Mr. Bales:** The area municipality felt that to properly deal with these matters in their local area they needed the information that was solely in the hands of the police in certain areas, particularly this type of licence. For that reason, by this bill it is placed in the hands of the police commission.

I appreciate the point the hon. member makes. It is always a difficult one when this type of power is taken out of the hands of elected people because of the accountability, but in this instance I think it is preferable that it be done this way.

**Mr. Bukator:** I would just pursue this for another few moments, Mr. Chairman, and then I will leave the question and do a little more personal research at home on this issue. I can understand when the hon. minister said that because of the facts and certain information being at the regional level and that they have the files there, this has been brought about. Naturally the files from area municipalities or police forces were taken into the region and because of that they have the information. But I say to you Mr. Minister, through the Chairman, that the police force of the city of Niagara Falls, with a population of something like 70,000, can know each individual taxi driver, sightseeing

driver, and they know their nature, they know the method with which they operate. It strikes me that this is a very, very serious type of legislation, when you are taking it away from home where they know exactly who they are dealing with and who they can license and who they cannot, because they are closer to the issue, rather than files sitting in a certain office in a district.

You will wonder if I am as old as Methuselah—every now and then I say "I was in that business." Yesterday we discussed insurance in this House and I said, yes, I had an insurance licence. During the war I had a taxi business. I have a brother who is in the sightseeing business, both licensed by the city of Niagara Falls and by the Parks Commission.

Now they have to go to the region. We are going through such paces that I do not know where this is eventually going to wind up. I know something of that type of service, because I had that type of business. I was in it for many years. I drove from early in the morning until late at night. That is what made me so wealthy to come to the Legislature here to waste my time and give back to the people the money that they gave me through that channel. Am I not a fine fellow?

**Mr. W. Hodgson** (York North): Who is wasting time?

**Mr. Bukator:** However, I picked up some knowledge and experience along the way too, and I feel that if I were applying tomorrow for a licence in that city they would be much better prepared to deal with me personally than have to deal with me through a region. I think you have taken it another step further away from the people. And that I do not agree with.

**Mr. Chairman:** Anything further on section 4?

**Mr. Sargent:** Another nail in your coffin.

**Mr. Chairman:** Anything on section 5?

**Mr. Bukator:** May I just take a moment? I am sorry, I did not read this bill.

**Mr. Chairman:** That is section 5.

**Mr. Bukator:** This is a routine sort of section. I suppose that in many areas where you render service to a particular section of a municipality they will bear the cost of it. Do I interpret that right? If that is so I have no question of that section.

**Mr. Sargent:** The Treasurer is the architect of everything.

**Mr. Chairman:** Anything on the remaining sections of this bill?

Bill 136 reported.

## ASSESSMENT ACT

House in committee on Bill 127, An Act to amend The Assessment Act, 1968-1969.

**Mr. Chairman:** Bill 127, An Act to amend The Assessment Act, 1968-1969. Are there any questions, comments or amendments?

The hon. member for Waterloo North.

**Mr. Good:** I have one comment I would like to make on section 5.

**Mr. Chairman:** Anything before section 5?

The hon. member for Waterloo North on section 5.

**Mr. Good:** Dealing with the annual adjustment to assessments on pipelines to apply the equalization factor, which would vary from one year to the next, I would like to ask the minister first of all if he has done the 1971 review of rates on transmission lines as set out in subsection 15 of section 33 of The Assessment Act; and why, when he changed this section to provide for the annual adjustment of the assessment, he did not also amend subsection 15 or 33 to allow for the annual adjustment of the rate structure on which the pipelines are priced for their assessment?

**Hon. Mr. Bales:** Mr. Chairman, under the present system, pipeline rates are determined each three years and this section really, because of the stabilization, will not come into effect until 1974.

**Mr. Good:** Section 5?

**Mr. Chairman:** Shall section 5—

**Mr. Good:** Just a minute now, you have confused me.

**Mr. Chairman:** Shall section 5 then stand as part of the bill?

**Mr. Good:** Now just a minute, that makes it even worse. In that case, does that mean that the rate review which is scheduled for 1971 to be applied to the assessment of the pipeline will not take place? Pardon?

**Hon. Mr. Bales:** It is stabilized.

**Mr. Good:** According to subsection 15 of section 33 of The Assessment Act, the minister will have to review the rates in 1971, and every three years after.

**Hon. Mr. Bales:** If they are reviewed, it will be at the same rate at the same time, until 1974 when we will have a unified assessment.

**Mr. Good:** Is the minister just going to ignore the instructions in The Assessment Act to review them in 1971?

**Hon. Mr. Bales:** The sections of the Act will provide now that those rates will be stabilized.

**Mr. Good:** That is a review, is it? How long will it be?

**Hon. Mr. Bales:** Yes, for the years 1971, 1972 and 1973.

**Mr. Chairman:** Shall section 5 then stand as part of the bill? Carried. Any other comments, questions or amendments to any other section of this bill?

**Mr. Good:** Yes.

**Mr. Chairman:** Which section?

**Mr. Good:** Mr. Chairman, just a minute. Subsection 93.

**Mr. Chairman:** What section of the bill? That would be section 13, subsection 3?

**Mr. Good:** Section 13, yes.

**Mr. Chairman:** Anything prior to this? The member for Waterloo North then. Subsection 93 of section 13.

**Mr. Good:** I have a very great concern about this section. In fact—

**Hon. Mr. Bales:** Excuse me, Mr. Chairman, what section is the hon. member dealing with?

**Mr. Chairman:** Subsection 93, I believe, under section 13.

**Mr. Good:** It would be on page 8.

**Hon. Mr. Bales:** Oh yes, the bottom of page 8—is this the one?

**Mr. Chairman:** Right.

**Mr. Good:** I have a very great concern about this section and about the whole matter of discontinuing the act of assessing in the province for a three-year period while the government catches up with a job which was bigger than it thought it would be. By its own admission, the government has stated that the department just has not got time to look after the details of assessing under section 43 of The Assessment Act.

**Hon. Mr. Bales:** No, that is not so.

**Mr. Good:** I mention that the details of coming in and the reassessment every year between now and market value, that the work in the department is so strenuous on the market value assessment that everything else is being frozen with the exception of the exemption as shown on the top of page 8, which will be added to the roll, but the rolls for other purposes than those will be frozen three years.

In order to rid the department, I gather, of the nuisance of having to add supplementary assessments for small purposes, the minister has decided to eliminate all additions to the roll or to the assessments of houses for the next three years of under $2,500. Since we had second reading of the bill, I am more convinced than ever that I was right in my assumption there that there are going to be abuses and inequities, and just plain unfair conditions exist because of the attitude, Mr. Chairman, of the department here that we just cannot be bothered looking at these things while we are doing market value assessment across the province. This is about what it amounts to.

The problem which has faced many people over the years is that they have felt, when the assessor comes around, he is looking to see how they improved their home. I know this is a very contentious issue, that the assessing department says, "No, we do not increase your assessment if you keep it in good repair," but yet the assessors come in and examine and scrutinize every detail of every piece of broadloom that has been added to your house, every bit of panelling that has been put in your recreation room, every tiled floor that has been put in the basement and—everything that has been done to improve the home.

Then, what threw a great many fears into people was the fact that they are now going to be assessed at market value, and the fact that market value is what a willing buyer pays to a willing seller, makes people much more fearful of the fact that if their home will look good and bring more on the open market they are going to be assessed more for it. This was what people wanted.

It was some assurance that by keeping their home in a good state of repair, making improvements to it, even making alterations to it that they would not be assessed. Yet there is nothing in the Act which assures them, which gives them that assurance that they can improve their home, that they could alter it or they could keep it in good repair.

Naturally, if they enlarge their home or add to it, the average person realizes that he is going to have to be assessed higher and pay more for it. But the very practices of assessing dictated fears in the hearts of people when they saw the assessor come. He says: "Oh, oh, he is going to find that I did a bit of work down in my basement and put that little room in, closed in the ceiling and painted the walls and put broadloom on the floor and that is going to cost me some money."

I think the minister has carried the thing to extremes just the same as he did in the last bill, by section 93, in stating that:

> There will be no change in the assessment made because of the fact that a building has been erected, altered or enlarged until the increase in value is at least the amount of $2,500 of market value, or if the assessment in the municipalities is less than market value, at an equivalent value.

I could go along with that if the minister wanted to be that generous with the municipality's money, on behalf of the municipality, providing you were not going to rescind that section as shown under section 99, "in three years." In other words you are now giving a benefit to people for three years and three years later you are going to wipe that all out and you will get right back to the point where people are going to be afraid to do any improvements, or repairs or alterations.

You have got an intolerable situation here, Mr. Chairman, where people are asked to go ahead, spend money like mad for three years, up to $2,500—you can even erect a new building on your block. You can add a room; you can build a swimming pool; you can add a second garage. You can do a lot for $2,500 and you will not pay any assessment but we will get you in three years.

I think this is open to many abuses and consequently, I have an amendment which I would like to move and before I move the amendment, may I say that this amendment is coupled with an amendment then to section 99 which would not delete this section later on. This amendment would provide that people could: "repair, alter, improve, or renovate their home to the amount of $1,000 annually without it affecting their assessment."

They would be assured then by this amendment that this privilege and right to improve their home would be enshrined in the legislation. It would not just be in the assessor's head, where one assessor might overlook an improvement and the other one might say: "This fellow looks as if he can afford it. He is living in a good area. We will assess that a little bit."

The average citizen does not know, Mr. Chairman, how carefully and how meticulously these things are done. When the assessor writes it down in his book, he figures "I am paying for it" and in practice, he is probably right.

The amendment I would like to move, Mr. Chairman, is that section 13 of Bill 127 be amended by "striking out all words after 'been' in the fourth line, and inserting the words:

> Improved, altered or repaired, until the increase in value is at least in the sum of $1,000 in any year's market value, or if the assessment in the municipality is at less than market value, at an equivalent value:

**Mr. Singer:** Good sense. Very good amendment.

**Hon. Mr. Bales:** The member sort of looked skyward there.

**Mr. Singer:** Very good amendment. The minister in his usual wisdom is going to accept it.

**Mr. B. Newman:** He is going to. He nods assent.

**Hon. Mr. Bales:** It was not a nod.

**Mr. Chairman:** Mr. Good moves that subsection 93 of section 13 of this bill be amended by striking out all words after the word "been" in the fourth line and inserting the words:

> Improved, altered or repaired until the increase in value is at least in the sum of $1,000 in any one year at market value or if the assessment in the municipality is at less than market value at an equivalent value.

Any comments?

**Mr. Good:** Mr. Chairman, I would just like to add a few more comments to it. The intent here is quite comparable to that of the city of Toronto, which was granted in a private bill to senior citizens. If the minister will look at the intent of the city of Toronto bill, the idea there is improvement to property and the guarantee in the statute that assessment will not increase because of normal alterations, improvements or repairs to the property.

This is quite a different matter from section 93 as it now exists in this amendment which would permit an entirely different type of operation which is subject to abuses as I spelled out in my talk on second reading of this bill.

Coupled with this amendment, of course, will have to be the fact that this section would not then be removed from the bill in 1975 and that would require an amendment to section 99 which I will submit if and when—

**Mr. Chairman:** Does the minister wish to reply?

**Hon. Mr. Bales:** Mr. Chairman, I do not accept this amendment. I notice the hon. member inserts the word "repairs" in it. Repairs are not included in assessment of increased values because you are replacing that which is there already.

**Mr. R. Haggerty** (Welland South): In some areas it is.

**Hon. Mr. Bales:** Well, if it is a matter of improvements, alterations, yes.

**Mr. Good:** That is just a safeguard and I will tell the minister why after.

**Hon. Mr. Bales:** The clause has been carefully drafted as it is to cover those items wherein properties might be changed, improved or additions put to them. We have felt that this would be important to a number of homeowners—many homeowners throughout this province—that they could make those repairs—not repairs but improvements—and changes that they might wish to have for their particular home without facing increased costs over these next three years particularly. In that period of time, of course, the improvements will be noted but they will not be assessed.

The hon. member takes the position that there would be no change in the Act for 1973; that these things will go back to the normal practice. It is not necessarily the case at all. When assessment is completed throughout the province at that point in time the impact of the assessment on the various categories will be assessed and we can then formulate a policy to deal with these matters in an equitable way.

For the next three years, which is the period of time in which assessment is to be stabilized, we felt that this was a proper way of doing it. It is an assist to many people in making improvements to their property. It is not going to exempt large additions or commercial additions of that nature, but it is going to deal with a very large proportion of changes and improvements which might be made to an individual's own home. For that reason, Mr. Chairman, we will not accept the amendment.

**Mr. Good:** Just one point I would like to make, Mr. Chairman. The minister, by the very fact that he is going to delete this section in a few years, defeats his whole argument that he is going to help people, in my opinion.

Now getting down to the point of repairs. People are in fear of certain types of repairs because they know it is going to affect their assessment because it is noted. If a person replaces a worn-out hot air furnace and puts in a hot water system or something of this nature, it is recorded in the appraisal sheet just as surely as the type of heating is recorded on the appraisal sheet. People still have a fear that everything that is written down by the assessor has some bearing on the final assessment of the property. If it does not, why do they write it down?

**Mr. Chairman:** Those in favour of Mr. Good's motion will please say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

I declare the motion lost.

Are there any further comments, questions or amendments to later sections of the bill?

**Mr. R. Gisborn** (Hamilton East): Yes, I would like to—

**Mr. Chairman:** The member for Waterloo North.

**Mr. Good:** I would like to make a comment on section 96 and the considerable concern about the fact that the appeal process and the arguments available for an appeal by a property owner are so limited that his only area of appeal can be how his home relates to those in the vicinity. This is the

only basis on which an appeal can be launched.

First of all, the word "vicinity" is not defined; one would not know. As I said the other day, if his neighbours' homes are overassessed, his has to be overassessed too and there is not a thing he can do about it. Under this section it will even be impossible to use an example of a home or a business or a building that had its assessment reduced the previous year under comparable circumstances in another area.

In the city of Toronto, for instance, the big decrease on the Toronto-Dominion Centre showed that there was improper assessing done there in the first place. I am sure that reduction on the Toronto-Dominion Centre must have had some bearing on the drafting of this section, so that that reduction in assessment could not be used in evidence or argument in another appeal.

The whole Assessment Act is now making it so difficult for a property owner, especially a house owner, to appeal his assessment without legal help, and now it is almost making it impossible to generate any kind of convincing argument, even with professional help, because of the limitations of the type of evidence that can be used in appealing an assessment.

The whole matter of market value under section 27 of the Act is now thrown out the window; we cannot use that at all. If the assessment in a municipality generally can be proved and shown to represent a certain percentage of market value, whether it be 25 or 50, and your assessment is out of line, you cannot use that argument at all. All you can do is relate it to someone else.

Whoever dreamed this up certainly is not working on behalf of the property owners of the province to get fair assessment. I think the minister should take a good hard look at that section, because it is very discriminating and one-sided and can be used by the people hearing the case, and the appellant will not have a chance under that section.

**Mr. Chairman:** Shall this subsection stand as part of the bill?

**Mr. Good:** I would like to hear the minister's comment on that. I think it is terrible.

**Hon. Mr. Bales:** Mr. Chairman, these are the same arguments that were made on second reading this afternoon.

**Mr. Good:** But the minister did not answer them on second reading.

**Hon. Mr. Bales:** We are simply repeating what we said then. I said at that time that the term "vicinity" has always had a very wide meaning, and it is not restricted to the immediate vicinity. Certainly it should be dealing with the same type of property, but it should be the same type of property in the whole municipality; so it is not limited in that respect.

**Mr. Chairman:** Shall this section stand as part of the bill?

Section 96 agreed to.

**Mr. Chairman:** Any other comments, questions or amendments to any other part of the bill?

**Mr. Good:** Under section 98, any appeals that have been held this year before the assessment review court now are thrown out the window. They are absolutely held for nothing. The costs and time involved, not only those of the appellant and his legal people but of the assessment review court and the municipal clerks who have been acting as secretaries—as I understand it, all these appeals before the assessment review court that have already been held this year—

**Hon. Mr. Bales:** Very few.

**Mr. Good:** Well, I was just going to ask the minister how many there have been. If there has been one, it is too many.

**Hon. Mr. Bales:** Well, there certainly has been one; I do not know how many, but—

**Mr. Good:** How many have there been?

**Hon. Mr. Bales:** —there have been very few, because—

**Mr. Good:** The minister's director for the metropolitan area is under the gallery; ask him how many there have been.

**Hon. Mr. Bales:** Well, the member has been taking quite a bit of advice from Metro people, I understand. But there are only a few rolls closed in Metropolitan Toronto, and there may have been some appeals held, but bear in mind that those appeals go before the assessment review board, not through the assessment department itself.

Inevitably, when we make these kinds of changes and stabilize the assessment for a period of time, there may be some little inconveniences. But there have been relatively few cases of appeals that have been heard from this year's assessment; in a vast part of

the province the assessment rolls are not yet closed for 1971.

**Mr. Good:** Mr. Chairman, as a layman it is almost incomprehensible to me how—

**Hon. Mr. Bales:** Well, I can understand that.

**Mr. Good:** I guess we can do it; it is legislation, and we can just say that decisions of any court are invalid as of a certain date.

But, as I say, to a layman it is almost incomprehensible that legislation of this kind would even be brought in and be expected to pass.

**Mr. Chairman:** Shall this subsection stand as part of the bill then?

Agreed.

**Mr. Chairman:** Any further comments, questions or amendments?

Shall this bill be reported?

Bill 127 reported.

## MUNICIPALITY OF METROPOLITAN TORONTO ACT

House in committee on Bill 128, An Act to amend The Municipality of Metropolitan Toronto Act.

**Mr. Chairman:** Are there any questions, comments or amendments to any section of this bill and, if so, which section? Did the member for Riverdale have a section?

**Mr. J. Renwick:** Perhaps there is someone else who—

**Mr. Singer:** We will wait. Not that bill; the other one—the one on the minister's desk.

**Mr. J. Renwick:** Mr. Chairman, I assume that clauses 1 and 2 of this bill correspond, for practical purposes, to the similar clauses in The Municipal Act that we just passed?

**Hon. Mr. Bales:** They are exactly the same.

**Mr. J. Renwick:** Right.

**Mr. Chairman:** Shall this bill be reported?

**Mr. J. Renwick:** No, wait a minute now.

**Hon. W. D. McKeough** (Treasurer): The hon. member is a great guy.

**Mr. J. B. Trotter** (Parkdale): He just wants to hear himself talk.

**Mr. R. F. Nixon** (Leader of the Opposition): Hit him with your peace medal again.

**Mr. Trotter:** The hon. member will not dump the government with that.

**Mr. Singer:** He is taking a quick reading course.

**Mr. J. Renwick:** Would the minister comment on clause 7 with respect to the payment by metropolitan council of the legal costs of the police officers in that particular public inquiry and what the justification for it would be?

**Hon. Mr. Wishart:** It is self-explanatory.

**Mr. Singer:** The minister has not talked so much since he came into the House.

**Hon. Mr. Bales:** Well, it is self-explanatory really.

**Mr. Singer:** Next question?

**Hon. Mr. Bales:** It deals with the police commission inquiry held between January and March, 1970. There were certain charges made against the police and there was a police inquiry directed. The charges against the police officers were found to be not substantiated, and it has been customary practice, when civil or criminal charges are brought against police officers and they are found not guilty, that the legal fees charged to them in their defence have been paid by the metropolitan council.

It was felt in this instance since the police officers were found to be not guilty, or not guilty as claimed, their counsel fees should be paid as well. This was adopted by a resolution of council.

**Mr. J. Renwick:** Is this the inquiry relating to the parking and speeding offences?

**Hon. Mr. Bales:** That is correct.

**Mr. J. Renwick:** Would the minister tell us exactly what is the amount of the legal costs that we are authorizing the metropolitan council to pay?

**Mr. Singer:** Whatever amount is appropriate.

**Hon. Mr. Bales:** The amounts are set out and I do have them with me. I believe the figures are $9,000, $9,000 and $3,500—I believe. I have the papers here and in a minute or two I can locate them.

**Mr. J. Renwick:** So the minister is talking about between $20,000 and $25,000 altogether, is that right?

**Hon. Mr. Bales:** The hearings lasted from early January until March, not every day, but—

**Mr. J. Renwick:** It seems exorbitant to me.

**Mr. Chairman:** The member for Lakeshore.

**Mr. P. D. Lawlor** (Lakeshore): On section 8, why is it that the minister is bringing in legislation on this kind of specific matter touching pedestrian malls? Can he not provide in The Municipal Act for a general permissive authority for municipalities under their own steam to pass bylaws designating areas as they see fit to put these malls in whenever they see fit.

**Hon. Mr. Bales:** Mr. Chairman, there is authority at the present time to do that, but the Act does not provide the protection as set out in section 2; that is, protection against claims for damages by owners of property along the area. But there is authority at the present time for municipalities such as this to establish a mall if they so wish.

**Mr. Lawlor:** Mr. Chairman, if you want an indemnity clause or a clause relieving them from responsibility to shop owners and others, again why is that not within the ambit of the general legislation?

**Hon. Mr. Bales:** Mr. Chairman, I may well bring in amendments in the future changing the present clause. This is the second request this year from Metropolitan Toronto and certainly I will be giving consideration to further change in the general legislation.

**Mr. Lawlor:** Does the minister mean when he brought in the legislation initially giving the general power, it was an oversight?

**Hon. Mr. Bales:** No, it is not an oversight. It has been in there for some time, and the circumstances have changed, the municipalities in some ways would prefer to have specific power given to them for a certain period of time on some of these types of operations, but I think we may well want to amend the general legislation in reference to protection against damages.

**Mr. Chairman:** Shall section 8 stand as part of the bill?

Carried.

Bill 128 reported.

## CITY OF TORONTO

House in committee on Bill Pr30, An Act respecting the City of Toronto.

**Mr. Chairman:** Are there any questions, comments or amendments to this bill?

**Mr. J. Renwick:** I am sure there are some comments.

**Mr. Chairman:** The hon. member for St. David.

**Mr. H. J. Price** (St. David): I am sure that the officials of the city of Toronto would be glad we are dealing with Bill Pr30 this evening. I think the private bills committee under the chairmanship of the hon. member for Victoria-Haliburton was very generous in the time it spent on this bill on three or four occasions.

I think generally now the members of the committee and myself and the city are reasonably satisfied with the bill. We found that it contained some imperfections, especially in the powers that the city was asking for expropriation, which we declined to give them.

Certain questions were asked when the bill was read the second time in the House on July 8. I think the minister has dealt fairly with all objections to the bill. I am sure that the bill, as it appears before us tonight, is like a fine Swiss watch—a model of legislative perfection. I am sure if there are any questions that remain in the minds of the members, the Minister of Municipal Affairs will be happy to answer them.

**Mr. Chairman:** Are there any specific questions to any section of this bill?

Bill Pr30 reported.

## AUDIT ACT

House in committee on Bill 73, An Act to amend The Audit Act.

**Mr. Chairman:** Are there any questions, comments or amendments to any section of this bill?

**Mr. Nixon:** Yes, Mr. Chairman, The Audit Act was sent to the public accounts committee for review, and one position that was expressed by my colleague, the hon. member for York Centre, was in the responsibilities that were put on the shoulders of the provincial Auditor, responsibilities which have been changed, and changed for the better.

Mr. Chairman, the view was expressed by the hon. member, who is just now coming into his seat, that the Auditor ought to have, in addition to the responsibilities laid on here, the general oversight of expenditure as fas as the value for the dollar that is spent.

Simply accounting for the vote in the Legislature approving the expenditure is insufficient, we believe. The Auditor ought to have a wider responsibility for investigating the value received for this expenditure and, in his report, indicating to the public, to the Legislature and, specifically, to the public accounts committee, his opinion as to the efficacy of government expenditure.

I know that my colleague will want to add something further to this and I understand he has an amendment.

**Mr. Chairman:** The member for York Centre.

**Mr. D. M. Deacon** (York Centre): Mr. Chairman, the amendment I am proposing is in section 4. It sets out the amendments to section 19 that are required for this change of responsibility. Under the existing Act, it says of the Auditor's responsibility: "The Auditor shall, on behalf of the assembly, examine . . . all accounts of receipts . . . of public moneys." We have not changed that here except really to try to emphasize the postaudit side of it.

We are just giving him the responsibility "to secure an effective check on the assessment, collection and allocation of revenue; and to ensure that expenditures have been made in accordance with legislative authority."

Mr. Chairman, I move that section 4 of the bill be amended by the addition of a new subclause (c), as follows: "to ensure that good value has been received for such expenditures in accordance with the legislative authority."

**Mr. Good:** It makes abundantly good sense.

**Mr. Deacon:** This creates a greater, a broader role for the responsibility for the provincial Auditor. It is no longer just a matter of checking the bookkeeping. In government, I feel that we really need this far more than in other realms of endeavour, in private business, and other situations because there is far less of a natural check possible in government expenditures than there is in private business.

Private business has to succeed, make profits in competition with others. It has that control put upon it. We, in government, have the benefit of the opposition endeavouring to find ways of improving government, as well as the government party having its own responsibility to stay in power, to do as good a job as possible, but in the Legislature we have great difficulty really determining what value has been received.

I would ask the minister to examine this approach, this way of introducing an evaluation of the expenditures that have been made so that the role of the Auditor can really be of much more importance, and much greater value to the people of this province. The public accounts committee then can look to the Auditor in his work to indicate different areas where the Auditor has some concern about the way expenditures were actually carried out.

There is a lot of difference, I suggest, Mr. Chairman, between just ensuring that vouchers have been properly processed, a great deal of difference between that and really examining whether good value has been received. In the normal procedures, I am sure, in the department the deputy minister and his staff are concerned that they are getting good value, but there is always the situation where someone is not able to cover everything, and there should be the discipline I suggest to the minister. There should be the discipline of knowing that the auditor's responsibility includes spotchecks to try to assure himself and to be able to provide assurance to us and to the people of this province that value was received, for the expenditures which were made in accordance with the legislative authority. So I would appreciate the minister's comments on this means of amending the Act to provide the sort of thing we were discussing in the public accounts committee, that of evaluation not just bookkeeping approvals.

**Mr. Chairman:** Just before the minister replies perhaps I should place the motion.

Mr. Deacon moves that section 4 of the bill be amended by the addition of a new subclause as follows:

> To ensure that good value has been received for such expenditures in accordance with the legislative authority.

Any comments?

The member for Parkdale.

**Mr. Trotter:** I would like to make a comment on this, Mr. Chairman. Many of us on this side of the House have been in favour of this piece of legislation for a number of years and I do not intend to recount in de-

tail, Mr. Chairman, how various ministers of the government have defended the old system—

Mr. B. Newman: Right.

Mr. Trotter: —and one cannot help but think that a great deal of money has been wasted over the years simply because the post-audit system has not been brought into vogue. I also want to underline the words and remarks by the previous speaker and support the amendment, because it is not just enough to set up the mechanics without making certain that we do get good value for our dollar that is spent.

I can recall on the occasion I was chairman of the public accounts committee I asked for a statement from the various departments, which was supplied to me by the Treasurer, as to how much money is spent on advertising by this government. Now, that was only one item because I have often been impressed by the amount of money that is wasted on advertising and on what we might call public relations by this government.

The figures that were supplied to me, I believe, covered approximately the year 1969, possibly it was 1968, and it came to nearly $6 million. Some of the money, of course, was justified. If you are spending money in the United States, encouraging tourists to come to Canada—particularly to come to the Province of Ontario—that I can understand; it is a good business investment.

But there are a number of items in that particular field—public relations and advertising—where you really need an Auditor with hawk eyes and a sharp pencil going over the accounts. And if any Auditor of the future takes a look at the remarks that are made this evening as he reads Hansard, I would hope that such an Auditor would keep in mind that there is one item that he should look for, that there are a number of employees within the government and close to various ministers who are often called executive assistants but who are really nothing but public relations men paid at government expense, at taxpayers' expense, in order to assist some particular minister.

This type of job is not listed as public relations, but in fact it is. And I think that there are possibly too many people on the payroll serving as executive assistants who, in essence, are public relations men. Now, I would expect the minister to have an executive assistant. But there are occasions where a minister seems to have a regular inner staff and the cost of these inner staffs in various departments is just getting too high and too expensive.

A few years ago the PR and the advertising was someplace in the neighbourhood of $6 million. It is certainly over that now.

Hon. J. White (Minister of University Affairs): Paul Martin had 29 in 1957.

Mr. Trotter: Well, I do not care what Paul Martin had. I am interested in Ontario. Obviously what he was probably doing on that occasion was—

Mr. B. Newman: Close to that.

Hon. Mr. White: He had about 29 helpers.

Mr. Trotter: Well, the hon. Minister of University Affairs makes reference to Paul Martin. There is no doubt that the ministers, the leading lights of a political party, use the civil service maybe to help their leadership potential if a leadership race is coming up.

Hon. Mr. White: Just in Ottawa.

Mr. Trotter: Well, that may be Ottawa, and the same thing goes here—it could happen here.

Hon. Mr. White: No, just in Ottawa.

Interjections by hon. members.

Mr. Trotter: No matter where the practice takes place, Mr. Chairman, I think it is up to an Auditor to draw to the members' attention and more particularly to the public's attention, if a politician is using the taxpayer's money in order to set up his own election staff.

There is no question when money is spent by this government and this is why this amendment about good value is so important at election time. We see the advertisements about "Is there any place you would rather be?" and these jingles about Ontario. No question it is a waste of money; that type of thing was not used for advertising in the United States to bring tourists to Ontario; it was strictly political advertising.

Mr. Chairman, even if you have a copy of the public accounts of this province and even though you may be on a committee, unless you have a tipoff on where to look, just to read the public accounts is not, in most instances, going to assist a member to find out if we are getting good value for the taxpayers' dollar.

You need an experienced man such as the Provincial Auditor who has his own staff and who, I hope, will now have far more independence as a result of this legislation, who can come up with examples of waste that will keep the government and the Treasury bench on its toes.

I would ask that the members of this House support this amendment because it does underline the importance of what I suspect, in many instances, we are not getting, and that is good value for the taxpayer's dollar.

**Mr. Chairman:** The member for Kitchener.

**Mr. J. R. Breithaupt** (Kitchener): Mr. Chairman, I will be brief with respect to my comments concerning this amendment.

The member for Parkdale has mentioned that it was his privilege in the first session of this 20th Legislature to be the chairman of the public accounts committee. This was the first time that an opposition member had this privilege and I was honoured for these last three years in being again, the chairman of the public accounts committee.

So over these years we have noticed certain changes within the development of the audit functions within the province—

**Mr. Chairman:** We are really discussing this particular amendment, not the whole bill.

**Mr. Breithaupt:** Yes, that is correct, Mr. Chairman.

**Mr. W. Ferrier** (Cochrane South): Some people have to get warmed up a little bit.

**Mr. Breithaupt:** Well we all have to get warmed up on occasion.

I think that it is most important from the experiences that I have had, and other members of the committee have had, that we must ensure that value is being received for the various expenditures that are being made within the province. The committee in the last several years has, I think, been of some use to the government in attempting to bring some reasonable approaches to the development of changes within The Audit Act and within the accounting procedures of the government.

The committee on government productivity has recorded in its own reports, the fact that some of the comments within the general auditing approaches taken by the public accounts committee have been of some value.

I think, Mr. Chairman, that the minister would be taking a good and positive step forward if he considered this amendment. It is most important to us that we deal with the development of the functions of the Provincial Auditor to ensure that valuation for expenditures is being received.

The amendment reads that good value has been received for such expenditures and we look forward that this is in fact ensured. We have developed over the past several years, a changing approach to the audit function within Ontario. I am personally most pleased to see that the Provincial Auditor will in future be working on a post-audit situation. We are ensured, if the pre-audit situation is handled within the departments, that we are going to get a more balanced view and that the departments are going to have increasing internal responsibilities.

I think these responsibilities are important ones. I think the Provincial Auditor in his work must be able to have an independence of point of view and must be able to do more than simply collate the vouchers and decide whether there was money in the votes for the funds which were expended. This whole approach of ensuring that value has been received is one that I believe would benefit all of the citizens of Ontario. I would hope that the minister will consider from the experience that those of us on the public accounts committee have had—and that he has had as a chairman at one time—the proper view that good value must be received for our expenditures.

I hope that he will support the amendment and accept this view that in the development of the new approaches to planning, programming and budgeting within the province we will have within the functions of the Provincial Auditor an approach which is going to allow us to look, to make sure that we are getting full value for our money.

As I have said, Mr. Chairman, I hope the minister can accept this amendment. I believe it is in the best interests of the people of Ontario.

**Mr. Chairman:** The hon. minister.

**Hon. Mr. McKeough:** Mr. Chairman, we had a very full discussion of this whole matter during, I think, some two and a half hours in public accounts committee and we cannot accept this amendment for reasons explained at that time.

**Mr. Deacon:** Mr. Chairman, I do not understand the minister making the statement

that he just made. In the 2½ hours in the public accounts committee he did point out to us that The Audit Act as now set forth gives at least as great a degree of responsibility to the Provincial Auditor as given to the Auditor General in Ottawa.

The fact of the matter is, though, that in the past the Provincial Auditor has not seen as his responsibility that of evaluating and pointing out matters in the same way as the Auditor General. As a result there has been some concern on the part of the people of this province that the same job of watchdog, so to speak, is being done.

The minister pointed out to us in the committee that under section 20 of The Audit Act there is a very definite, I think, improved wording over the federal Act as to the areas in which the Auditor can report. That is what section 20 of this bill is about. But in connection with section 19, the section that is being amended, there is not sufficient direction of responsibility to ensure that we do get a change in the thrust of our audits here.

We did not discuss the section 19 aspect in our discussions in the public accounts committee. The minister will well remember that discussion really went around the bill as to the report rather than to the responsibilities of the Auditor. I ask the minister to comment on the section 19 part of it, which was the part we did not discuss in the committee. I think that Mr. Chairman will agree—the acting chairman at that time will remember—that the discussion we had really revolved around section 20, not section 19. It revolved around the report of the Auditor, not the responsibilities of the Auditor.

**Mr. Chairman:** Those in favour of Mr. Deacon's motion will please say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

I declare the motion lost.

Are there any comments or questions to any further sections of this bill? If not, shall the bill be reported?

Bill 73 reported.

## UNIVERSITY OF TORONTO ACT

House in committee on Bill 80, The University of Toronto Act, 1971.

**Mr. Chairman:** Bill 80, The University of Toronto Act, 1971. There are certain amendments that the hon. minister has, commencing at section 2. Are there any comments, questions or amendments to section 1?

The hon. member for Scarborough East on section 1.

**Mr. T. Reid** (Scarborough East): I have a comment to make on clause (b), section 1 of section 1. In this section, Mr. Chairman, it states:

> Alumni means the persons who have received degrees, diplomas or certificates from the university, a federated university or federated or affiliated college, and the persons who have completed one year of full-time studies toward such a degree, diploma or certificate and are no longer registered.

The point here is that this part of the bill is a reflection, I believe, of the bias within the University of Toronto against part-time students. The reason I say this is that if part-time students were treated in terms of the ethos of the university as equals within that university there would be included in this amendment, after the phrase, "and the persons who have completed one year of full-time studies," a phrase to the effect "or its equivalent in part-time studies."

I would like to remind the minister again of the remark I made in the committee, that throughout this bill there is a failure to recognize that over the next five, 10, 20 years at the University of Toronto there will have to be a change within the teaching ethos of that university to fully recognize the role of part-time studies. Surely in this Act the increasing importance of part-time study ought to be recognized to a much greater extent.

If I have my figures correctly, Mr. Chairman—I could not find the statistics—I understand there are approximately 16,000 part-time students at the University of Toronto and that there is a full-time student body—perhaps the minister will correct me—of 25,000 or 35,000. But the point is that in terms of individual people, the part-time student body is a very large body and they must have the same quality of teaching, they must have the same quality of function within the university and they must have basically the same rights.

I think if we look ahead, Mr. Chairman, to the next 10 or 20 years in our society, we are going to realize the increasing importance of part-time students at whatever level in the education system, being able to pursue

their studies while working or bringing up families at the same time.

**Mr. Chairman:** Well, does this have something to do with the interpretation of the word "alumni"?

**Mr. T. Reid:** Yes, Mr. Chairman, I shall conclude my remarks on this, that there should be included in this section, "people who have pursued one year of full-time studies or its equivalent in part-time studies as alumni," so that they have a right to vote for representatives. I was wondering if the minister might comment why he was unable to make that suggested change in this section?

**Mr. Pitman:** I wonder if I might just say a word on this particular section as well.

In the committee, I think the position was taken by several of the committee members that an attempt should be made to see if this was possible. I think the minister did make a commitment at that time that he would speak to the alumni association, that he would indicate to the House when this bill came before this committee of the House whether it would be at all possible, under any circumstances, that these part-time students might be able to be contacted in some way so that they might be able to vote for the governing council.

I am not going to repeat the arguments that have been stated by the member for Scarborough East and which were essentially those that were made at the time of the committee, except to say that I think that these students, during the hearings of the human resources committee, demonstrated a degree of maturity, they exhibited an experience. In a sense, if any group of people represent the middle ground between the undergraduate student and the faculty of the University of Toronto, it is the part-time student. I think in the government council that the presence, the continuing presence, of the part-time student could very well be the mediating force that may exist in that council.

May I ask a further question on this, because I think it relates to this section. I have heard it expressed to me by alumni that it would not even be possible to contact those who only have the equivalent of one year. It was suggested to me that the alumni would really have to be those who have graduated from the university.

Now, I make no response on this because quite frankly, I could not discover whether this was the case or not.

But perhaps the minister might comment on the whole question of whether indeed, the alumni have the lists, whether they have access to those who are mentioned—who are defined in this particular section as alumni—as well as this whole question of whether the part-time students could, in any way, be brought in under this section of the Act.

**Hon. Mr. White:** Mr. Chairman, I am in full accord with the principle expressed by the member for Scarborough East and the member for Peterborough. The alumni association has no objection; I expect it would welcome an opportunity to add to its rolls. We discussed the matter with the university officials who felt that at the present time the registrar's records could not accommodate this, and it is for this mechanical reason that I am not able to accept the amendment at this time.

There would seem to be a rather clear delineation in the case of full-time students, whether they be on the campus for a few weeks or a few years, and I have the impression at Western Ontario, which I know the best, that if one sets foot on that campus for a short course of 10 days, one goes on the alumni records for ever—for campaign fund drives and such like.

That is rather different from a part-time student who takes a course this year, perhaps one or two next year, perhaps skips a year or two and so on, and it is this mechanical difficulty which stands in the way of our accommodating the suggestion made in the standing committee and reiterated here.

Let me assure the hon. members that I give the very highest priority to equating part-time and full-time students, and indeed, to disposing of this differentiation so that whether a student spends an hour a week on the campus or 30 hours a week on the campus, he is a student. We have done certain things in recent months, and I will not recapitulate them now, to bring this about.

This particular change would appear, at this moment, not to be possible. It may be, in the months to come, and before the bill is proclaimed, which may be July 1, 1972, that a mechanical way will be found to accommodate the suggestion. I give my assurance once again that nothing would please me more than being able to accept the idea.

Mr. W. G. Pitman (Peterborough): The Canadian Alumni Association has access to the computers at the University of Toronto. I think that university has more computer hardware than any other university in Ontario, and I do not know what the answer is. I just hope that those who are on the governing council will realize that we, in this Legislature, wish to see the part-time student as an alumni under this clause, and I guess there is really nothing more that can be done.

Hon. Mr. White: I am really quite determined that this objective be arrived at and as you know, we now equate part-time students for grant purposes providing the courses of study, the quality of lecturers, the availability of space and equipment is made the same for both of these types of students.

So we are taking the leadership in this matter and we are inducing an equality which, quite frankly, I think has not existed previously. So this is very high on our priority list. I am dependent, as you will appreciate, on the advice we get from the registrar's office and they say right now they cannot do it.

Mr. T. Reid: Mr. Chairman, a further point on it because I think these arguments must be put in the record of the House. In my opinion there is terrible resistance among some faculty members to the whole concept of integrating part-time students, particularly those in non-degree courses, as full and equal partners in the University of Toronto. My information is that there was a fairly detailed proposal at the University of Toronto to upgrade, if you like, extension studies to a position such as Atkinson College has at York University. But there is a resistance to this, and I think part of the resistance comes from the traditional colleges at the University of Toronto who really define a student as being someone who is there on campus, preferably in residence, who is there all the time and who is a full participant in the life of the college and the classroom in the university.

This is a traditional view of the university. I think it is a very valuable view of the university, and I myself have come through that type of system. But as we look ahead for the next 10 or 20 years we must realize there must be a response from university towards the needs of people to pursue part-time studies to a much greater extent. I know the minister believes this; I just think it is terribly important to put two facts on the record: One, that right now there is a great deal of resistance. There are quota systems on special students who take courses during the day on a part-time basis. There are quotas all over the place whenever it comes to students who wish to pursue studies on a part-time basis, particularly when they want to pursue them with full-time students during the day on campus.

Now, that attitude, I think, is an attitude that has to be faced, it is a reality, and I think that we in this Legislature have to talk about the need for the universities to accept the new reality. And I wish to have that stated fairly strongly.

Hon. Mr. White: I do not dispute for a moment the assertion of the hon. member that certain of these attitudes persist. The attitudes are beyond the reach of legislation. What we are doing is to insist that students who spend a rather short period of time each week be fully equated with students who spend a longer period of time each week. And we are using that very heavy implement called m-o-n-e-y to accomplish this.

If an institution does not fully equate the students who spend a short period each week or a long period each week, they do not get the BIU equivalency. I think that this will change the situation. It will enrich the courses being offered to those students who happen to be part-time students. We think it will enhance the use of the capital equipment, by enabling students of every time span, let me say, to utilize these facilities from first thing in the morning until rather late in the evening.

And I reiterate what I said a few minutes ago, that we are determined to eliminate the inferior status that has been assigned in some instances to the so-called part-time students, and I would very much like to make this change now. I am informed by experts in the matter that it is mechanically impossible to do so.

Mr. Chairman: Anything further on section 1 of the bill?

Mr. T. Reid: I do have something further on section 1 of the bill. It is clause (m), Mr. Chairman, and clause (m) is the definition of teaching staff, which reads:

> "Teaching staff" means the employees of the university, University College, the constituent college and the federated universities, who hold the academic rank of

professor, associate professor, assistant professor, full-time lecturer or part-time lecturer unless such part-time lecturer is registered as a student.

The minister has made an adjustment in this from the committee. In our belief it does not go quite far enough. And let me perhaps move an amendment to that so that I can discuss it more formally.

I move that clause (m) of subsection 1, section 1, be amended thereto by adding the words, "and all others engaged full-time in the work of teaching or giving instruction or pursuing research unassociated with the pursuit of a degree in the university." I apologize to the minister, it is a handwritten amendment. Might I repeat it?

**Mr. Boyer:** No.

**Mr. T. Reid:** I think I would like to repeat it. I am sorry I have not got any copies.

"And all other engaged full-time in the work of teaching or giving instruction or pursuing research unassociated with the pursuit of a degree in the university."

In committee I tried to raise the point that was not met by the brief submitted by the Graduate Student Union. The Graduate Student Union submitted a very interesting brief, Mr. Chairman—interesting for a number of reasons, the most important of which I think was that it showed what was going on in the field of teaching at the University of Toronto—that many, many, many graduate students were literally running the teaching of several departments at the University of Toronto. The brief was basically concerned with graduate students at the University of Toronto and their teaching within the universities. It was not concerned with another category of person at the university who was neither a graduate student, in the sense of pursuing studies toward a graduate degree at the University of Toronto, nor a person included within the existing definition of teaching staff proposed by the minister tonight.

Some of the people that are disenfranchised in effect by subsection (m) as it now stands are people who are full-time research associates within the universities. They are not lecturers; they are not assistant professors, but they are people who are research associates or, to use a term that is better known, instructors who are full-time instructors and who are not pursuing degree work at the University of Toronto.

One of the things that depressed me in the committee hearing was when I asked the represenatives from the faculty association how many such people exist in this category, they did not really know and, I submit, that they did not really care. So, what I am trying to do is enfranchise a number of people at the University of Toronto who are engaged full time in the life of the university, doing research and teaching at a level which is judged to be junior to that of the lecturer, and I think that the present subsection (m) literally disenfranchises them and that concerns me very much.

The other thing that distresses me in the discussion of this section in committee was the attitude of some of the more senior faculty members of the University of Toronto toward people who were junior members of the teaching and research staff. In the submission to the human resources committee from the University of Toronto faculty association, on pages 1 and 2 under the heading, "Teaching Staff," I think that all the prejudices of some of the full-time senior faculty members at the University of Toronto have come out.

For example, Mr. Chairman, the faculty association in its brief argued very strongly for the inclusion of part-time people in the category of teaching staff if they were senior respected people in the community, for example, a medical doctor who wanted to teach part time. On the brief, they make it quite clear, to me at least, that they consider that this part-time person, who is in a profession, such as medicine, should have himself included in teaching staff. They then went on to say but, however, for someone who is part time but he only has a junior appointment they are really not concerned about that.

What the minister has done is that he has included part-time lecturers. I think this is a good step. But there are other categories of people, called instructors, research associates and, so forth, who are very junior. They are, in fact, full time and the faculty members did not fight for their right to be included in the definition of teaching staff and I think we must do so in this place at this time.

So, Mr. Chairman, I would like to ask the minister if he would consider this amendment or an amendment based on it, to ensure that there are not some people who are deeply committed to the university in the sense they work there full-time. They are not pursuing degree work at the university. But the pro-

fessional faculty association of the University of Toronto did not really bother to tell us about them so that we could include them in the definition of teaching staff so they would be eligible for office and have a franchise in the voting for those offices.

**Mr. Lawlor:** Does the member know any of them personally?

**Hon. Mr. White:** The hon. member is either misinformed or ill advised in this matter.

**Mr. Chairman:** Would the hon. minister just permit the chairman a moment, please? It is my understanding of course that this bill was in the standing committee for several days and the bill was discussed at great length clause by clause. I am sure the hon. members are not going to bring a matter in before the Committee of the Whole House which could be deemed as repetitious.

Certainly, I have no intention of restricting any amendments to any particular section—and indeed the hon. member has several amendments—but I do believe that there should be no repetition in the Committee of the Whole of those things which have gone on for several days. The hon. minister.

**Hon. Mr. White:** Mr. Chairman, the hon. member for Scarborough East is, I think, ill advised or misinformed in this matter. No one is disenfranchised. If a man or woman teaches part-time or full-time and is not a student, he comes within the constituency defined as teaching staff. If a person is enrolled in a degree programme he comes within the constituency defined as student.

If one is neither a student or member of a teaching staff by these definitions, including research assistants and the so-called instructor—although I am informed that there is no such term formally; the instructor I suppose is a research assistant who gives some form of assistance, not in the nature of teaching per se to students—he finds himself with a consituency known as administrative staff under clause (a).

I think the proffered amendment is not acceptable. It is a highly technical matter, this matter of definitions. Certainly I can assure the House that no one is excluded from a vote. The delineation of the several constituencies is a technical-legal matter and I think that the proposed amendment from the hon. member for Scarborough East is not helpful and not acceptable.

**Mr. T. Reid:** Mr. Chairman, just to follow up on this, can the minister inform me what a post-doctoral fellow at the University of Toronto would be? If I understand the situation correctly, a post-doctoral fellow at the University of Toronto would, in the minister's definition, be an administrator, which he definitely is not because he is pursuing research and teaching.

**Hon. Mr. White:** If he is a part-time teacher—

**Mr. T. Reid:** Full-time.

**Hon. Mr. White:** —or a full-time teacher, not in pursuit of a degree, then he obviously comes within the definition of teaching staff.

**Mr. T. Reid:** Mr. Chairman, I could just sit down and quietly go away on this, but I simply read section (m) and it says:

> Teaching staff means the employees of a university, et cetera, who hold the academic rank of professor, associate professor, assistant professor, full-time lecturer or part-time lecturer, unless such part-time lecturer is registered as a student.

A post-doctoral fellow does not have an academic appointment as a lecturer. He does not have an academic appointment as an assistant professor, nor as an associate professor, nor as a professor. He is a post-doctoral fellow, a man or woman teaching at the University of Toronto who is engaged full-time in research unrelated to his doctorate—because he already has it—and involved in the teaching of graduate and undergraduate students. I am simply puzzled, and I shall sit down and leave it, but I think the minister is badly advised.

**Hon. Mr. White:** I am not an expert in these technical matters. My impression is that if the post-doctoral fellow or for that matter a pre-doctoral fellow—

**Mr. T. Reid:** No, post-doctoral.

**Hon. Mr. White:** —were involved in the function of lecturing part-time or full-time and if he were not enrolled in a degree programme, he would come within the definition of teaching staff. If, in fact, he were not a teacher, as one ordinarily accepts the use of that word—if he were a research assistant, then he would fall within the category shown in clause 1(a), and certainly in neither case would he ever be excluded from the vote.

**Mr. T. Reid:** I must return, Mr. Chairman. The point is not that he will not be excluded from a vote. The point is that my understanding would be that such a person would be identified by this Act as an administration. He would have to vote along with other administrators when, in fact, his function within the university has absolutely nothing to do with administrators. This person's function in the university is involved in full-time research unrelated to his degree, because he already has them, and is involved in teaching.

And that person has a right to vote for academic representative; that man has a right to run for office and to be voted in and receive votes from his colleagues. I respectfully submit that this is a gap in this legislation that disenfranchises a number of people from voting in their proper constituency.

**Hon. Mr. White:** I do not care what the hon. member says, it is disenfranchising nobody.

**Mr. T. Reid:** It does not enfranchise.

**Hon. Mr. White:** It puts a person, not considered to be a teacher, in the non-teaching staff, quite right, and my hon. friend offered certain arguments why this should not be the case.

I think it would be obvious to him, certainly to other members of the House, that an equally valid argument could be raised urging that he be included in the administrative staff, in that he is not more obviously a member of the teaching staff.

All of these definitions are arbitrary and somewhat imperfect and I think that the suggestion put forward is not an improvement.

**Mr. T. Reid:** That is incredible.

**Mr. Chairman:** Did the hon. member place his motion?

**Mr. T. Reid:** Yes.

**Mr. Chairman:** Mr. T. Reid moves—

**Mr. Ferrier:** We cannot hear you at all.

**Mr. Chairman:** Perhaps they would turn the mikes on up above?

**Mr. Ferrier:** I can hear you now. Would you read it again please?

**Mr. Chairman:** Yes. Mr. T. Reid moves that clause (m) of subsection 1, section 1 be amended thereto by adding the words "and all others engaged full time in the work of teaching or giving instruction or pursuing research unassociated with the pursuit of a degree in the university."

Those in favour of Mr. Reid's motion will please say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

I declare the motion lost.

Are there any further comments on section 1 of the bill?

If not, are there any comments or questions on section 2, subsection 1?

If not, the hon. minister has an amendment to section 2, subsection 2.

**Hon. Mr. White:** Mr. Chairman, I move that subsection 2 of section 2 of the bill be amended by striking out clauses (c), (d), (e) and (q)—

**Mr. T. Reid:** Just a second!

**Hon. Mr. White:** —(g) that is—I will send the hon. member a copy—(c), (d), (e) and (g) and substituting the following therefor: "(c) Sixteen members, none of whom shall be students—"

**Mr. G. Ben** (Humber): Shall be what?

**Hon. Mr. White:** Substituting:

(c) Sixteen members, none of whom shall be students, members of the administrative staff, or members of the teaching staff appointed by the Lieutenant-Governor-in-Council;

(d) Twelve members selected by the teaching staff from among the teaching staff;

(e) Eight members, four of whom shall be elected by and from among the full-time undergraduate students, two of whom shall be elected by and from the graduate students and two of whom shall be elected by and from among the part-time undergraduate students;

(g) Eight members who are not students or members of the teaching staff and administrative staff elected by the alumni from among the alumni.

**Mr. Chairman:** Hon. Mr. White moves that subsection 2 of section 2 of the bill be amended by striking out clauses (c), (d), (e) and (g) and substituting the following therefor:

(c) Sixteen members, none of whom shall be students, members of the administrative staff, or members of the teaching staff appointed by the Lieutenant-Governor-in-Council.

(d) Twelve members selected by the teaching staff from among the teaching staff;

(e) Eight members, four of whom shall be elected and from among the full-time undergraduate students, two of whom shall be elected by and from among the graduate students, and two of whom shall be elected by and from among the part-time undergraduate students;

(g) Eight members who are not students or members of the teaching staff or the administrative staff elected by the alumni from among the alumni.

**Hon. Mr. White:** Mr. Chairman, may I say a word in connection with this amendment? I will say that we could spend eight or nine days debating the issue, as indeed we have already. I am not at all satisfied with the proportion of students and faculty which we, as a government, are now offering for the support of the House.

It had been my hope that the men of good will in the standing committee who expended a great deal of time and a great deal of energy in an effort to bring the recalcitrant sides together—which is to say the elected officials of the faculty association and certain elected officials from among the students—the process, I think, must have considered 15 or 20 or more combinations and permutations, some of which would have strengthened the student representation over time, as indeed a proposed amendment by the member for Peterborough would have done; some of which would have made available at this time the opportunity for parity, so-called.

The members of the committee who took an interest in this problem used their total ingenuity and I think, all of their good offices in the hope that they could, in some way, reconcile these forces which have become polarized over the months.

**Mr. Lewis:** No, no, that is quite unfair. There were no recalcitrants on the part of the students who sat on that committee. The minister himself was put off by the faculty on this question!

**Hon. Mr. White:** The faculty, I think, were less adroit, less politic, less attractive, perhaps; less expert in putting their case—

**Mr. Pitman:** And the students had less representation.

**Mr. Lewis:** Sure, but they were more intransigent and they backed you down.

**Hon. Mr. White:** —but whatever their manner may have been—

**Mr. T. Reid:** That committee would have voted for the minister's suggestions.

**Hon. Mr. White:** —the answer was always no.

**Mr. Lewis:** That is right.

**Hon. Mr. White:** And however, attractive and amenable the students may have been, the answer was always no to a solution other than parity. And that is a fact of life.

**Mr. Lewis:** Come on. That was not so.

**Hon. Mr. White:** I am not blaming them either because my expectation is that some time from now the university community itself and the community at large will find it possible to make an alteration.

**Mr. T. Reid:** The minister gave in to blackmail. He gave in to threats. He gave in to threats to disrupt the university.

**Hon. Mr. White:** What threat did I give in to then?

**Mr. Chairman:** Order!

**Mr. T. Reid:** The faculty members who threatened to disrupt the university.

**Hon. Mr. White:** The faculty members threatened to disrupt the university or rather some of them did, by implication, if they did not get their way.

**Mr. T. Reid:** They threatened disruption.

**Hon. Mr. White:** And the students by implication—not saying that they themselves would lead—

**Mr. Lewis:** But no implications—at no time.

**Mr. T. Reid:** In fact, the board of governors engaged in the same threat!

Interjections by hon. members.

**Hon. Mr. White:** Well, let me finish. The members will have lots of time to say lots of words, do not worry.

**Mr. Lewis:** And we will.

**Hon. Mr. White:** The faculty members either asserted or implied that if parity were granted there would be a very strenuous move on the part of the faculty to—

Interjection by an hon. member.

**Hon. Mr. White.** —resist this change in turnover—

**Mr. Lewis:** With the resulting disruption of the university.

**Hon. Mr. White:** —and the student leaders made it clear to us, without in any way, asserting or implying, that they would take the leadership in such a movement, that anything less than parity would be quite unacceptable—

**Mr. Lewis:** They gave the ministers a five-year period to introduce it and said that they would fight for it and they committed themselves to it.

**Hon. Mr. White:** —to students concerned about the issue. And so, in a manner of speaking, Mr. Chairman.

**Mr. Lewis:** In a manner of speaking, the minister capitulated.

**Hon. Mr. White:** —we had similar threats from both sides, and if anybody thinks that I am going to knuckle under to either side, he is very much mistaken.

**Mr. T. Reid:** You are a fraud.

**Mr. Lewis:** Jim Conacher backed you into the wall—

**An hon. member:** Jim Conacher of all people!

**Mr. Lewis:** —with letters and threats.

**Hon. Mr. White:** And so what we have done, Mr. Chairman, in eliminating 15 or 20 alternatives—

**Mr. Lewis:** A sad day for the minister.

**Hon. Mr. White:** —is to end up with an 8-12 ratio which has several merits.

**Mr. Lewis:** Unattractive features, that is what it is.

**Hon. Mr. White:** And here are the three advantages it has: First of all, in the absence of a consensus which we were unable to achieve, notwithstanding our efforts in that direction—

**Mr. T. Reid:** That depends on the committee.

**Hon. Mr. White:** —we fall back on the most recent and, it would seem, the most valid representation of university feeling, which is to say the university-wide committee. One will recall that three or four years ago—

**Mr. Pitman:** The students do not accept that.

**Hon. Mr. White:** Listen, my hon. friend has paid no attention to this, and there are some number of people in this room who have expended an enormous amount of energy. So I think it is unbecoming of him to interject at this point. If he is not interested, come back for the vote.

**Mr. Chairman:** Order.

**Hon. Mr. White:** The Committee on University Government was formed three or four years ago. It consisted of a relatively small group representing the several estates, shall I say, of the University of Toronto. And that committee produced a report which recommended equal numbers of students and faculty.

This report was not seen as the final answer to the university's quest for a new form of government, but rather as a document which could be debated, discussed, decided upon by representatives from the various estates, brought together in parliament, so to speak, for that purpose. And indeed, the university-wide committee was formed with 40 representatives from the faculty, 40 representatives from administrators and others, and 40 representatives from the students.

The question of parity or proportion—

**Mr. Lawlor:** I like the Linden report myself. Does the minister?

**Hon. Mr. White:** —was put to this particular committee, and I am quite prepared to believe that its proceedings were deficient or inadequate. I am quite prepared to believe that there were pressures on this group and that group, as indeed there are pressures on every member in this chamber every day of his life.

That does not obviate the fact that this is the largest, and I venture to say, the most credible group that the University of Toronto was able to turn up. And what was the result of this issue in that particular group? Forty of the faculty voted for the 14-21 ratio—

**Mr. Lawlor:** —directing this toward community level.

**Hon. Mr. White:** Forty of the 40 administrators and others voted for this particular 2-3 ratio, and 19 to 18 students voted for it, later to say that they wished they had not. And I quite understand the influences that were coming to bear on them—but not from one direction only, do not worry.

**Mr. Pitman:** A vote of 85 per cent.

**Mr. Lewis:** That was a year ago and there was a subsequent vote.

**Hon. Mr. White:** And so this is the first of the several reasons why I, as the responsible minister, feel that the 8-12 ratio is the best we can do.

**Mr. J. L. Brown** (Beaches-Woodbine): Is that the best the minister can do?

**Hon. Mr. White:** Now, the second reason is—

**Mr. Lewis:** He has accepted the most squalid reasons put to him in that committee, and it does not become him.

**Hon. Mr. White:** Well, let me finish and then the member can say his piece.

**Mr. Chairman:** Order. Order, please! The minister has the floor.

**Hon. Mr. White:** You can question my judgement, but you cannot question my courage.

**Mr. Lewis:** What courage? On the contrary, I do not question your judgement; it is politically astute. It is your courage I question.

**Mr. Chairman:** Order, please. The hon. minister has the floor.

Interjections by hon. members.

**Hon. Mr. White:** Well, I will not take this opportunity of telling you of the fights I have been in, many of which were unpopular.

**Mr. Lewis:** I can believe it, and you are sorry—

**Mr. Chairman:** Order. Order!

**Hon. Mr. White:** Now, the second reason, Mr. Chairman—and I suggest that the 8-12 ratio is the most appropriate for this point in time—is the fact that the overwhelmingly majority of the faculty, through their elected representatives and directly to me, in telephone calls, telegrams, letters, and other communications, have expressed their firm desire that the universities should not have parity of this kind imposed upon them. The communications from citizens interested in the institution, not themselves faculty members, have been overwhelmingly against parity at this time.

**Mr. Lewis:** Of course. The minister is overwhelmed against our acceding to power.

**Hon. Mr. White:** The editorials, which I am quick to say were unhelpful—

**Mr. Lewis:** Indeed.

**Hon. Mr. White:** —and ill-informed—

**Mr. Lewis:** How true.

**Mr. Chairman:** Order, please. Everyone will have a chance to make his contribution.

**Hon. Mr. White:** —nonetheless, they added to the impression which the majority of the members of the standing committee gained, that the community at large was not ready at this time to have students given an equal voice with faculty members.

**Mr. Lewis:** Come on. Come on. So the editorial policy of the Globe and Mail dictates your policy, does it?

**Mr. Chairman:** Order, please.

**Hon. Mr. White:** The third reason I advance, Mr. Chairman, is the fact that while our bill as initially printed had provided six students and 10 faculty members, which is to say 60 per cent of parity, the amendment which I now offer is eight to 12, which is to say 66⅔ per cent. If one adds up the number of students and the number of faculty members on the board of governors and the senate, one will see that the students had a total number of something like three, while the faculty members had a total number of something like 125.

So, the students went from something like two per cent of parity on that combined government of the University of Toronto, to 66⅔ per cent. And while I fully recognize that this does not entirely satisfy their aspirations, I likewise recognize, as even the member for Scarborough West must do, 66⅔ per cent is a great deal larger than two per cent.

**Mr. Lewis:** It is better than 60 per cent, but not impressively so. This is not a happy night. The minister is approaching the witching hour.

**Mr. Chairman:** Order, please.

**Hon. Mr. White:** When this is combined with another amendment which I will be offering to the Legislature a short time from now—namely, that the review be two years from the date of proclamation rather than five years—it seems to me that an opportunity will be given in the foreseeable future for students to make their case again to those who are members of the Legislature and those who are members of the legislative committee.

There is a technical reason why I prefer the 8:12 ratio to the 6:10 ratio and the attendant changes in the number appointed by the Lieutenant-Governor-in-Council and elected by the alumni, and that is when one seeks representation from the governing council into this executive committee, in each case one will have a 4:1 ratio, whereas in the bills as originally printed, the ratio varied from 2:1 to 6:1. So it would seem that these new proportions are perfectly equitable in a way that the proportions were not in the bill as originally printed.

Mr. Chairman, as I said in the first sentence of these brief remarks one could spend eight or nine days debating the pros and cons of eight and 12, 10-6-4, and 10 and 10, and the wide variety of others—

**Mr. Lewis:** We debated it for a week and the minister accepted parity.

**Hon. Mr. White:** It seems to me that the members of the Legislature who—

**Mr. Lewis:** They took the minister into a little room and they filled his head full of foolish thoughts.

**Mr. Chairman:** Order, please.

**Hon. Mr. White:** —have had an opportunity to think about the matter will conclude, as I have, that at this time the 8-12 ratio is the best for the university and the most acceptable to the community at large.

**Mr. Chairman:** The member for Scarborough East.

**Mr. Lewis:** Are you applauding, the member for Ontario?

**Mr. M. B. Dymond** (Ontario): Of course.

**Mr. Lewis:** Oh, boy.

**Mr. T. Reid:** Mr. Chairman, I would like to propose a sub-amendment—

Interjections by hon. members.

**Mr. Lewis:** What was it? A lunch at Three Small Rooms, the Westbury for a bottle of wine, and the minister's conscience was lost?

**Hon. Mr. White:** I would not say that about the hon. member.

**Mr. Chairman:** Order, please.

**Mr. T. Reid:** Mr. Chairman, my problem is that I only have one copy of my amendment—

Interjections by hon. members.

**Mr. T. Reid:** —and I would like to have the members listen to it!

**Mr. T. Reid:** Mr. Chairman, I would like to move—

Interjections by hon. members.

**Mr. Chairman:** Order, please.

**Mr. T. Reid:** I would like to move that the minister's amendment have the following sub-amendments made to it:

That clause (e) of the minister's amendment be amended by substituting the word "eighteen" for "sixteen."

That clause (e) of the minister's amendment be amended by adding thereto:

But the number of members elected by and from among the students shall be increased:

1. One year after the section is proclaimed to be in force, by and from among the undergraduate students to four.

2. Two years after the section is proclaimed to be in force by and from among the graduate students—

**Mr. S. J. Randall** (Don Mills): I could take it to a Chinese laundry and get it translated.

**Mr. T. Reid:** No, I tell you this is a real tricky one. Mr. Chairman, the sub-amendment:

One year after the section—by and from among the undergraduate students to five—

**Mr. Lewis:** You see, Stanley, you grasp this amendment and you are in time.

**Mr. T. Reid:** To continue:

Two years after the section is proclaimed to be in force by and from among the undergraduate students to three.

3. Three years after the section is proclaimed to be in force by and from the

part-time students to three. Four years after the section is proclaimed to be in force by and from the undergraduate students to six.

**Mr. Randall:** Will the man in the white coat come back in the morning?

**Mr. T. Reid:** Now, Mr. Chairman, I hope this works out—and clause (c) to be amended by substituting the word "ten" for "eight." Now I have got to add that up.

**Mr. Stokes:** Back to the drawing board!

**Hon. W. G. Davis (Prime Minister):** The Liberal financial critic is so confused that even he is getting up to stretch.

**Mr. T. Reid:** Mr. Chairman, I think I am going to have to admit defeat on trying to get a sub-amendment to the minister's motion, which incorporates the concept of reaching parity five years from now so as not to frighten some of the faculty members at the University of Toronto.

**Mr. Brown:** It sounds like a real whirlwind tour.

**Hon. Mr. Davis:** —make some sense.

**Mr. T. Reid:** No, if the Premier tried to work out gradual parity in terms of legislation, I think he might be defeated too.

Mr. Chairman, I think I would like to withdraw this sub-amendment. I would like to withdraw this sub-amendment and toward the end of my remarks perhaps I will be enlightened on how to do it.

**An hon. member:** Oh no. No copping out!

**Hon. Mr. Davis:** We will not support it.

**Mr. Lewis:** Happily it is withdrawn.

**Mr. Chairman:** In the meantime we will dicuss the minister's amendment.

**Mr. Lewis:** So we are all off the hook.

**Mr. T. Reid:** I would like to discuss the minister's amendment—

**Mr. Randall:** Saved by the bell!

**Mr. T. Reid:** —and I would like to divide my remarks, Mr. Chairman, into a number of categories. I think one must understand what has happened in that committee and what has happened at the University of Toronto, and I categorically deny the minister's interpretation that any student at the Universiy of Toronto threatened in any way, shape or form—

**Hon. Mr. White:** On a point of order, Mr. Chairman, I did not say they threatened. I simply said they forecast difficulties if their point was not met. And the faculty association made a similar forecast.

**Mr. T. Reid:** Mr. Chairman, the minister made it quite clear that he is trying to make a so-called balanced argument, that some of the students are no worse or better than some of the faculty, and in my opinion the behaviour of the students in this whole episode has been exemplary.

**Hon. Mr. White:** I am not talking about behaviour.

**Mr. T. Reid:** And they made a commitment—Robert Spencer made a commitment—to go back to the campus if the minister had accepted a concept of reaching parity five years from now—in fact, it would be 1977! Away into the future—that he would go back and fight for that concept among the students even though he was elected on a platform of immediate parity.

I do not put that into the same category as some of those faculty members at all. I call that a responsibility that the Premier of this province outlined when he lowered the voting age and the age of drinking in this province—and I will get to his remarks shortly, because I think the minister should listen to what his Premier said about the capability of young people to govern.

**Hon. Mr. Davis:** If the member would listen to me more often he would not have so many problems.

**Mr. T. Reid:** On this issue, I am going to quote him at length.

**Mr. Lewis:** As a matter of fact the Premier is wrong about that.

**Hon. Mr. Davis:** As a matter of fact, if the member would quote me at length on many issues, he would be much better off.

**Mr. T. Reid:** I would be in bad trouble, he means.

Mr. Chairman, I would like to make it clear that the attitude of many of the faculty members representing the association who made their views known to that committee, showed to me an attitude that disresses me immensely. Professor Conacher, arguing against the concept of students participating equally on that government council with teachers made a number of interesting statements and some of the more memorial ones were this—

**Hon. E. Dunlop** (Minister without Portfolio): Memorable.

**Mr. T. Reid:** Memorable, I thank you.

**Hon. Mr. Davis:** Memorial? He is not dead.

**Mr. T. Reid:** Thank you, the member for York-Forest Hill.

Professor Conacher said: "The university is one community but there are different roles for faculty and students." He said: "The difference is so obvious. Parity makes no sense because roles are so different," and then he says, "The faculty function is to conduct research and teaching." Then he mentioned that the students after all were only between the ages of 18 and 22.

The point of that comment, Mr. Chairman, is twofold: One, Professor Conacher, I think stated truly what he believes about the university; that his role within that university is first of all research and secondly teaching. And what the students have been telling us —particularly the graduate students—in their brief, is that in their opinion the university must have, as its priority, the teaching function. People like John Deutsch at Queen's have been saying this for years, and Dr. Corey before him, that unless the universities return to their teaching function, the universities would not survive as learning institutions, let alone as a base for the intellectual pursuit of knowledge.

Professor Conacher also said, and I took extensive notes, Mr. Chairman, because these meetings were not recorded. He said: "students are not prepared to participate in the functions of the university—

**Mr. Chairman:** Order please. Are these related to this particular amendment?

**Mr. T. Reid:** Yes they are. Mr. Chairman, they are related to this particular amendment because the minister has an amendment here which has 12 members elected by the teaching staff, from among the teaching staff, and eight members elected by and from the students of the university. The point is that he has listened to the arguments of the establishment at the University of Toronto concerning the reasons why there should not be 12 teaching staff members and 12 students.

What I am trying to state, sir, is that many of the attitudes of the people to whom he finally caved in, are such that they are in effect against the teaching function of the university; that many of these people believe that their true role is research and that teaching comes second.

I simply remind the minister of that detailed brief from the graduate students in which they made it clear they were the ones who were primarily involved in the teaching of the university while the faculty members had opted out of it, and much more into research.

Professor Conacher made another statement; why he makes these statements I do not know. I believe he is sincere in making them; I think these are sincere beliefs, and I just have to state I disagree with them. He says "the extemists want to use the university for social revolution, to overturn the university." He said "it is too dangerous to start with parity." If that is not a threat, sir, I do not know what is.

We heard from a Professor J. Rist, one of the outspoken advocates on the university campus for the minister's position here—an anti-parity position—and Professor Rist set up his straw argument. He said that the students who will get elected to the governing council will try "to have the university become an ideologically committed university."

**Mr. Chairman:** Order please. We would appreciate it if the member would give his comments on this particular amendment.

**Mr. Lewis:** Oh come on, Mr. Chairman. If you want to keep the House until after midnight, this is what you inherit; you live with it.

**Mr. Ben:** We listened to the hon. minister nattering and nattering away for hours. Now just settle down and we will do the Queen's business.

**Mr. Chairman:** Try to keep on the amendment.

**Mr. T. Reid:** Professor Rist, whom the minister has obviously listened to, made an argument that I disagree with strongly. He made an argument to discredit students of the University of Toronto. He made an argument to discredit the activists at the University of Toronto and he said that the students who will get elected to the governing council will try "to have the university become an ideologically committed university" which is the antithesis he felt of a free university.

He implied, and this is what I found so dangerous in these remarks, he implied that parity—10 students at that time with 10 teachers on the governing council, totalling

50 persons, Mr. Chairman—will mean that students will have "a right to say who teaches and what is taught."

That is nonsense. Some of these faculty members were making extreme arguments, Mr. Chairman. How could 10 students on a council of 50 members, say "who teaches" and "what is taught"? They will participate in what is taught, and they will participate in the fact that the University of Toronto must return to its original teaching function, but they will not say who teaches and what is taught.

Perhaps, sir, if the students had 25 of the 50 seats, instead of 10 out of 50, there would be some validity in Professor Rist's argument. But Professor Rist then went on—and this is what I found particularly invidious in his remarks—to link teacher-student parity to such things as "the lowering of academic standards," to the increase in "Mickey Mouse courses," and to "cheating by students."

To hear this coming from an academic, at the University of Toronto, a man who no doubt is excellent in his own field, whatever that might be; for him to come before a committee of the Legislature and make statements like that about the capability of students, about the motivations of the leaders of the student movement at the University of Toronto, sir, was one of the things that distressed me. Yet the Minister of University Affairs is listening to this person and not to the students.

We even had Professor Donald Ivey, who I respect immensely, and I want to make it clear, Mr. Chairman, that I think these people were stating what they really felt; I think that was one of the most important things about that committee's hearing. Professor Donald Ivey stated:

> I do not trust students to have the same maturity as faculty. I do not see how it could be true—

—that they would have the same maturity. I think he believed this. I think he sees the university as a unique institution in society and I think his concept of maturity is very much an academic concept of maturity. But this is the attitude that we are dealing with at the University of Toronto campus.

I would say, sir, that one of the things that puzzled me, as I listened to the arguments, was that these faculty members, who spoke so strongly and sincerely, acknowledged the fact that out of the 40,000 students—including some of the part-time students, but out of approximately 40,000 students at the University of Toronto—that the most intelligent, the brightest students, the most intelligent and brightest 2,000 students of those 40,000 students, were probably intellectually at a par with the total teaching staff of the University of Toronto.

Let me say this again, because we are dealing with elitist arguments, I think we must make elitist rebuttals. The faculty members, some of them the official representatives, time and time again, stated that the university is a unique institution and that they, because of their training and apprenticeship and professional training, and their ability to do research, were somehow better able to participate in the government of the university than the students. They wanted student participation but they did not want equal student participation in the sense of having the same number of students as faculty members on the council.

Yet when pressed about the 2,000 faculty members who compare with the brightest 2,000 students out of 40,000, they were prepared to say that many of the 2,000 brightest students are brighter than many of the faculty members. But my argument is a very simple one—that the 2,000 brightest students at the University of Toronto, on average, are probably brighter than the average faculty member at the University of Toronto. I do not like elitist arguments, but that is one way of meeting that particular elitist argument.

We are not talking about direct democracy at the University of Toronto, we are talking about the top governing body where there will be an equal number of students and teachers. If we were talking about direct democracy—and this is a mistake that Professor Kalant from the medical school made—he confused direct democracy with parity.

I felt at times that what many faculty members were saying was they did not want democracy. Well even the students do not want democracy, except for one or two of them. But the student leaders were saying, "We are not talking about democracy. We are talking about parity on the top governing structure."

If they were arguing for democracy, Mr. Chairman, they would be saying, "One student, one vote; one faculty member, one vote." They would be saying, "Let us have direct elections on campus with 2,000 faculty and roughly 40,000 students, and everyone is equal because everyone has an

equal vote." But the students in their basic arguments, they might not like this type of argument—logically, were saying that the student body as a whole is not equal in terms of the average capability of the average student, to the average faculty member. They acknowledge that implicity in their argument. What they are saying is, if there are 40,000 students and 2,000 faculty, they are not asking for that ratio on the governing council; they are asking for much less than that.

So many of the faculty members I felt, who represented in a sincere way their views, were confusing totally the concept of parity on the governing council with the argument for direct democracy. I think one thing that distressed me again were the references to some of the European universities where there are experiments in direct democracy, and the suggestion that there was anarchy there, and therefore, if they had parity on the top governing council at the University of Toronto, there would be some sort of anarchy there, or an ideologically committed university as well.

Mr. Chairman, if I speak with some feeling on this it is that I know myself I can confuse my factual analysis with my subjective values. It is a very dangerous thing to do, particularly if you are involved in politics. But to see people who are trained in the scientific method unable to understand some of the basic, logical arguments that have been presented by the students, I found distressing. I think their emotions were overcoming much of their analytical ability.

I will leave the official voice of the faculty association. I would like to turn to the official voice of the board of governors, because, again, there is the same anti-student attitude in the attitude of the board of governors at this time. This may not have existed on that campus three years ago but it certainly exists right now. The board of governors entered the debate in a very short brief, Mr. Chairman, presented by W. B. Harris, the acting chairman, dated July 12.

Again, in the type of argument made in the brief, he implied—I call it implied—discrediting of the students, vis-à-vis other members of the university constituency. In the brief, the board of governors states:

> The members of the board are gravely concerned that the incorporation of the proposal pertaining to parity—

That is the minister's proposal which he backed away from.

> —will make it virtually impossible to properly administer the university during what well might be a two- or three-year transitional period.

Then it goes on to say in one further sentence:

> Some members of the board felt, after consideration, that the representation on the governing council set out in Bill 80—

That is the original bill.

> —10-6 representation ratio provide the compromised base that could work if accepted in good faith on all sides and earnest endeavours were made to make it work.

Mr. Chairman, the reason I found that particular document close to being invidious is the implication that if the minister had brought in his concept of parity, eventual parity, or pseudo parity or creeping parity, that the board of governors felt it would become virtually impossible properly to administer the university. What the board of governors did not attach on to that, sir, was a similar phrase that "parity could work" on that top governing council if accepted in good faith on all sides and honest endeavours were made to make it work.

Why did not the board of governors also attach that proviso to their anti-parity statement when they attached it to their position of non-parity? Again the implication was that the faculty would make it virtually impossible to administer the university if the minister brought in his proposed amendment to achieve potential parity.

Some of the comments must be put on the record that were made in reply to the minister's opening remarks when the faculty members argued against the minister's grave proposal, called "10-6 plus 4." Professor Conacher said that the 10-6 was "the outside limit that faculty could contemplate." Professor Shiff said: "Parity will create confrontation." Professor Hanly said: "The minister's proposed amendment will create two years of conflict." Professor Crispo said: "You have asked us to go to the last mile."

I did not hear that from the students. What I heard from Bob Spencer was that the proposal to achieve parity in 1977, Mr. Chairman—not 1971, but 1977—would be something that he would go back and fight for. That was a position of not having parity now but eventually having it.

Mr. Chairman, a comment must be made, I think, about the relationship or the attitude

of the administration toward the student leaders at the University of Toronto at the present time. Again, I suppose I am accepting what the minister is implying, that there are bad feelings on the University of Toronto campus and he has responded to that political fact. But I think it must be said those bad feelings are caused by a breakdown and not by the drive of students for parity which was alleged by so many people.

I must say, sir, that while I do not directly relate the conflict of University of Toronto over Tent City with the discussions of this bill in committee and in this place. The document I am going to read from I think does show an attitude of the senior administrative officers at the University of Toronto, acting president Sword, toward students again.

I think I would withdraw any implication that the two events at Tent City and this Act are related, although I implied that several days ago in a question. What I would like to read from, sir, is the affidavit that John Howard Sword swore out. I think this again represents an attitude on the part of the administration toward the student leaders.

The important point, Mr. Chairman, is that these are the same student leaders who have been pressing for parity and who appeared before the committee. In swearing out the affidavit to have the police request the campers on the Hart House campus to leave, the acting president of the university stated:

> I am acting president of the University of Toronto and have personal knowledge of the matters herein disposed to.

And he goes to justify why he wishes to have the law enforcement officers of the state request the students to leave the campus, and to help them leave if necessary.

> The presence of 150 to 200 campers interferes with and is disruptive to the normal operation of the university summer programme in which approximately 13,000 students are enrolled.

That is a question of judgement, but I find it somewhat an incredible statement to make for a number of reasons. First, he goes on—and some of his factual information is incorrect.

He refers to there being no proper toilet or washing facilities available to the campers other than those available at Hart House and Devonshire Place. Mr. Chairman, washroom facilities were available in the SAC building. There were no complaints from the health officials that I know of.

He says the interference and the disruption resulted in "the closing of a summer programme at Hart House"—hardly much of a disruption.

But then he goes on, and we get the same feeling, that not only is he afraid of the student leaders and the presence of these young people—people he calls transients, by the way, which I think is a bad term. He says:

> The presence of campers is a cause of concern and apprehension to the administrators and academic staff members and the board of governors.

He says again:

> The university is apprehensive that if it attempts to remove the campers, acts of violence may occur.

Sir, this is in the category, I suspect, of a self-fulfilling prophecy.

In my opinion there was absolutely no validity in the use of the words "disruption" and "apprehension" in reference to the student leaders of the University of Toronto and the young people who were camping on those grounds. I think it represents an attitude again which is inimical to the basic function of the university. That is the relationship among the teachers, the administration and the students on that campus.

Mr. Chairman, I would like to turn to another aspect of the bill and I would like to refer to a memo that the minister put out dated June 30, 1971, and it is a comment on student motions regarding The University of Toronto Act and he says this:

> Bill 80 in its form that went through first reading in this House proposes that the governing council of 42 include 10 elected by the teaching staff and six elected by the students.

He say this:

> The 10 to six ratio is patterned on the 21 to 14 ratio adopted by the university-wide committee.

Well, sir, it was not, if my calculations are correct. The 10 to 6 ratio is 60 per cent and the university-wide committee requested 66 per cent. So what the minister has done—and the use of the words "is patterned," is approximate I agree—but basically what he had done is to move to the university-wide committee's position now and he was never at it to start with, and I just state that very clearly.

All the minister has done now is to accept the university-wide committee's report, when he did not accept it in the first place at all.

Another comment, sir, is that it became clear to me, as I listened to the discussions by the faculty members and by the students and other interested people, that numerical parity on the top governing council of the University of Toronto in no way, under this bill, equals decision-making parity. I must say I became convinced more and more that if we were to have parity in decision-making on that top governing council, there would probably have to be more students and teachers on it.

I need not go into it in great detail, Mr. Chairman, but I think most sociologists could analyse the probable pattern of decision-making under the minister's Act and come to the conclusion that for a number of very good reasons the ability of the students to participate in that senior council will be much less effective than the ability of other people to do so, and one example will suffice in making this argument.

The fact that the students will be elected for one year only, whereas almost everybody else will be on that council for many, many years—the orginal appointments are for three years and so forth—means that in the committees of the governing council the students are going to be at a severe disadvantage, as they will be in the governing council itself.

I submit to the minister that with eight students on that council elected for a year at a time, there will be a very high turnover of students on that council which will be a reflection of the democratic process on campus. Very few students will serve for two years and hardly any will ever be around for a three-year stint on that council as students. Whereas faculty members will be on that council for nine years because the minister has refused to—perhaps that word is too strong—the minister has not yet altered that section of the bill which reduces the length of time a member may serve concurrently from nine years down to six. He made a commitment to look into that. I do not think he made a commitment to do it.

I say to the minister, Mr. Chairman, through you, that there are all sorts of things working in this bill. I am talking about the decision-making process which would conspire to make numerical parity non-parity in terms of effective decision-making in the affairs of that council and particularly in its committee. I note to the minister that the whole issue or a great deal of the comment we heard in that committee about numerical parity being some sort of power play by the students, really loses a lot of its validity if we look at how decisions will be made in that council even with the parity situation. I think it is important to say that numerical parity is not related and would not result in decision-making parity even on that single government council.

I wonder if the minister might also comment on the letter he received from Dr. Solandt concerning this issue? I think it would be very interesting to know. Actually, it might well support the minister's position as opposed to the position that I am arguing for. I believe the minister did receive a letter from Dr. Solandt and I think it would be interesting to know what the recommendation of the former chairman of the board of governors was in this regard.

Mr. Chairman, I would like to note that we all dealt with the reality at the University of Toronto. There were a number of faculty members, many of them senior such as Professor Lynch, and others, chairmen of departments, as well as junior members of the staff, who argued in favour of parity.

I have a letter here from members of the faculty of architecture, urban and regional planning and landscape architecture. It is to the minister and it is dated July 20, and it supports the parity argument. It states that in its faculty, parity resulted in very effective decisions being made because the students brought their particular perspective to the business of the department. It goes on to say:

> We would also like to point out that parity should not in any circumstances be viewed as a privilege, to be either granted or withheld from students. In our view it is anything but a privilege. In fact at this point in the history of the University of Toronto we see it as a necessity without which the future of the University will be gravely jeopardized.

I think they are referring basically to academic standards. That letter was signed by Peter Prangnell, the chairman of the faculty of architecture, urban and regional planning and landscape architecture.

Another letter is from a number of people in the departemnt of sociology, notably Norman Bell, with most of his other colleagues I gather, who take exception to the remarks of Professor Zakuta of the committee in which he denigrated the role of students in that department.

Mr. N. Whitney (Prince Edward-Lennox): Who is he?

Mr. T. Reid: Those are the senior members of the department of sociology, Mr. Chairman.

I would like to comment about the procedure the minister used, Mr. Chairman, in arriving at his decision. It was a very interesting procedure. I think the minister was really trying to do something unique.

He came into the Legislature with a bill which had a position which was very similar to the position he has now in terms of the ratio. He made it clear that he was willing to have an open mind on the question of parity on the council when it went to committee. I believe he was sincere in that. We went to the committee and we got to the section on parity and the minister had a tentative amendment which he wanted to have discussed—that was his by-now-famous 10-6-4—the four people being elected at large by the total constituency of teachers and students. It is around that proposal by the minister that the discussion centred.

It is my considered opinion, Mr. Chairman, that if the minister, after a day or so, had put that amendment to the committee, the committee would have unanimously adopted his proposal and his leadership on this issue. I refer particularly to Mr. Dymond's attitude throughout. In fact, Mr. Dymond thought the minister had actually made an amendment.

Mr. E. W. Sopha (Sudbury): Very progressive in his views.

Mr. T. Reid: He argued for it and his comments to various members of the faculty concerning their attitudes, I thought, were very stinging but basically in certain cases quite true. I must say this, that if the minister had placed his proposed amendment as a formal amendment in committee it would have passed, in my opinion, unanimously.

The Liberal party was willing to withdraw its position of a straight numerical parity. The NDP, I believe, was willing to—in fact, I know the members were willing to withdraw their views of gradual parity. All the minister had to do, Mr. Chairman, was to say that he believed that this was in the best interests of the university and ask the members of the committee to support it.

We would have had before us now, sir, a proposal that was not necessarily parity but something that could have resulted in it. For about four days the minister was subjected, I know, to a great deal of pressure and he withdrew.

Mr. Sopha: He folded!

Mr. T. Reid: He folded. He withdrew his proposal and now he comes back with essentially the same proposal.

Mr. Randall: One on every front.

Hon. Mr. White: On a point of order, Mr. Chairman. I concluded that it was not in the best interests of the university, and I said in that respect the faculty and the students both agreed.

Hon. Mr. McKeough: Hear, hear! They have every respect for the minister.

Mr. T. Reid: I certainly accept—I did not mean to attribute motivation to the minister, Mr. Chairman.

I will state again that if the minister had placed that amendment to the committee, in my opinion it would have passed unanimously with the members of the committee.

Hon. Mr. Wishart: That is over now.

Mr. T. Reid: I only note that when the amendment I had for gradual parity—parity achieved over a four- or five-year period—was placed before the committee, Mr. Dymond was not to be found. I suspect that if Mr. Dymond had been there the motion for gradual parity which was acceptable to everyone—except some of the senior faculty members who were there—that amendment would have been carried and been presented in front of this House.

Mr. Chairman, I have so much to say but I will leave a lot out. I think it is important at this point to relate to the Premier of this province what he has said about young people having the vote in this province and the refusal of this minister to place before us today a proposal of equal representation on the governing council of students and teachers.

I say that this is the first piece of legislation that has come before us in which this government could have put substance to its rhetoric. This minister has failed to do that. The Premier said when he introduced the bills affecting the age of majority and accountability the following—the first thing: "On attaining the age of 18 years every person in Ontario will cease to be a minor, will attain the age of majority and will be treated as an adult."

I submit that this contrasts sharply with the commentary that the faculty members threw out—the senior faculty members representing the association—when the bill was in the committee stage: That students should not, by any yardstick, be regarded as adults or responsible members of the university community in the full sense.

Professor Conacher said it is an elite community, it is not a democracy. And he referred to students as being in the age group 18 to 22, therefore implying somehow they were not full members of that community.

Another point in the Premier's catechism—

**Mr. Chairman:** Order, please. I might point out, with respect, that you seem to be talking more about the principle of the bill raher than this particular amendment, and have been for quite some time, so I would ask you to please direct your remarks to this specific amendment.

**Mr. Randall:** Go over it again.

**Mr. Sopha:** Nothing is more relevant than what he is now saying. It may be embarrassing, but it is relevant.

Interjections by hon. members.

**Mr. T. Reid:** Mr. Chairman, another point in the Premier's catechism was that 18-year-olds henceforth would have the right to hold elective offices and to serve on juries. These major responsibilities of citizenship are held out cynically, if the intent is not to capture the spirit of that enfranchisement in subsequent legislation of the same government. The U of T bill is the first such piece of legislation to be enacted by this government, subsequent to the introduction of The Age of Majority and Accountability Act. The question as to whether students are accountable or not is thus the vital one.

"We are," said the Premier of this province, a few short days ago, "adding to the voters' list a signficant part of a generation of substantial numerical size representing the new centre of gravity in the population." Where then, sir, is the centre of gravity in the governing council at the University of Toronto?

The Premier talks about the centre of gravity in our society and yet this minister denies it—not simply a centre, he denies even equal participation in the centre, along with others such as the faculty.

**Mr. Sopha:** It is cynicism and hypocrisy.

**Mr. T. Reid:** "I do not believe"—this is the Premier of this province speaking with fine rhetoric; he obviously had a fine speech writer—

> I do not believe there has ever been a generation which has been as committed to progressive change, so involved in public issues and so active in the expression of argument and opinion on them, as those who, on the enactment of this legislation, will have the privilege and power of the franchise.

**Mr. Sopha:** Did he say that?

**Mr. T. Reid:** Hypocrisy, cynicism, I say.

**Hon. Mr. Dunlop:** All 50 could be 18.

**Mr. T. Reid:** He went on to say, Mr. Chairman—this is the Premier of the province, this is this man's boss. He went on to say:

> Their active presence among the electorate may well serve as an incentive and inspiration for that one third of the present electorate who for one reason or another habitually fail to exercise the franchise.

But it is precisely because faculty members fear that students will exercise their franchise, that such words as "swamping, overwhelming" and the like were used with fear in the presentation of certain faculty members to the committee. The faculty, or certain of their representatives, seemed to want them to abdicate.

Mr. Chairman, if I may slightly paraphrase the last paragraph of the Premier's statement on page 5, changing the words from "drinking," then my point is aptly made and I think it is the point on which I can conclude.

The statement would then read, Mr. Chairman:

> It would appear that it is one thing to place upon 18-year-olds the sober responsibility of voting or the right to hold elective office at either the provincial or municipal level, or the legal right to accept and convey property, or the legal responsibility for a contract—but that it is another thing to allow students to serve on the governing council of the provincial university in equal numbers to the faculty members, although together they comprise the university community.

**Hon. Mr. Dunlop:** There is nothing in this bill to prevent all 50 of them from being 18.

**Mr. T. Reid:** And on page 6 the Premier sums it all up when he says, and I quote:

"We cannot bestow upon them our trust and at the same time prejudice it with suspicion."

I submit to you, sir, that the amendment the minister has proposed here is doing exactly what the Prime Minister of this province said we should not do. And I repeat, the Premier of this province said this.

**Hon. Mr. Dunlop:** A masterpiece of illogicality.

**Mr. T. Reid:** He said "We cannot bestow upon them our trust and at the same time prejudice it with suspicion."

That to me, sir, is a comment on our society and the attitudes of this government when it cannot be consistent in its first Acts.

Therefore, sir, I move that the amendment to subsection 2 of section 2 of Bill 80 be amended by substituting the word "eighteen" for the word "sixteen" in clause (c), the word "ten" for the word "twelve" in clause (d), the word "six" for the word "eight" in clause (e), the word "one" for the word "two" in clause (e), the word "six" for the word "eight" in clause (g), and by adding after clause (g) the following words:

That the number of members elected by and from among the students shall be increased:

(i) one year after this section is proclaimed to be in force by and from among the undergraduate students to five,

(ii) two years after this section is proclaimed to be in force by and from the graduate students to two,

(iii) three years after this section is proclaimed to be in orce by and from part-time students to two, and

(iv) four years after this section is proclaimed to be in force by and from undergraduate students to six.

This is parity, Mr. Chairman, four years after the bill comes into effect. If the bill came into effect in July, 1972, there would not be parity on the governing council until 1976, and that would not really affect decision-making until well into 1977.

**Mr. Chairman:** I will place the motion before the committee.

**Mr. T. Reid:** Mr. Chairman, I just conclude by saying that the sub-amendment would mean that we would have parity in 1977 in terms of decision-making and not 1971, and I for one see nothing to be fearful about that.

**Mr. Chairman:** Mr. T. Reid moves the amendment to subsection 2 of section 2 of the bill be amended by substituting the word "eighteen" for the word "sixteen" in clause (c), the word "ten" for the word "twelve" in clause (d), the word "six" for the word "eight" in clause (e), the word "one" for the word "two" in clause (e), and the word "six" for the word "eight" in clause (g), and by adding after clause (g) the following words:

That the number of members elected by and from among the students shall be increased:

(i) one year after this section is proclaimed to be in force by and from the undergraduate students to five,

(ii) two years after this section is proclaimed to be in force by and from among the graduate students to two,

(iii) three years after this section is proclaimed to be in force by and from among the part-time students to two, and

(iv) four years after this section is proclaimed to be in force by and from among the undergraduate students to six.

**Mr. Sopha:** On a point of order, let us just tighten that up a little bit. You will find the part where it says "and by adding after clause (g)—"

**Mr. Chairman:** Yes.

**Mr. Sopha:** Let us put the letter (h) in there. It is a new sub-paragraph.

**Mr. Ben:** You will find all the preceding paragraphs—

**Mr. Sopha:** Is it not (h)?

**Mr. Nixon:** Is it not an additional paragraph?

**Mr. T. Reid:** It is not an (h).

**Mr. Ben:** We did not intend it as such.

**Mr. Sopha:** You did not?

**Mr. T. Reid:** No.

**Hon. Mr. Dunlop:** Has the member for Scarborough East retained counsel?

**Mr. Lewis:** Whose amendment is it anyway?

**Mr. Ben:** We intended to—

**Mr. Sopha:** All right. I was just trying to tighten it up. If that were (h) it would fit in.

**Mr. Chairman:** And by adding after clause (g) the following clause (h). Would this be acceptable.

**Mr. D. C. MacDonald** (York South): Can the members have a caucus and resolve the amendment?

**Mr. Sopha:** Come on, cut that out. That picayune intervention does not add anything.

**An hon. member:** If the members do not have a caucus that is too bad.

**Mr. Sopha:** —at a quarter to 1 in the morning!

**Mr. Chairman:** The hon. member for Peterborough.

**Mr. Sopha:** I want it tidy for Hansard; that is what I want. In case somebody reads it, someone out in Atikokan. That is all I want.

**Mr. Chairman:** The hon. member for Peterborough has the floor.

**Mr. Pitman:** Thank you, Mr. Chairman.

**Mr. E. W. Martel** (Sudbury East): You did not miss that period, did you?

**Mr. Pitman:** I must say that it is with sadness, shock and sorrowful disbelief that I look upon this amendment which the minister has introduced here tonight. I say that because we had much great expectations, such great hopes that we could use the committee, use all the structures that were available to this Legislature, and resolve the conflicts which have been going on over at the University of Toronto for the last four years.

The minister when he introduced this bill into this House indicated that he was prepared to be flexible, open and indeed we rejected the bill at that time. But we said, as we rejected that bill, that we were prepared to vote for this bill on third reading, if amendments took place in the committee which were acceptable to this party.

The minister said to us—he said to this whole Legislature—that we would go into that committee; that we would sit and we would listen to the arguments of those who are vitally concerned with the university, and we would ponder. We would use the combined wisdom of all members in this House, and we would seek to find a solution to this problem of representation on the governing council and that that solution would be in the best interests of the university.

I think that what is right is in the best interests of the university. I think what is fair is in the best interests of the university. I think what is in a sense representative of the future is in the best interests of the university. In this case, I suggest to the minister that his amendment is not in the best interests of the university.

I want to give some degree of congratulations to the minister for at least giving that committee reason to think for some time that they were really going to be able to resolve it in that setting—and there were no whips on. At no time were the whips put on in that committee, but what happened? Surely the minister must have known that when he released that legislation into that kind of a setting— when he changed the rules in the sense of not barrelling it through this Legislature as he could have done—there was no reason why he could not have been intransigent. He could have stated that the 10-6 numeration which he had decided upon at the beginning would be the one which he was going to accept come hell or high water. He could have gone through a song and dance routine in that committee.

We could have cut off debate but we sat day after day, Mr. Chairman—and indeed the chairman was a member of that committee—and we listened to speaker after speaker. We listened to some of the faculty members two, three and four times. I must say that after the third day there were some of us who believed we had heard every argument that could possibly be expressed on the question of parity and non-parity in a university setting.

But what have we done at this late hour, or early hour in the morning? What we have done is reinforce the feeling of young people that you really cannot beat the establishment; they get you every time. You cannot trust anyone over 20, because when the legislators really came down to it and the minister came down to it, he crumpled under pressure which he knew was going to be there.

He must have known his phone was going to be ringing. He must have known that the faculty, those who could get to him right across this province, would be on his back. He must have known that the kinds of letters he was absolutely enraged about in that committee were being sent out—comments about making a political football of the University

of Toronto—and the minister knows very well that is exactly what we were trying not to do—to make a political football out of the University of Toronto.

We tried, in this place, to give a fair hearing to every side, and what did the young people find out? They found that when they appeared before what we call a neutral group, a neutral committee, they get done in. They get cheated. They get beaten because they won the argument.

**Mr. Lewis:** That is right.

**Mr. Pitman:** They won the argument right down the line. In fact, the irony is—

**Mr. Lawlor:** It is a wonder that you did not—

**Mr. Pitman:** The irony is that the faculty association found themselves using one of the strangest arguments as their reason for having a control of the governing council. They said, "These students outnumber us all the way; they outpolitic us, they have far more acumen than we had."

They could have said they had far better arguments and a far more intelligent approach to the problem. They could have said that they showed far less animosity because the young people who appeared before that committee—I was proud that I was an alumnus of the University of Toronto. I was proud that I had any contact with those young people because, believe me, Mr. Chairman, I am not sure you were there at every meeting but those young people showed what could happen if they were given a chance at the governing council of the University of Toronto. What we have done in this place is we have undermined the validity of the modern student because these were modern students.

I want to say to the minister, and I think he would agree, that those students did become flexible; they were willing to compromise. They took the minister's 10-6 and said, "Look. We can do better than that." They brought their arguments to bear upon what the minister said. I can remember at that meeting after listening all day to the professors and the students, the minister said, "Why cannot we find a compromise here? It is not parity, but it is possible parity. It is a solution which gives 10 members, the same 10 as they already have in the bill—the original bill—to the faculty association. It gives six student members, the same as there was in the original bill, but we are going to put four extra members, and these four will be elected across the entire university."

I still think if the minister wished to put that measure forward that that perhaps is the best of all possible worlds we could have arrived at.

**Mr. Lewis:** That is right. The member is right.

**Mr. Pitman:** That meant possible parity. That gave the students a chance to show their mettle. That gave the students a chance to do as they did before, because the one interesting thing for those who are sitting here in this chamber who were in that committee was that most of the people who appeared for parity were not students; they were faculty members. The students brought faculty members from the various departments, from the various colleges, people of intelligence and moderation and sensitivity, who stood before us and told us what parity could do within his college, what parity could do in the department of philosophy. There was only one who brought any experience of parity who gave us the impression that parity would create chaos. We realized that it was not parity it was the department that was in chaos. Since then the minister has received further indications from other members of that particular department at the University of Toronto that that was not an honest and what might be called an objective view of that department at all, and thank heaven for that.

What I am trying to say here tonight, Mr. Chairman, and I say it as briefly as I can because of the late hour, I am trying to say this, that what we have done tonight is to tell the young people of this province that, on the one hand, we give them the right to vote at 18, to sit in this chamber and direct the entire activities of this province at the age of 18, to vote for the highest offices, elective offices, at 18, but they cannot have a real role in the governance of the University of Toronto.

**Hon. Mr. Dunlop:** There are very few professors at the age of 18, but there has been the odd one.

**Mr. Lewis:** He is not talking specifically.

**Mr. Pitman:** We are talking about the realities, I say to the hon. member. We can talk about possibilities, but the hon. member knows as well as I do that the 18- and 20-year-olds will be largely students.

**Hon. Mr. White:** If I may interrupt just a moment, and I will not take very long. It happens in this particular year there is a confrontation of sorts between the faculty and students. At other times, the confrontation is between different sectors of the university. I point out to the hon. member that my amendment provides for eight students and eight alumni, notwithstanding the fact that the alumni constitute a much larger body of men and women then do the students.

If we want to get into the intricacies of what constitutes parity and non-parity we can find all kinds of equations which balance and equations which do not. I do not think we should be distracted from the other internal and external-internal relationships by considering only the student-faculty relationships.

**Mr. Pitman:** I say to the hon. minister that that is a point that bears consideration but the point is that that entire—and the minister would agree with this—committee was obsessed and that faculty was obsessed with that problem. Not once did the faculty have anything meaningful to say, about the lay people or the people from the public sector. They did not have any concern at all about whom you appointed. They did not express any concern over the fact that if there was parity it would be between the university and the public sector. They did not have any concern about the alumni and the number of alumni on there. The only thing they seemed to be concerned about was "make sure the students do not get any possibility of parity"

**Hon. Mr. White:** I think that is where the confrontation is this year.

**Mr. Pitman:** The hon. minister surely must recognize that that is what we are dealing with, this year. That is the point.

**Mr. Lewis:** What do you do? Do you submit to it on an annual basis? It that the way you bring in your amendments?

**Mr. Pitman:** You see the problem that these young people see is that the game was not played in the committee. Now they came to this committee fully accepting the words of the minister and I know the minister was quite open and honest in his statements.

**Hon. Mr. White:** Absolutely.

**An hon. member:** A latter-day saint.

**Mr. Pitman:** I am not in any way denigrating what the minister said and tried to do. We congratulate on him on that and in that attempt but surely he should have been realistic enough and tough enough to know that those pressures were going to be put on and that those students could very easily be taken in by what was going to happen, not in the committee, but outside the committee.

That is where the campaign very soon started, outside the committee. It was not the fact that the arguments were being posed one against the other and the chairman called one after another before it, that we had our chance to balance and weigh and consider, to use our wisdom and our acumen in trying to sort out the validity of these arguments. That was not where the campaign took place at all. That is what the students are going to say. We went through a song and dance routine for several days before that committee, when we knew right from the beginning we were going to be done in.

But I must say that the minister's remarks in the Globe and Mail this morning do not help very much. He must have had his tongue in his cheek when he said to some reporter: "... barring some extraordinary coalition of forces between students and faculty on the issue of their representation, which I do not anticipate." Obviously he does not anticipate that the students are going to come across the street hand in hand.

It is our bill and our responsibility in this House to decide what we think is in the best interest, listening to the advice, listening to the evidence which we did in that committee. I say it is out of context with what we had every expectation of that we should find before us an amendment which bears no relationship whatsoever to what took place in that committee, no relationship whatsoever. I would agree with the member for Scarborough East that if that vote had been taken when the minister put forward that amendment it would have passed and the students were prepared to accept it.

Remember now, would they have come a long way? There seemed to be some idea that the faculty are flexible and the students are intransigent. The students have come from the aegis to the community of scholars, one for one—the community of scholars actually is thrown in their teeth by the academics. They have moved to the idea of, at least, parity, so there is some possibility that once in a while they can get something that they really think is important to them, and they made it very clear that they were not willing to accept the idea that every committee was going to be a parity committee all the way

down through university. They indicated they were interested in function. They were not interested simply in some kind of a creed established by the governing council that everything should be parity from then on. They made that very clear.

They moved then to the minister's suggestion of the 10-6-4. They moved that far. Did the faculty move with them? No, they did not.

An hon. member: No, not an inch.

Mr. Pitman: Not an inch. That was worse than parity, they said. The idea of faculty and students together having to vote for representatives in that university. The idea the faculty might have sullied themselves by entering into a contest involving students and faculty. How unacceptable! That was the position that was taken.

And they talked about a "yearly confrontation," a "yearly struggle," when the minister said—and I agree with that the minister said on that occasion—that that represented an opportunity for them to find common ground. And there is common ground, obviously there is, because year by year as the students took their place on the governing council as they acted with a kind of intelligence and good sense that we saw on that committee, even the most intransigent faculty member of that governing council, even the most Neanderthal representative that the minister could ever appoint, would come to realize that what the students were doing was right and sensible and proper.

We would find one year that perhaps two professors and two students might have been elected. They would be two steps away or four steps away from parity. The following year maybe one step away from parity and finally they would have had the possibility of parity and it would have been based on performance. And that performance would have been forthcoming. Now what have the students got to face that is not facing them now? It fact if I might even step back a bit—

Mr. Martel: —the Minister of University Affairs.

Mr. Pitman: —a further step they were willing to accept as the minister will remember. I put forward to the students on the occasion that we were discussing this matter —and once again I accepted the opportunity and I appreciated the opportunity of the minister to engage in every way possible with the various forces that were at work in that committee—I put forward the concept of a parity over a number of years very much in the terms of the amendment which has been put forward tonight.

Those students that we talked with realized that they would never see a governing council on which there would be that parity in the time that they were in that university.

And remember what we mean by parity now. Parity means that there would have been in that situation—how many?—seven undergraduates in a governing council of 50.

It is very easy, of course, to bag everybody together in this student representation segment and say they have got parity. But remember in that group you have graduate students who are standing side by side with faculty who are demonstrating in the laboratories and who are doing much of the teaching. In fact that is one of the revelations of those few days—how much the graduates do of the teaching over in that place.

Who are the other ones that make up that bag we call students—part-time students? The gentleman who came before us must have been at least 40 to 45 years of age. These people are in that university for 10 or 15 years. In fact their time in that university is as long as a good many of the faculty, in fact, most of the faculty. That is the kind of person we are talking about as being a student. Some of these people own businesses. Some of these people are successful; people who in their daily lives are housewives. Some people have raised a family.

These are what we call students in this term of parity. And what do we mean by parity? As members always mention, one thing that is true about a governing council or any other kind of an organization is that time and experience equals power, and the whole student group are elected for one year.

Mr. Sopha: Where is the minister going?

Hon. Mr. White: I will be back.

Mr. Pitman: I do not intend to bore the minister. I know he has heard these arguments before, and I am sure—

Mr. Lewis: The member is not boring him.

Mr. Pitman: There are people in this chamber who were not at that committee, and I think that before this vote is taken those members should know that the member for Ontario, I think, perhaps made the most memorable comment during those whole

three or four days that we sat listening to the various groups that came before us—

**Hon. Mr. Dunlop:** We can read the newspapers you know.

**Mr. Lawlor:** The minister does not know what he said.

**Mr. Pitman:** —after one of the faculty antiparity persons came and extended his comments. After he tried to put forward the idea that these were the wave of the future, these are the young people who are going to be looking after this province and this nation; these were the young people upon which we depended; these were the greatest young people in our society, and these are the elite of that group who will be elected to these offices. He said, "Have you not any faith in these people? Do you not have any recognition of the talents of these people?" The hon. member for Ontario continued and concluded his remarks by saying, "After listening to you as a faculty member I finally realize why there is so much student unrest over there."

**Mr. Sopha:** I remember him saying it.

**Mr. Ferrier:** I do, too.

**Mr. Pitman:** There was a silence came over that whole committee as we realized that the hon. member for Ontario had put his finger right on the problem. Because what we are talking about in this governing council is not just the numbers game—a kind of bingo game by which we put 10-6-4 or 10-8-2 and so on. It is not that at all.

What we are talking about is a philosophy of education. Two or three years ago we all pounded our desks with great enthusiasm in this chamber as they brought down the document called the Hall-Dennis report. And in the Hall-Dennis report it stated that in the Province of Ontario from this point on we were not going to be obsessed with examinations.

We were not going to try to cram facts into kids. We were not going to have a teacher-dominated educational system. We were going to turn our eyes toward an educational system which saw human development as its main theme—the individualized educational experience. The teacher-student relationship was going to be a different thing, a searching together. It was in this kind of a context that we saw the new wave of educational change in this province.

Surely, we should have some representation of that concept of education in a governing council which was being set up to govern a university during the 1970s and the 1980s and the 1990s. Do we have to search back to the 19th century to a teacher-student relationship or a faculty-student relationship which has long since been dispelled by modern educators and the thinking of those who are the forward—

**Mr. Sopha:** I think some of those guys over there would go back to caning.

**Mr. Pitman:** I simply say that that is the issue.

**Mr. Sopha:** Many of them have come from private schools over there.

**Mr. Pitman:** One of the ironies was, and I do not want to repeat these remarks and these arguments, that the students were claimed to be eroding the academic excellence of the university. What did they mean by academic excellence? They meant the old examination marks, the old coarse-structured little boxes with all the subjects in them, essentially the idea that the faculty was there to transmit the knowledge of the ages to these ignorant, unkept people who approached them on the campus of the University of Toronto. That is what symbolized that entire confrontation that took place in that room downstairs.

So I say that what we are doing here, not only are we letting the young people down in this province, all of them and all the universities, indeed in all the institutions where young people are seeking to give some of their wisdom, some of the realizations that they have, just by being young—I am not going to quote Marshall McLuhan or any modern philosophers in this era at all—but just by being young they have something to say to us. We are not turning over the whole university to the young people of the province. We are not simply saying that they are going to look after all the finances, all the academic activities, in that university. That is just sheer nonsense.

I remind you that it is seven undergraduate students in a governing council of 50 we are talking about as the extreme, as the extreme after five years.

**Mr. T. Reid:** Five years.

**Mr. Pitman:** After five years that is what we are going to have in the governing council of the University of Toronto and this is what we are turning down in this chamber tonight.

As I say and I am not going to prolong this debate, I remind those of you on the other side that the students have moved from the community of scholars, one for one. They moved to the 6-6-4. They accepted the minister's 10-6-4. They then accepted a new dimension, a time dimension, which will allow them to reach parity in the next four or five years and you tell me that the students of this university are not flexible, are not willing to accept advice. How can we say this?

How far did the faculty association members move? Not one inch. They came into that committee on the first day and they said, "This is the fair minimum. We do not like it, to begin with. We do not even like their governing council and we do not even like the system you are using but we will accept this as the minimum We will not let you deviate from this one inch." There was time and time again when the minister had to remind them that this is our bill, in this Legislature. They did not have the right to come over and tell us what we were going to do here. Again and again the minister had to tell them that and remind them of that. The hon. Provincial Secretary came in the last day and made another effort to find a common ground, to move a bit closer to what the students wanted. But is that to be a part of this amendment?

**Hon. J. Yaremko** (Provincial Secretary): You ruled it out of order.

**Mr. Pitman:** At this time of night, I hope the Provincial Secretary—We did not; I do not rule things out of order in a committee. The chairman rules it out of order.

**Hon. Mr. Yaremko:** But you brought it to the attention and supported it.

**Mr. Lawlor:** Stay out of this and things would have been a good deal better.

**Mr. Pitman:** I just want to say, and I am going to complete my remarks very quickly—

**Mr. R. M. Johnston** (St. Catharines): You are letting the young people down. You are keeping them up too late tonight.

**Mr. Pitman:** I want to say that it is very easy to argue that this is the result of the university-wide committee, but let me remind you that the Committee on University Government met for months and months and months considering this matter. The university-wide committee met for three days.

**Mr. R. M. Johnston:** What—

Interjections by hon. members.

**Mr. Chairman:** Order.

**Mr. Lewis:** The best submission this House has heard on this subject.

**Mr. Pitman:** And I want to say—

Interjections by hon. members.

**Mr. Chairman:** Order, please.

**Mr. MacDonald:** No wonder they are trying to unload the member in St. Catharines.

**Mr. Chairman:** Order, please. The hon. member for Peterborough has the floor.

**Mr. Pitman:** I simply want to say in conclusion that it is very easy for the minister to say that this is the result of the university-wide committee, but the university-wide committee was unacceptable to the students. It was not an acceptable rationalization of how the university should be governed and the minister recognized that at the time.

**Mr. R. M. Johnston:** I am saying you are keeping them up too late tonight.

**Mr. Lawlor:** The member will stay here all night.

Interjections by hon. members.

**Mr. Pitman:** All I can say is this—

**Mr. Chairman:** Order.

**Mr. Pitman:** I expect that the students on the University of Toronto campus will have great reason to turn down this as a compromise and to act in a most intransigent matter from now on. I do not think they will do it and I think that we, in the next number of years, will want to find ways to encourage them. We will wonder how we can find ways to get more students on that University of Toronto governing council and we will not be able to do it, because of the nature of this amendment.

**Mr. R. M. Johnston:** And the number of years, how many members? How does it add—

**Mr. Lewis:** Just because the member is suddenly visiting us, he should not talk so much.

**Mr. Pitman:** All we are asking is, give them a chance. That is all we are asking.

**Mr. R. M. Johnston:** The leader of the NDP should not be so naive, I am with him all the time.

**Mr. Pitman:** Over a period of years let them get on to that governing council; let them show what they can do.

The minister has said in two years this will come back to this Legislature. If all the fears and all these insecurities which the faculty brought before us in the last few days, if they come to pass—and I want to say to you that some of the things they were suggesting were unbelievable. For example, they said they might virtually put the whole governing council in a state of disruption. Well, that is no argument. Two students can do that.

I simply say to the Legislature, the minister has a chance two years from now; do not block parity now and then throw it back at the governing council and let them come and request us, because they will not do it; the minister is throwing the whole thing into the governing council. He is going to continue the debate that has gone on for four years. He is going to dismember any opportunity for gaining common ground.

If, on the other hand, the minister accepts the opportunity that there will not be parity for two years, it will come back to this House, and that the governing councils will be prepared to say, "Fine, carry on. Let the whole machination you have put into effect carry through and let us have parity within three more years."

**Hon. Mr. White:** And so be it.

**Mr. Pitman:** But I suggest to the minister that this amendment blocks that opportunity. I just do not think that he will have another opportunity to discuss and debate that matter of the governing council with a new group of people, with all the problems they are going to face. There is the possibility now, of course, that one of the things the faculty will be assured is that this is enshrined, that this numbers game is enshrined in the legislation from now on I just do not think that opportunity will be there.

The minister is cutting off that opportunity and in that way he is cutting off the future for the young people of this province.

**Hon. Mr. White:** On the contrary, I am sorry, we are deliberately providing that opportunity through this Act.

**Mr. Lewis:** No, no. And the minister is protesting from shame, that is why he is protesting.

**Mr. Chairman:** The hon. member for Sudbury.

**Mr. Ben:** They should call the minister "Black Jack Riley" instead of John White.

Interjections by hon. members.

**Mr. Martel:** Why does the member for St. Catharines not dry up?

**Mr. R. M. Johnston:** How would the member for Sudbury East like to drop dead and go back up north where he belongs, up in the rocks.

**Mr. Chairman:** The hon. member for Sudbury.

**Mr. Sopha:** I am going to make about three points—

**Mr. Lewis:** Mr. Chairman, on a point of order, I want to make sure that the record has the member for St. Catharines saying that. I want it on the record.

**Mr. R. M. Johnston:** Point of order.

**Mr. Lewis:** That is fine. I just want it there so we know where it came from.

**Mr. R. M. Johnston:** Place it on the record.

**Mr. Lewis:** Good—back on the rocks.

**Mr. R. M. Johnston:** And I still say, and I repeat, when a man talks to me like that, a member across the floor, I say he should go back to the north and go to the rocks.

**Mr. Lewis:** Yes, that is right. That is fine.

**Mr. Chairman:** Order! The hon. member for Sudbury.

**Mr. Sopha:** I am going to make three points and I am going—

**Mr. R. M. Johnston:** It is just about time somebody told those people where they fit.

**Mr. Lawlor:** And the member is the one to do it all right.

**Mr. Lewis:** The member is certainly the formidable antagonist.

**Mr. Chairman:** Order!

**Mr. Martel:** The age of enlightenment over there.

**Mr. R. M. Johnston:** Come on over and join us where the bright stars are.

**Mr. Ferrier:** Is the member part of the Premier's new wave?

**Mr. R. M. Johnston:** I did not talk about the wave, the member said it.

**Mr. Sopha:** I wish I could have made them—

**Mr. Lewis:** We need a permanent detoxification centre around here. Be rather useful on nights like tonight.

**Mr. Randall:** Here comes the man in the white coat. Take him away!

**Mr. R. M. Johnston:** That is an NDP lie.

**Mr. Martel:** Is he for real?

Interjections by hon. members.

**Hon. Mr. McKeough:** The member for Sudbury has three points. I would like to hear them.

**Mr. Chairman:** Order, please!

**Mr. Sopha:** I have long been the advocate of the installation of the saliva test around here.

**Mr. Chairman:** The hon. member is out of order.

**Mr. Sopha:** I wish I could have made those three points amid the hush that was generated by the superb oratory of the member for Peterborough. I never heard him better. He had the attention of the House and he captivated them for a long time until it broke down.

The first point I want to make is that I attended several of the committee meetings. I was not a member, but I went there. I had no vote. I heard much of the discussion and in the latter stages when we ensured that our four voting members would be there at the critical time—and they were—and the NDP ensured that their three voting members be there, and they were. Then those who gave us support and comfort and by their rhetoric gave us the assurance that when that vote was called they would be on our side, at some time when it was in the offing they fled, they fled.

**Mr. T. Reid:** The member for Nipissing (Mr. R. S. Smith) and the member for Humber.

**Mr. Sopha:** The minister had undertaken that the committee would be the determining factor to decide the issue.

**Mr. Lawlor:** And look who they brought in to replace them.

**Mr. Sopha:** The next point that I want to make is that I rather resented during the course of those hearings—

**Hon. Mr. White:** I take from his remarks that I cannot let them go by. Accept my assurance—

**Mr. Lewis:** Oh sit down Black Jack!

**Hon. Mr. White:** —that my pledge to the committee and to this House was fulfilled. No attempt was made to exclude people and no attempt was made by the whips or by me to enforce a particular way of voting on our members.

**Mr. MacDonald:** It was just an unfortunate coincidence?

**Mr. Sopha:** I accept that. I not only accept it, but I believe it. But I say as a fact that those whom we might have expected to cast their vote in favour of parity were not there when the vote was taken, and the chairman had to use his special powers to break the tie.

The next point I want to make is that I rather resented the patronizing, impudent and sometimes insulting attitude of some of the members of the faculty. They came there and they talked down to us. They talked from that superior intellectual attitude of élitism. I refer especially to Professor Kruger. He was the one from economics? I want to be sure to get the right one.

**Mr. Lawlor:** He talks to everybody that way. The only one he cannot do that to is his wife.

**Mr. Sopha:** We have experience in this area and we brought that experience to bear, and I said quite validly that we were in the path of progress for several years here in this Legislature before the University of Toronto bill ever emerged in the halls and in the committees of this Legislature. And he had the impudence to come there and begin his remarks when he strode to the lectern by saying that he had had to listen to a lot of debate about the University of Western Ontario.

Well the University of Western Ontario's experience was very relevant to what we were doing, and we saw the retreat or the

attitude of this minister in 1964 when it was before it. We were entitled to call on that, to buttress our argument.

The next point I want to make is this; that in every human advance since the dawn of history, every one of those who have opposed it have called down the support of deluge, disaster. "If you do this it is going to hail the Armageddon. The world will come crashing in." So it is with this. We heard that over and over again. "This will be the ruination of the universities. This will be the end of it all. It will descend into chaos."

**Mr. Lewis:** The Apocalypse.

**Mr. Sopha:** The Apocalypse, that is really —I forget the number of the Louis—apres moi, the deluge.

**Mr. Lewis:** That is right.

**Mr. Sopha:** That is the same thing and throughout the whole path of history we have heard that. We heard that from president Hall seven years ago. That is the way he put it when we made the attempt to put one student on the governing body of the University of Western Ontario.

The last point I want to make, and at 20 minutes after 1 on July 23, 1971—

**Hon. Mr. McKeough:** A.M.

**Mr. Sopha:** —I want to say that you have got to get with the wave of the future.

I predict—and I will take the responsibility myself for predicting—that within a decade and half virtually every decision-making process in this country will be occupied almost exclusively by people under 30, just about every one, that youth will rule ever significant area of our life.

I did not invent that. I stand with Robert Ardriey when in his learning he predicts the irreversible process of evolution. If you do not know who he is, go and find out and tap his learning. All I say to my colleagues in the House is get used to it and hope that when they take control of the decision-making processes that they exercise compassion toward us in our senior years. I hope they leave us with our pensions, but I have great faith in them that they will. But it is inevitable, and if you stand against it, casting your vote against an advance like this, then you are King Canute shouting against the tide. You cannot stop it; it is the wave of the future. It is going on on a world-wide basis. Youth with its virility, its agility, its enthusiasm, its dedication, its concern, all those things that the Premier (Mr. Davis) talked about when he introduced that bill the other day, make that inevitability irresistible.

The last thing I want to say is that if you put seven or 10 or 12 students on the governing body of the University of Toronto, 50 in number, you are not going to significantly affect the processes of the governance of that institution. They will not ruin it. They are, we are told—I have to pause to say that we heard remarkable figures of how many students there are over there. I wish some day they would get a computer or some arithmetic device and count them. Nobody seems to know. We heard everything from 68,000 to 25,000. You take the mean and apparently there is about 40,000. There are 2,500 in the faculty, a mere 2,500. It just seems to me as a process of the logic that flows from mathemathics, that they are entitled to an equal number by virtue of the great disparity of the human population, a few hundred yards to the left.

For all those reasons, I say to that government over there, vote against this and, boy, oh, boy, there will come a time when nemesis, the nemesis of the great gods will descend upon its heads and it finally will bring the government down because the Premier cannot come in here one day and talk about the responsibility of youth, their concern, their human understanding, their maturity, responsibility and all that rhetoric that he summoned up—and I disagree with my friend from Scarborough West—I think he wrote it himself. Those were his words, because I think that he believes it. He cannot come in here, as Mr. Justice Laskin says, and suck and whistle at the same time. That is an impossibility. You cannot do it. You cannot in one week say here is the recognition of the emerging power and responsibility of youth and in the small hours of the morning a week or so later, cast your vote against it. That is hypocrisy; that is the final argument to this minister; that is cynicism, and that cynicism will surely bring the government down.

**Mr. R. M. Johnson:** We are for the kids. The member is trying to destroy them.

**Mr. Chairman:** The hon. member for Cochrane South was on his feet first.

**Mr. Ferrier:** Yes, Mr. Chairman. I was a member of the human resources committee and I attended all the sessions that were held. I went to that committee with an open mind, not having heard the arguments put

forward on the university campus and knowing little about CUG and the university-wide committee and all the rest.

I thought that we were going to be making a decision in influencing the number of people on the various bodies. I was rather disappointed in the end. The minister put forward a compromise resolution that would have made parity possible and, rather than move that as an amendment he left it up in the air! As it was, another amendment was moved and lost. I think that if the minister had moved the 10-6-4 amendment that it would have carried, that it was acceptable to the members of that committee.

I was shattered by the experience of sitting on that committee and of seeing how the professors to a significant degree felt so threatened by the possibility of parity and of the students having a significant voice on the governing council of the University of Toronto.

Speaker after speaker representing the faculty association took this point of view and they said how much wiser they were and how much more mature and how much more fit they were to exercise the decisions of the governing body. Yet as we sat there and watched them in action, one wondered if all the claims that they were making were really valid because it was the students who showed the greater political savvy and seemed to understand the process much better and were much more mature and reasoned in their position. They were willing to move and make compromises, but the faculty association were dug in and they did not move.

I do not think they needed to think that extremists were going to take over the university. They seemed to suggest that, but my understanding is that there are a very few extremists on the university campus and the possibility of any member of that group ever getting university-wide support would be almost impossible. I think their fears were more than unfounded.

It was encouraging, of course, to see a significant number of professors come forward and express their support for the idea of parity, to stand with the students, and to argue very convincingly with them. A number of colleges and departments have instituted parity and with the exception of the sociology department it has worked very well. I think it is important that the student voice be heard and I think it is important that parity be part of that voice. As we sat there, we could see the professors sort of talking down to us, as the member for Sudbury said, and it is not hard to imagine how they would talk down to the students. I think the students need that kind of balance on the governing body.

I think it is important that we involve the students in the decision-making process and make them feel that they have a real and essential role to play in determining the direction the university should go, the kind of life and education that they can participate in. I suggest that that is more easily done through a parity relationship than through the kind of relationship that the faculty is suggesting, and that the minister in the amendment that he has brought forward here tonight is also suggesting.

I think for those working with students, people who argued so vociferously that they had committed their life to the education and teaching of students, it was distressing to see their lack of faith in these students and their feeling of being threatened and overwhelmed by them and that if any inch was given the flood tide would come flowing in upon them.

One realizes in many segments of this society that change is taking place and it must take place. To see the intellectual elitists, if we want to term them as that, being so timorous and unwilling to accept change themselves, we wonder what kind of leadership they are going to give to our society in moving it forward into a reasonable direction.

I was very distressed by the performance of the professors. Because of their performance, I became convinced that parity was the only sensible position and that it had to be fought for. After reading the two editorials in the Toronto Star and the Globe and Mail on the Saturday morning, I dug my heels in and felt that the decision was made for me. I went there with an open mind and I genuinely tried to understand the arguments put forward on both sides and I made up my mind, without any pressure from any of my colleagues in this party.

There is one other item that no one else has spoken about and which concerns me. There are to be 16 members of the governing council appointed by the Lieutenant-Governor-in-Council. On the old governing body, or present governing body of the University of Toronto, it has meant a board for the corporate elite of this province to come together and make their decisions. It has been a prestige body and that university has been dominated too much by this segment of our society and it has, I think, influenced

the university to be more subservient than it ought to be to the corporate section of this province.

I would hope that in making the appointments to the governing council that the minister would include in those appointments a wide cross-section of the community and not just those who are loyal to his particular political party or members of the corporate elite. The sons and daughters of all segments of the society attend that university and I think that the interests of those parents should be represented. I just feel that the minister must give due attention to this matter.

He did say in the committee that he himself would pay particular attention to various interest groups within the community and would try to make those appointments as representative as possible. I hope he personally lives up to that committment he gave in the Huron room I believe it was over in the Macdonald Block.

I also hope that he will give some leadership to the cabinet and make sure that the proposals that he makes will be representative. I have some misgivings that the old Tory squeeze will go on, and it will just be the same old kind of Tory appointments that we get throughout the province.

With that that is my contribution.

**Mr. Chairman:** The member for Humber.

**Mr. Ben:** Mr. Chairman, I too sat on that meeting. When I first went into the meeting, I frankly did not know what I would be doing there. I was inclined to leave matters of education in the expert hands of my very learned colleague, the member for Scarborough East, but as I continued to sit there and listen to the fears expressed by the faculty—should students receive more representation than they are already receiving—I started to listen more attentively.

I point out, Mr. Chairman, that the faculty was fearful of the representation that was being offered to the students by the first proposal of Bill 80. They thought that was too much representation for the students. It was not until the minister came forth with, what he called a proposal rather than an amendment, which would have increased the student representation, that they thought that perhaps there was merit in the bill as originally presented and they wanted to stick with that.

The hon. member who sat down, the member for Cochrane South, stated that he fears that students will not be heard. I have no such fears. I do not fear that students will not be heard.

**Mr. Ferrier:** Will not be heeded.

**Mr. Ben:** Well, heeded—I thought the phrase was "heard."

The students at the preesnt time, Mr. Chairman, have no representation and they are being heard. For the benefit of the hon. member for Cochrane South, the students, at the present time, has no representation and are being heeded. As a matter of fact, I am in favour of representation for the students because they are being heard and since they are being heard they should have representation. I have no fixed notion, nor belief as to the number—

**Hon. Mr. Davis:** I wish to say to the member for Humber that has been—

**Mr. Ben:** —of their representation. Frankly, at this time, I could not care less. I said, in answer to, I believe, a statement by Professor Crispo—that the presence of so many students would be disruptive—that one militant and determined student could be just as disruptive as eight or 10 of them. I believed then, as I do now, that one strong voice can carry further than 100 whispers. It is the quality and not the quantity that counts.

I started to become rather offended by the nature of the representations of the faculty. I had never, for about 25 or 30 years, seen so much fear expressed by adults. It was not the fear of the unknown but fear of their own children. I started to wonder, and I think I have stated quite openly that I was wondering whether, in fact, the faculty were competent to be given any power at all.

I came to the conclusion that perhaps what we ought to do is reverse the ratios and give the representation to the students and take it away from the faculty. They were certainly not facing their responsibilities with mature judgement. It was not a question of the students dominating the council because even if they were given parity they would still be a minority. Not everybody at the university was fearful of parity because the committee on university government, in its recommendation 75, which I must have read to that meeting three or four times—

**Mr. T. Reid:** CUG.

**Mr. Ben:** CUG, yes, had themselves recommended parity. They said that it was inevitable, that they welcomed it; the committee

were prepared to back this minister in the recommendation he brought forth. Members of this party were prepared to back the minister and then, at the last minute, he weaseled out and he backtracked.

I will never forget when the amendment of the hon. member for Scarborough East came up for a vote on the first count—the amendment carried. It carried 6 to 4. The minister was so shocked he asked for another count and the clerk counted again and two of the members representing the government side, who had not voted, also decided to vote.

I am sorry; the first vote was 7 to 4. He did not announce it, but it was 7 to 4 because, I believe it was the member for Waterloo South (Mr. Reuter), put up his hand and the member for Ottawa West (Mr. Morrow) put up his hand and the member for Quinte (Mr. Potter). They decided to vote with the government after all. The first vote on the amendment proposed by the hon. member for Scarborough East carried 7 to 4. That made the vote 7 to 7 and it was then that the chairman cast the tie-breaking vote.

Interjection by an hon. member.

**Mr. T. Reid:** Nonsense!

**Mr. Ben:** And what was accomplished? What was accomplished?

**Mr. Ferrier:** They all fell into line.

**Hon. Mr. Davis:** What was that?

**Mr. Ben:** All the minister did was to postpone the inevitable by a year or two years or three years or four, because I say to him that whether this bill is put forth in its present form or is amended, the people in the universities—

Interjection by an hon. member.

**Mr. Chairman:** Order, please! The hon. member for Humber is speaking.

**An hon. member:** I had voted from the very beginning. The only difference was two members only had their hands up part way.

**Mr. Ben:** I understand in this hon. House you are not supposed to question—you can rise on a point of privilege. I do not accept this statement. The rest of the House can.

I was looking the man straight in the eye—

Interjections by hon. members.

**Mr. T. Reid:** The hon. member has not got any voice. Mr. Chairman, on a point of order, that member sitting beside the Minister of University Affairs has no voice in this House unless he sits in his seat.

**Hon. Mr. White:** Oh, come on!

**Mr. T. Reid:** He did that to me two years ago.

**Hon. Mr. White:** As a matter of fact if all the people—

**Mr. Chairman:** The member for Humber.

**Hon. Mr. Yaremko:** The member for Humber has eyes in the back of his head.

**Mr. T. Reid:** The minister has no voice either.

**Mr. Ben:** I did not have eyes in the back of my head, my dear friend, I was looking him right in the eye and calling him a shameful name for having acted the way he did.

**Mr. Randall:** Eyeball to eyeball!

**Mr. Ben:** It was not eyeball to eyeball, two other timid individuals intervened. At any rate, I should like to say that the university faculty are going to wake up one morning, look into the mirror and turn their eyes away because they will not be able to face their own image, for their temerity and cowardice in this situation. They are going to start bringing parity into the situation.

**Mr. Lewis:** You see the provincial Treasurer! Look how the mighty have fallen.

**Mr. T. Reid:** They will do it in the fall.

**Mr. Ben:** I would not be surprised if he did do it in the fall. I am not going to prolong this—

**Mr. Lewis:** After that speech and the lights upon him, he should not.

**Mr. Ben:** I am not going to prolong this, Mr. Chairman. I just want to say that in the dying hours of this House, many of the ministers who had—

**Mr. Lewis:** They are not dying—some of them have expired.

**Mr. Ben:** —a reputation until now for integrity and standing up and being counted and being fearless in the exercise of their function, have shown another facet of their characters—that expediency and political needs, favouritism, will not give way to what is right. I have noticed that has happened

to a number of ministers in this House and it is shameful because I did admire them up to this time. I feel sorry for them; I am not going to have any denigration at them; I just feel sorry for them.

**Mr. Chairman:** The member for Lakeshore.

**Mr. Lawlor:** Mr. Chairman, I rise far more in anger than in sorrow on this occasion. Having sat on dozens of committees of this House and heard innumerable delegations I have never experienced a group of men so intransigent, so little willing to bargain. A little rump of professors who came before us, prating in irate gaggle—

**Mr. Lewis:** A gaggle of professors.

**Mr. Lawlor:** That is right.

**Hon. Mr. Dunlop:** A rump of professors? Is that a new collective noun?

**Mr. Lawlor:** One might prefer the geese you know. It has been pointed out in the course of the debate that it was not simply a question of hearing, as we normally do in courtesy and quietude, the representations made by people from out there, but we were subjected to a lecturing session. We were subjected to being talked down to. The general air was one of contempt as I understood it. In any case they were quite clear in their representations—and let me say this is not all of them, thank heavens—that we were not competent, that we were not in this legislative elected body competent to make a judgement with respect to the internal affairs of the university.

**An hon. member:** He is right.

**Mr. Lawlor:** They reiterated over and over again that we did not understand the internal condition. If these wise men, these men who should know better, could use an argument of that undermining kind, do they not realize that every group who comes before us could say likewise? That we are not supposed to be experts in every field? Then when we handle milk marketing, for instance, we are not marketing milk that morning?

Nevertheless, we are elected representatives of the people with enough intelligence to be able to penetrate the webs of the most specious arguments. Most of us have been subjected to the university at one time or another. Do they not realize that an argument of that kind would undermine the whole of representative government and render democracy a farce?

And that was the very curve of the argument. You see, it was aristocratic. It was paternalistic. It was looking down their nose—not just at the students but at the whole world, including the representatives of the Legislature of Ontario.

We were too dunceful to understand. We would never possibly grasp the esoteric meanderings of these professors.

**Hon. Mr. Davis:** That just proves that they did not know the hon. member very well.

**Mr. Lawlor:** Let me say, let me say, that they were not always professors, you know, and I want to mention one or two.

An old professor of mine, a man by the name of Larry Lynch, stood up for the students. He was one of the prime movers throughout the CUG report; a most sane and balanced individual. You could repose intrinsic faith in Lynch, as many people do. I said to myself, when I first saw him sitting in the audience: "Whatever Lynch comes out for is probably right." He came out, and what did the other professors say? At the back of their hands, I heard one of them say: "He is soft on the students."

**Mr. Randall:** The Japanese call him Rynch, do they not?

**Mr. Lawlor:** Lynch—about the greatest most balanced brain they have around the university. He should be listened to and not a paranoiac bunch of men who are fearful of their own shadow, who do not live in the contemporary world, they live in their subjects. I suppose they all must be eighth century historians because that was the impression I got.

I want to mention Robin Harris who spoke well and truly on this issue and Lynn Traynor, whom I thought had made an argument that would have moved men's hearts on the evening in question, but would never be able to move that of the present Provincial Secretary of this province. Why? Because he did hear it, he was not there. He only showed up at the last moment to upset the applecart.

That kind of blind ignorance, you know, is a betrayal of the whole system. He could not attend the meetings of the eight solid days—I could not be there all the time, but I was there a good deal of the time—and he showed up at the last hour not understanding what had gone on previously. It was a

betrayal of the purposes of this House and the Provincial Secretary was the one that turned the tale, more than anybody else—

**Hon. Mr. Yaremko:** The hon. member knows that is nonsense.

**Mr. Lawlor:** —and it will be on his head.

**Mr. Stokes:** It is the truth and he knows it.

Interjections by hon. members.

**Hon. Mr. Yaremko:** I am not becoming an orator like the member for Lakeshore. Tell the truth.

Interjections by hon. members.

**Mr. Lawlor:** That was their first argument. Listen, I watched the Provincial Secretary from the back of the room. I said, "What is that fellow doing here?" And then I found out in a few minutes exactly what he was up to. Nothing very good.

**Mr. Lewis:** He wandered in, said "How do I vote?" and nobody would tell him.

Interjections by hon. members.

**Hon. Mr. Yaremko:** The hon. member was not even there when I was there.

Interjections by hon. members.

**Mr. Lewis:** So he looked at the opposition and he turned it down.

**Mr. Speaker:** Order, please.

The member for Lakeshore will please continue.

Interjections by hon. members.

**Mr. Lawlor:** He got word from above that justice might be done and he showed up to see that it was frustrated.

**Mr. T. Reid:** The Minister of University Affairs probably did not want him there.

**Hon. Mr. Yaremko:** It is the first round I have won.

**Mr. Lawlor:** The second argument—and this has not been mentioned in the course of the debate—

**Hon. Mr. Yaremko:** The hon. member ruled out the only possible sensible suggestion.

**Mr. Lawlor:** The first position was the insider argument, that since we are not on the inside, we have no right to speak.

The second position that they took—and this shows how little rapport or understanding they have of the contemporary scene—that the whole of participatory democracy, the whole thing, was somehow a fad—that it would disappear, that it was whim, and that in the case of the students, their desire to participate in terms of equality in the life of the university and to throw their weight was something that was not to be taken very seriously. I think one of the professors said it would "disappear in three years." Well maybe the professor will disappear in three years—

**Mr. T. Reid:** The university will be better without him.

**Mr. Lawlor:** —at least as a professor of anything to do with contemporary history, because that was the basic judgement that had to be made. Would it or would it not? Are these things deep in the bowels of our time. Are they part of the emerging philosophy of life that men want to have a greater voice in their own affairs?

Is this not what we contend with every day, trying to adapt this assembly, which is so archaic and so inflexible really to that particular kind of thing; to make ourselves aware of it, to be open to people and to be conscious that we have a responsibility in this area? And this is precisely what this cribbed, cabined and confined bunch of men absolutely refuse to do. They are swaddled; they are living in the proverbial tower, looking in upon themselves.

**Hon. Mr. Yaremko:** How about the credit line?

**Mr. Lawlor:** They do believe, and it came through very well, that they are a superior race of men; that we mere mortals ought to bow our heads and grovel before them. They do not seem to realize emergent to the modern world that they are no longer that kind of individual with prestige. What they must realize is that they are now civil servants like the rest of us and they are on the payroll. They are no longer to be coddled and cozened and confined as they were in the past.

**Mr. T. Reid:** They do not like to be called employees.

**Mr. Lawlor:** It is the taxpayer. It is the parents of the kids—

**Mr. T. Reid:** They do not like to be called teachers or faculty members.

**Mr. Lawlor:** —whom they look down their long noses at in their arrogance who are paying their salaries at those universities—

**Mr. Randall:** He is talking about the member for Scarborough East—fix him, Tim. I would not let him get away with that, Tim.

**Mr. Lawlor:** —where they do the least they possibly can, by and large, in terms of getting out and doing research instead of teaching those kids, because they are a little fearful obviously of the bodies of the students—

**Hon. Mr. Davis:** The member for Peterborough is not like that, is he?

**Mr. J. R. Smith** (Hamilton Mountain): He has more humour.

**Mr. Pitman:** There is always the danger, but I turn it off.

Interjections by hon. members.

**Mr. Lawlor:** —as though the demand for representation and equality of position were a new thing in the world. Let me tell the House, and I mentioned it in committee, that in the University of Paris around the eleventh and twelfth centuries and in the University of Bologna the professors were hired by the students and fired by the students and they were given merit marks and they were put in a corner like the bad student to weep and suck their thumbs if need be.

**Mr. H. L. Rowntree** (York West): I cannot imagine the hon. member for Peterborough behaving like that.

**An hon. member:** They may have wept but they did not suck their thumbs.

**Mr. Lawlor:** It was the students that ran the University of Paris when it was in its glory.

**An hon. member:** Were you there?

**Mr. Lawlor:** I almost got there.

**An hon. member:** He was there in another form.

**Mr. Lawlor:** I have a feeling for it.

Interjections by hon. members.

**Mr. Lawlor:** That is where the universities came from and how they first got going, and if they were able to do it in those days, there is no reason why they cannot perform their equality of function today. Another thing, of course, that bothers one is that these men are, generally speaking, quite dispassionate, objective. They pride themselves on their rationality, generally speaking. But I just want to note that a curiosity of human nature is that where the shoe pinches in our personal lives, there we put the blinkers on.

**An hon. member:** Oh, boy!

**Mr. Lawlor:** How do the members like that?

**Mr. Rowntree:** On his feet. That is right.

**Mr. Lewis:** No, no, do not touch it. Do not amend it. Let future generations view this moment.

**Mr. T. Reid:** The member puts his foot in his eye.

**Mr. Lewis:** Only the Provincial Secretary wears blinkers on his feet.

**Mr. Stokes:** And the member for Don Mills.

**Mr. Lawlor:** By and large—

**Mr. Lewis:** The feeling of the member for Don Mills are in his feet.

**Mr. Randall:** It makes more sense there than it does up here.

**Mr. Lawlor:** By and large, these men will go into a classroom any morning of the week and will tell their children, tell the students, about the entrepreneurs in our society, about people who have hived off a certain portion, by monopolistic practices or otherwise, of the wealth of the community and will point out the condition of people who are disenfranchised or, in sociology classes, describe the position of the large number of the poor. They will be incensed by this. They will point their finger and blame certain individuals as not being aware enough of it, or not being willing to make any alterations in it.

But when it came to their own backyard, when it came home, is it not amazing how each one of us capitulates simply because it happens to require a sacrifice of us perhaps or, at least, a certain loss of our prestige? It seems to me, in the last analysis, that the whole position of the recalcitrant professors, as I will call them—I cannot believe they represent the university community. If they do, then there is après moi le déluge.

**Mr. Randall:** Chevrolet coupé.

**Mr. Lewis:** The member is an impossible man.

Interjections by hon. members.

**Mr. Lawlor:** As was pointed out—if I can give an extra turn to the screw—they never said at any time during the course of the proceedings that they thought there was too much representation from outside the university on the committee. When the minister made that arbitrarily clear that this would be a 50-50 proposition—50 per cent outside and 50 per cent in—they never questioned that as to what this representation might be or what the quality of that was or where it would come from or how it would affect the university. They never questioned the role of the administration or the administrative end of it; I suppose they think they are in the same coven with them. They never at any time questioned the number or the role that would be performed by the alumni.

At no time did they even go to the extent to protect their own rights and interests. On the whole civil libertarian question affecting teachers, professors and students and the discipline of the universities, they were not interested. That is the degree of rationality, the degree of insight that was displayed on this particular occasion.

There was a kind of obsessional neurosis in those rooms throughout the whole thing. The benighted—

Interjections by an hon. member.

**Mr. Lawlor:** And you were part of it. I think the minister said some time during the course of the proceedings, "Gentlemen, there is no political advantage in this debate that has gone on unconscionably, which we have permitted to go on with and should not have." There really is not any—

**Hon. Mr. Davis:** I wish the member would realize it.

**Mr. Lawlor:** And I quite realize it, and therefore we are losing as much as you are gaining and vice versa, that is for sure.

**Hon. Mr. Davis:** But it is not a question of anyone losing or gaining.

**Mr. Lawlor:** But nevertheless why is it better? I think of all those ardent New Democrats, whom I am forthrightly facing up to tonight. There are quite a few of them around there, and they are not particularly happy with the stance we have taken. And I am not particularly happy with the stance that they have taken. If we have to divide on these issues we shall do it forthrightly. I think the gravamen of the argument lies on our side overwhelmingly. This is a basic and fundamental traducing of the bill that we will be arguing perhaps tomorrow morning, perhaps tomorrow afternoon, on reducing the age of majority to 18 and all that goes into that legislation.

**Hon. Mr. Davis:** The member is going to vote for that. His leader said that. No argument at all.

**Mr: Lewis:** Vote for what?

**Hon. Mr. Davis:** The age of majority.

**Mr. Lewis:** We are going to participate on second reading.

**Mr. Lawlor:** Yes, we will be there.

**Mr. Ferrier:** We might have a word or two to say.

Interjection by hon. members.

**Mr. Lawlor:** I will quit in just a second.

**Mr. Randall:** If he quits now, the member can get his PhD from Rochdale.

**Mr. Lawlor:** It is not worth it if it is just honorary; I have to work for it.

**Hon. Mr. Davis:** What did the member for Scarborough East say?

**Mr. T. Reid:** If the Premier believes what he said in those fine words—

**Hon. Mr. Davis:** I certainly do. And, you know, the member for Sudbury is far more perceptive than you are. Far more.

Interjections by hon. members.

**Mr. Lawlor:** Before I sit down, Mr. Chairman, I want to read a passage or two from the committee on youth. I am sure everybody has spent nights doing nothing else—By the way, there was one further argument which was kind of peripheral but which bothered me by the little rump—

**Mr. Lewis:** Bothered the member by the little rump?

**Mr. Lawlor:** Bothered my little rump of professors. That is it. Their argument was that, after all, these students are birds of passage, that they have no permanent tenure or no vested interest in the institution.

One could not help but reply, or at least think, that we too, gentlemen, all of us, are

birds of passage whose passing away may be very soon—

**Mr. Randall:** Speak for yourself. I am no bird.

**Mr. Lawlor:** —and to use an argument on legislators that we have no permanency of tenure, it seems to me about the weakest thing in the world.

What did the committee on youth say? The committee of 1967, at page 294 of its report, talking in reference to the voting age: "Young people at age 18 or 20 today are generally more educated and more knowledgeable." I would not say that this was the most enlightened committee in the world either, you know. One has just to look at the components of the committee, you know. At least some of the men on that committee who voted against this legislation—

**Hon. Mr. Davis:** The member's leader was on that committee. How can the member say he was unenlightened?

**Mr. Lewis:** And I have never lived it down. I have never lived it down. Was I taken in!

**An hon. member:** Another Mr. Stanfield.

**Mr. Lawlor:** See how naive he was?

**Hon. Mr. Davis:** That is one criticism.

**Mr. Lewis:** Boy, was I naive. Did they do a job on me? Was I sucked in, in those days.

**Mr. Randall:** He has to go, after a character like that.

**Mr. Lewis:** Lusting for a niche in the establishment, I was. Ah, ha. But I have changed; I have changed!

**Mr. Lawlor:** He knew he would never make it!

**Hon. Mr. Davis:** An establishment by any other name.

Interjections by hon. members.

**Mr. Lawlor:** Well, we will stay here until I get this passage read, I think.

**Hon. Mr. Davis:** Mr. Chairman, I was only concerned about the—

**Mr. Lawlor:** You know, it is not immortal prose; I do not want to read it really. I find it rather turgid.

**Hon. Mr. Davis:** Listen, the member's leader wrote that particular section, I am sure.

**Mr. Lewis:** If it is turgid, it is possible I did, yes.

**Mr. Lawlor:** To continue:

> "Young people at age 18 or 20 today are generally more educated and more knowledgeable"—

you can see how turgid it is:

> —than any previous generation of the same age. One of the great weaknesses noted by the committee in its many contacts with young people was the inability of adults to give youngsters responsibility commensurate with their knowledge and capability—

that kind of rings down the ages, does it not?

> —and probably this has stemmed from the unfortunate image that has been created by those few irresponsible, often immature, teenagers who all too frequently come to public attention. Certainly they do not typify nor represent the large numbers of stable and good living young persons who make up our great body of youth.

What can one say about the parole and position of the minister in all these matters?

I think he started to act at the beginning in complete good faith. I think he tried to maintain that good faith throughout the course of the proceedings—the eight long days. I think he is too self-indulgent to permit his committee meetings to go on interminably when they are to be foreclosed and cut off when the repetition becomes too great.

**Mr B. Newman:** Why does the member not set an example?

**Mr. Lawlor:** I do not think that he—there is no repetition in my speech; not a word of repetition. The only person I am repeating is Mohammed.

**Hon. Mr. Dunlop:** Nothing but repetition from over there. Everyone is reading.

**Mr. Lawlor:** Do not interrupt me in midstride or I will have to start all over again and the members will have some repetition. I have to work myself up again.

Interjections by hon. members.

**Mr. Randall:** I thought the hon. member had the hiccups.

**Mr. Lawlor:** And besides, you know, it spoils Hansard, I do not think it is fair.

**Mr. Stokes:** They are working hard enough as it is.

Interjections by hon. members.

**Mr. Lawlor:** But I do think that along the way they got to him. The press got to him on that Saturday, when they came in strong from the side quarters. Probably one of those professors had taught one of those bizarre young editors up at the Globe and Mail and caught his ear late Friday night that we were selling out the province, to the ruination of the university.

**Hon. Mr. Davis:** Could not have been late Saturday night. Must have been Sunday some time.

**Mr. Lawlor:** A number of the professors said—we heard them in the corridor—"We will quit. We will leave the University of Toronto."

**Mr. T. Reid:** The best thing that could ever happen to the University of Toronto.

**Hon. Mr. Davis:** That the whole faculty resign?

**Mr. Lawlor:** Then one of the other professors said, "But where will we go—"

**An hon. member:** Fly to the United States!

**Mr. Lawlor:** "—in all the rest of the world?" They are flocking in here in order to escape the conditions in the United States. And we have no difficulty with respect to those in England.

**Hon. Mr. White:** Thanks to the good government of Ontario.

**Mr. Lawlor:** And so if some of these professors wish to pack up their tents off the Observatory Hill over there and take another spot elsewhere, I do not think there will be any great loss, either with respect to the logic or the acumen, or the intelligence or the load of wisdom that they are supposed to have.

Interjections by hon. members.

**Mr. Lawlor:** If their demonstration before that committee displayed what they are capable of teaching their students, then Lord help the kids.

**Mr. Chairman:** Any further question?

We will vote first on the amendment to the—

Interjections by hon. members.

**Mr. Chairman:** Order please!

We will vote first to the amendment to the amendment.

Those in favour of Mr. Reid's amendment, will please say "aye."

Those opposed will please say "nay."

Order. We will put the question. We will vote first of all on the amendment to the amendment as moved by Mr. T. Reid.

Those in favour of Mr. Reid's motion will please rise.

Those opposed will please rise.

**Clerk of the House:** Mr. Chairman, the "ayes" are 36 the "nays" 51.

**Mr. Chairman:** I declare the motion lost.

Interjections by hon. members.

**Mr. Chairman:** Order, please. We will vote now on the amendment as moved by the hon. minister.

Those in favour of Mr. White's motion will please rise?

Shall we take the same count in reverse?

**Mr. Ben:** Mr. Chairman on a point of order.

Interjections by hon. members.

**Mr. Chairman:** Point of order. State your point of order.

**Mr. Ben:** The point of order is that by the rules of this House—

Interjections by hon. members.

**Mr. Chairman:** Order, please. Retain your seats please.

Interjections by hon. members.

**Mr. Ben:** Mr. Chairman by the rules of this House a defeat of an amendment to an amendment carries the amendment. This is what we discussed before.

**Mr. Chairman:** No, that is not true—

Interjections by hon. members.

**Mr. Chairman:** Order, please. We will continue with the vote. All those in favour of Mr. White's motion will please rise.

Shall we take this vote in reverse? Do you accept this?

I declare the amendment carried then.

Interjections by hon. members.

**Mr. Chairman:** Order, please. Section 2, subsection 2, then stands as part of the bill.

**Mr. Nixon:** No. Is it not the section, as amended?

**Mr. Chairman:** Section 2, subsection 2, as amended, stands as part of the bill.

We have another notice of amendment for section 2, subsection 6, for the hon. minister. The hon. member for Lakeshore.

**Mr. Lawlor:** It is something that has been added and I cannot help but question it because it was done in my absence.

**An. hon. member:** Where was the hon. member?

Interjections by hon. members.

**Mr. Lawlor:** "The members of the governing council will act with diligence, honesty and good faith." Well, I would think so.

**An hon. member:** What is it all about?

**Mr. Chairman:** Any comments, questions or amendments on subsection 4 or 5?

Interjections by hon. members.

**An hon. member:** That is a marvellous amendment.

**Mr. Chairman:** The hon. minister on subsection 6.

**Mr. Lewis:** Did the hon. minister draft that himself?

**Mr. Chairman:** The hon. minister on subsection 6.

**Hon. Mr. White:** Thank you, Mr. Chairman. I move that subsection 6 of section 2 of the bill be amended by striking out—

Interjections by hon. members.

**Mr. Chairman:** Order, please, so that we can hear the amendment.

**Hon. Mr. White:** I move that subsection 6 of section 2 of the bill be amended by striking out clauses (b), (c) and (f) and substituting the following therefor:

(b) On the first appointment of persons by the Lieutenant-Governor-in-Council, (i) five persons shall be appointed for a one-year term; (ii) five persons shall be appointed for a two-year term; and (iii) six persons shall be appointed for a three-year term; and in each year thereafter the five or six persons, as the case may be, to be appointed shall be appointed for a three-year term.

(c) On the first election of members by the teaching staff, (i) four persons shall be elected for a one-year term; (ii) four persons shall be elected for a two-year term and (iii) four persons shall be elected for a three-year term; and in each year thereafter the four persons to be elected shall be elected for a three-year term.

(f) On the first election of persons by the alumni (i) two persons shall be elected for a one-year term; (ii) three persons shall be elected for a two-year term; and (iii) three persons shall be elected for a three-year term; and each year thereafter the two or three persons, as the case may be, to be elected shall be elected for a three-year term.

**Mr. Nixon:** That sounds like another reasoned amendment.

**Mr. Chairman:** Hon. Mr. White moves that subsection 6 of section 2 of this bill be amended by striking out clauses (b), (c) and (f) and substituting the following therefor:

(b) On the first appointment of persons by the Lieutenant-Governor-in-Council, subclause (i) five persons shall be appointed for a one-year term; subclause (ii) five persons shall be appointed for a two-year term and subclause (iii) six persons shall be appointed for a three-year term, and in each year thereafter the five or six persons, as the case may be, to be appointed shall be appointed for a three-year term.

(c) On the first election of members by the teaching staff, subclause (i) four persons shall be elected for a one-year term; subclause (ii), four persons shall be elected for a two-year term; and subclause (iii), four persons shall be elected for a three-year term; and in each year thereafter the four persons to be elected shall be elected for a three-year term.

(f) On the first election of persons by the alumni, subclause (i) two persons shall be elected for a one-year term; (ii) three persons shall be elected for a three-year term; (iii) three persons shall be elected for a three-year term; and in each year thereafter the

two or three persons, as the case may be, to be elected shall be elected for a three-year term.

**Hon. Mr. Yaremko:** It is very clear.

**Mr. Chairman:** The member for Peterborough.

**Mr. Pitman:** To make it clear, I do not need to make any explanations but I wish to bring to the minister's attention something which we had placed before him at the committee meeting. I am not then going to try to place an amendment before the House, but one of the problems which I think we alluded to during the committee was the importance and the significance that the appointments by the Lieutenant Governor be as widely dispersed, divergent, and represent as wide a community as possible.

If the minister will remember, at that time I put forward a suggestion that he might entertain nominations from various groups—students' administrative councils, the faculty associations, alumni, various groups, ratepayers' associations, any group of people who were tied in with the university, he was unwilling to accept that the decision be made or that the recommendations being made by the human resources committee of the House and we are willing to accept that as the decision the minister has made.

I am wondering if the minister might not keep his mind open on this matter. The first group of appointments might very well be normal government appointments in the traditional manner, but perhaps, as this governing council becomes more mature, as it becomes more sure of itself, as the government recognizes the significance of the widest possible participation and distribution of people on this governing council, that when this bill comes back in two years when the governing council review comes back in two years, the minister might well keep his mind open. He might slip a few suggestions to members of the governing council of the University of Toronto at that time, that they might wish to change this particular section of the legislation.

**Hon. Mr. White:** Mr. Chairman, I certainly very much appreciate the members strong implication—

**Mr. Pitman:** The minister, whoever he may be.

**Hon. Mr. White:** —that we will be making those determinations—

**Mr. Pitman:** The minister, whoever he may be.

**Hon. Mr. White:** —and we on this side will all agree with what he has had to say—

**Mr Makarchuk:** The government has the divine right, no doubt.

**Hon. Mr. White:** —and that he did say that in a few years hence we will indeed reconsider the proposition.

**Mr. Chairman:** Shall the minister's motion carry?

Motion agreed to.

**Mr. Chairman:** I declare that section 2, subsection 6 is part of the bill.

**Mr. Chairman:** Are there any other comments, questions or amendments before subsection 14.

**Mr. T. Reid:** Yes, subsection 9.

**Mr. Chairman:** Subsection 9. Anything before 9? The member for Scarborough East.

**Mr. T. Reid:** Mr. Chairman, I move that subsection 9, section 2, be amended by replacing the word "nine" which appears in lines 3 and 5, with the word "six".

Mr. Chairman, I was under the distinct impression when we were discussing this matter of the length of time that people could serve before having a break of one year, that the minister had made a commitment to members of the committee to lower the length of time from nine years.

I acknowledge the difficulty that there might be with the executive committee. My point is very simple, and I have stated it before. Nine years is simply too long for people to serve continuously on the governing council. It is particularly too long in light of the fact that the students, who are now only 8 in relation to 12 of the faculty, are all elected for one year. In terms of the sociology of the power structure, one must reduce the power of the people who have long-term appointments as much as possible. By reducing nine years to six, I think it does something, very marginal but something, however, to reduce that power.

**Hon Mr. White:** Mr. Chairman, we tried to reduce the maximum to six years, with three extra years for the chairman after three years as an ordinary member and

three years as vice-chairman, but we could not find a solution. It is a chicken-and-egg problem. He could only be elected as chairman the seventh year if he has been re-appointed. He could only be re-appointed for a third term if elected. Perhaps this could be resolved in the three-year review. As I think I may have mentioned in the standing committee, the nine-year model springs quickly to our minds, here, as being the perfect length of time, having in mind the length of the administration of the former Prime Minister (Hon. Mr. Robarts.)

**Hon. Mr. Yaremko:** Now, there is a sequitur.

**Mr Chairman:** Those in favour of Mr. Reid's motion will please say "aye."

Those opposed will please say "nay."

I declare the motion lost and section 2, subsection 9 stands as part of the bill.

**Mr. Ben:** Mr. Chairman—

**Mr. R. G. Hodgson** (Victoria-Haliburton): The member for Humber stands alone.

**Mr. Ben:** I am standing on something else, I am not standing on that.

**Hon. Mr. Davis:** Whose paper is the hon. member going to read us now?

**Mr. Ben:** Mr. Chairman, I move that clause (j) of paragraph 14 of section 2 of the bill be amended by deleting the words "except in theology."

**Mr. Chairman:** Does the member have a copy of this?

**Mr. Ben:** I gave the Chairman a copy.

**Hon. Mr. Davis:** Which paper is the hon. member going to send that to?

**Mr. Chairman:** Mr. Ben moves that clause (j) of paragraph 14, of section 2 of Bill 80 be amended by deleting from the said clause the words, "except in theology."

**Mr. Ben:** Mr. Chairman, the minister is rather proud of his reputation of having been very impartial in the presentation of this bill and the fact that, as he put it, the whips were off and, accepting his own evaluation of his character insofar as this bill is concerned, I enter a plea that he will not perpetuate the archaism which is the only example of its kind remaining in this bill.

He had a written representation to this effect from Professor McCormack Smyth of York University, and this is fully supported by Father Kelly of St. Michael's College, who, the Prime Minister would believe, has prepared the text of my address. I think the Prime Minister is very much mistaken. The words, "except in theology", ought not to remain in this bill because they perpetuate a climate of acrimony which we all wish to forget—as a matter of fact, the Prime Minister goes around the province making such statements—

**Hon. Mr. Davis:** The member agrees with them.

**Mr. Ben:** —and because they have no relevance at all today when the endowment is not determined in terms of the 1849 Baldwin Act. They militate against the university being universal in climate and opportunity. Thus, while it is possible to study Islam in the department of Islamic studies, and Sanskrit, Hinduism, Taoism and other religions in the department of Asian studies, it is not legally possible to have a grounding in Christian theology except at one of the federated colleges or universities.

In this restriction, the University of Toronto is almost unique. Only Laurentian has this restriction also. McMaster has the equally offensive direction in its charter to grant degrees in theology. The province has been reluctant to remain silent where silence would be most appropriate, reluctant to permit autonomy to prevail in the one area where autonomy, even though never exercised in this regard, would have far-reaching symbolic meaning.

Mr. Chairman, there are 11 Beavens in the March, 1971, Toronto telephone book. How many of them I wonder are concerned about the fate of a possible ancestor who was dismissed from his post of professor of divinity at King's College by regulation of the Robert Baldwin cabinet? His job disappeared when that regulation prohibited King's College from teaching theology in a climate very different from that prevailing today. Then the nub of the question was money; the establishment of the 57 rectories from the public purse; the growth of the clergy reserves; the expropriation of lands in Toronto Gore from settlers who petitioned the Legislature for redress; the demand that common schools be provided for out of the endowment of 295,705 acres which the Legislature of 1797 had set aside for university purposes at the express wishes of Governor Simcoe, declared in 1770.

Professor Beaven was well situated when he died. He was professor of moral philoso-

phy at the U of T. He wrote a monumental theological text which was published by the Rivington Press in London, England, and there is no record of his having suffered unduly because of his having been deprived of his chair. But that does not excuse the Baldwin administration from having over-reacted, as has this minister. It was surely enough that the 1849 bill contained no religious tests, and that the structure of the governing body was reformed away from the narrow view of Bishop Strachan, and in line with the expressed will of the people.

Even the Globe of the day went too far in endorsing the decision to do away with the theology chair. On April 11, 1849, the day after the tabling of the bill, the Globe editorial writer commented thus:

**Mr. H. Peacock** (Windsor West): How many more pages? Another 10 pages?

**Mr. Ben:** Now why does the member not settle down?

**Mr. Lewis:** It is not even his.

**Mr. Ben:** The editorial said:

> The last parliamentary election pronounced the people's determination respecting the future character of the provincial university.
>
> The bill now before the country is an elaborate proposal by the best minds among us, for the accomplishment of the people's command. It appears to have been very freely distributed, the ministry being conscious of the satisfactoriness of their work and desiring to hear every comment or suggestion by which it may be made perfect.
>
> We have informed ourselves of the views repecting it, which exist among the gentlemen here who have for several years been acting as a university reform committee and with their aid we have gone rather minutely into the principles and provisions of the measure. We have seldom found a new comprehensive and minute scheme so generally and cordially approved.
>
> The popular demand has been met frankly and heartily and no jealous or timid trimming has been resorted to. The greatest care has been bestowed upon the measure for it has been given an immense amount of thinking as well as a generous and trustful and cheerful reiteration of privileges to the various demoninations of the community!

Interjections by hon. members.

**An hon. member:** Who wrote it? The member for Scarborough East?

**Mr. Chairman:** Order, please, the member is making his presentation.

**Mr. Ben:** To continue:

> At the same time, denominational theology, forms of worship and tests will be excluded. There will probably be a more effective religious spirit abroad within the institution as a consequence of no one being restrained in his religious avowals and acts by a surrounding spirit of jealousy and resistance—

Interjections by hon. members.

**Mr. Chairman:** Order, please!

**Hon. A. F. Lawrence** (Minister of Justice): On a point of information would the hon. members permit a question? What kind of test were you referring to?

**Mr. Ben:** Which aspect?

**Hon. A. F. Lawrence:** The one with "e" on the end. What sort of tests were you referring to?

**Mr. Ben:** Where? Which aspect are you referring to?

**Hon. A. F. Lawrence:** Two paragraphs back.

**Mr. Nixon:** Read that paragraph over!

**Mr. Chairman:** Order, please! May I ask the hon. member who is speaking if this is his own speech or is he quoting from somebody?

**Mr. Ben:** I am quoting from somebody. I am quoting from an editorial of the Globe newspaper—

**Mr. R. M. Johnston:** He is reading a fairy tale.

**An hon. member:** That paper is nothing but trouble.

**Mr. Ben:** No, I guess that paper is nothing but trouble. Anyway this is an editorial that was published on April 14, 1849.

Interjections by hon. members.

**Mr. Ben:** I am getting to the end of the quote.

**Mr. Chairman:** It is against the rules of the House to make a lengthy quote . . . unless it is from something the member wrote himself.

**Mr. Ben:** I listen to the hon. member for York South quote quite frequently and no one has interrupted, so let us get on with it.

Interjections by hon. members.

**Hon. A. F. Lawrence:** I know whose fault it was.

**Mr. Ben:** The Globe says that since the time of George Brown it has been against religion in matters of state. So let us get on with it.

**Mr. Chairman:** Can you paraphrase it and shorten it?

Interjections by hon. members.

**Mr. Chairman:** Order, please! To continue quoting a long quotation is out of order. Can the member paraphrase it?

Interjections by hon. members.

**Mr. Ben:** I am paraphrasing it. But less interruption would get us finished sooner.

**Mr. Chairman:** Has the member just about finished?

**Mr. Lewis:** Is that a threat or a promise?

**Mr. Ben:** Neither.

> The education to be given in this university is likely to be less monastic, antiquated and merely classical than that of the English universities; the ruling body, namely the senate, containing many members taken from the different classes and professions, men of practical and matter-of-fact habits.

I would just remind you, Mr. Chairman, the hon. member for Peterborough who sat down, asked the hon. minister that in choosing the governing body he should accept nominations—

**Mr. Lewis:** Leave him alone! The member told him to speak for himself.

**Mr. Ben:** —from as wide a section of the community as possible.

**Hon. A. F. Lawrence:** Whip a page or two out of there.

**Mr. Ben:** There is a comment on the Caput and discipline and the editorial then observes:

Interjections by hon. members.

**Mr. Ben:** It says

> The degrees to be conferred are those which ordinarily denote literary or professional eminence, but those in divinity will be given by the colleges of the Christian sects.

Interjections by hon. members.

**Mr. Ben:** Thank you.

Interjections by hon. members.

**An hon. member:** Come on!

**Mr. Ben:** I am just waiting for silence. I will stay here until 4 or 5 o'clock. I do not—

**Mr. Nixon:** We are prepared to stay all summer.

**Mr. Ben:** Can I get some order?

**Mr. Chairman:** Order please!

**Mr. Ben:** There follows a long analysis of the 1849 bill in detail—then, in the light of what we have experienced in committee room No. 2 recently come the following very interesting observations:

> We are informed that there are professors in some of these colleges who express dissatisfaction that, while those of the university are provided for in the new bill, they themselves are totally neglected—

**Mr. Chairman:** Order, please! Is the member still quoting?

**Mr. H. Worton** (Wellington South): This is his own speech.

**Mr. Ben:** To continue:

> Surely, however they ought not to complain that they are not being noticed. Let them, in a scholar-like spirit welcome the happy change now being made and hope that midst the advantages which the university offers, they may eventually find promotion.

That, Mr. Chairman, is from a Globe editorial as I say, written on April 11, 1849.

The reaction of Bishop Strachan to that innocuous editorial—innocuous that is, apart from its endorsement of the closure of the divinity school along with the abolition of religious tests—was to start signing his name in a new way. Hitherto he had always signed his correspondence and edicts "John

by divine permission." Now he changed his signature to "John, by divine providence."

**Hon. Mr. White:** That is how I sign mine.

**Mr. Ben:** The Globe thereupon laid responsibility—

Interjections by hon. members.

**Mr. Ben:** The Globe thereupon laid responsibility retroactively for the rebellions of 1837 and 1838 at Dr. Strachan's door.

**Mr. Lewis:** The members have not heard anything yet.

**Mr. Ben:** He had also, said the Globe, cajoled Lord Bathurst by misrepresentation into the belief that Upper Canada was almost entirely episcopalian.

**Hon. Mr. Davis:** Is there more?

**Mr. Ben:** The charter of the university had been brought back from London as a donation and heirloom for his church forever. And so it went on, and we can see in that acrimonious climate why the Baldwin government over-reacted and sent Dr. Beaven packing.

**Mr. Lewis:** The member for Riverdale is going to read the Last Post.

**Hon. Mr. Davis:** What is he going to talk about?

**Mr. Ben:** But that is not reason, Mr. Chairman, why the minister of today should seek to enshrine this controversy in the new bill.

**Hon. Mr. Davis:** Why does the hon. member want the amendment?

**Mr. Ben:** Scholars will look back over the microfilm, as I have done over that for 1849, and they will note that the Davis ministry of 1971, and in particular, the incumbent of the University Affairs portfolio, chose not to make a clean break with the past in the interests of ecumenical harmony and a fuller realization of the university's potential as a centre of learning, but instead chose to stand for a mythical rationalization against the equally mythical influence from the grave of the late Dr. Strachan.

**Mr. Lewis:** It is all wasted. The only person over there who appreciates it is the Provincial Secretary.

**Hon. Mr. Yaremko:** But I have a copy of it.

**An hon. member:** How many more pages?

**Mr. Ben:** Mr. Chairman, the minister circulated what he referred to as an exposure draft of the proposed bill that is now before us. In that particular bill, Mr. Chairman, the words which I propose with my amendment to delete were deleted by the hon. minister. I do not know who persuaded him to put the words back into this bill but at one time he, himself, was of the mind that they should be deleted.

Mr. Chairman, if I may continue—

Interjections by hon. members.

**Mr. Ben:** A university is a place where by definition the universality of knowledge ought to be acknowledged. The federated colleges, including St. Michael's, already enjoy the privilege and the right of granting degrees in theology, so there is no denominational pleading here. Nor is the question one of maintaining the separation of Church and State. That is not the issue at all in this instance.

Baldwin was right in condemning religious tests but he was wrongly going one step too far in curbing the parameters of the instruction within a university proper. It must be up to the new governing council, and to that body alone, to decide what shall and shall not be offered in the modern University of Toronto. This is what university autonomy is all about.

We have spent a great deal of time arguing about the constituencies and competition of the governing council. Yet the simple issue of whether or not to leave these three words in the bill or to excise them is certainly to be more important from the viewpoint of history.

While there is little likelihood that the university will rush to find a successor to Dr. Beaven, the fact that we are proposing to prohibit the governing council from so doing by fiat is offensive and untenable in present-day circumstances. The only way to deal with such matters is not to deal with them at all. This bill should learn the virtue of silence on this topic. The three words should come out.

The Flavelle commission of 1906 made it abundantly clear that the provincial university was from the outset the creation of the state. Whatever initiatives Dr. Strachan took, he did not take away from the vision of Governor Simcoe, without whom there would have been no University of Toronto

at all. But the defence of the common facility has been marred by a rationalist view, and we now have the chance to correct that over-zealous view. The minister may forfeit his place in the Panthéon by his action here today, yet he will recognize that Voltaire would have been with him in spirit.

The new humanism which this bill ought to enshrine—and which it can enshrine simply by this deletion—recognizes that man is not the entire focus of being, but that he must take his place, with humility, in the presence of forces greater than himself, and in an ecology of many forms. The old humanism, because it was homocentric, is today more outdated than the theology it sought to replace. The new humanism which is being felt for and groped for by many conscientious and thinking people has so far defied precise definition. It can only be moved toward in an intuitive fashion.

Interjections by hon. members.

**An hon. member:** What is the member for Sudbury laughing at?

**Mr. Ben:** Intuition then is what ought to tell the minister that the retention of the phrase in the bill "except in theology" is wrong. He ought to feel it in his bones even more than he is able to intellectualize it. It is more than autonomy alone. It is related to a world-view which some have already attained and which some others have yet to approach. It transcends party political divisions and so of course makes reference to Whig traditions in the separation of Church and State wholly irrelevant. This has nothing to do with that. I think the minister knows that. That is why I hope that the minister will transcend the exigencies of this late hour in the life of this parliament and accept this amendment as his own, without a division and without rancour. As I say, the minister deleted those words from what he calls the exposure draft. I do not know what possessed him to put them back. Perhaps he had a reason, but I say there is no place for them. I hope he will reconsider.

**Hon. Mr. White:** Mr. Chairman, I am in sympathy with the high purpose which motivates this amendment and the remarks which accompany it. In fact, we have attempted in the exposure graph to simplify the language, but on the advice of Duke MacTavish, who subsequently became our consultant in the legislation, it was decided that a rather large number of these sections should remain exactly as they were in preceding statutes dating back over the decades.

**Mr. Sopha:** Surely that cannot be the explanation?

**Hon. Mr. White:** Certainly I would find it impossible to accept the amendment because the consequences, financial and otherwise, simply are not known.

**Mr. Ben:** What consequences?

**Hon. Mr. White:** It would alter the nature of the federation and in fact might, if the amendments were carried through to the first line of section 11, subsection 1, destroy the federation. For these several reasons we are not able to accept the amendment although we do recognize the goodwill in which it is offered.

**Mr. Chairman:** Ready for the question? Those in favour of Mr. Ben's motion will please say "aye." Those opposed will please say "nay."

In my opinion the "nays" have it. I declare the motion lost.

**Mr. Randall:** Nice try.

**Mr. Chairman:** The hon. minister has an amendment.

**Hon. Mr. White:** Mr. Chairman, I move that clause (k) subsection 14 of section 2 of the bill be amended by adding at the end thereof the following:

> But in the case of election of members by the administrative staff, the teaching staff and the students, or any of them, the elections shall be by secret ballot.

**Mr. Chairman:** Shall the minister's motion carry? Carried. I declare this motion carried and section 2, subsection 14, clause (k), as amended stands as part of the bill.

The hon. minister and the next amendment.

**Hon. Mr. White:** Mr. Chairman, I move that subsections 15 and 16 of section 2 of the bill be struck out and the following substituted therefor:

> 15. The governing council shall pass bylaws regulating the exercise of its powers and the calling and conduct of its meetings, and its decisions shall be made by resolutions passed at its meetings.
>
> 16. The bylaws of the governing council shall be open to examination by the public during normal business hours.

17. The governing council shall publish its bylaws from time to time in such manner as it may consider proper.

18. The meetings, except meetings of committee of the whole, of the governing council shall be open to the public, prior notice of the meetings shall be given to the members and to the public in such manner as the governing council by bylaw shall determine, and no person shall be excluded therefrom except for improper conduct, but where intimate financial or personal matters of any person shall be disclosed at a meeting, the part of the meeting concerning such persons shall be held in camera unless such person requests that such part of the meeting be open to the public.

**Mr. Chairman:** Shall the minister's motion carry?

Motion agreed to.

**Mr. Pitman:** Hear, hear. We have an amendment too.

**Mr. Chairman:** The hon. minister on section 3, subsection 1.

**Hon. Mr. White:** Mr. Chairman, I move that subsection 1 of section 3 of the bill be amended by striking out clause (b) and substituting therefor the following:

(b) Twelve members appointed annually by the governing council from among its members as follows:

1. One nominated by and from among the members appointed by the president and the members elected by the administrative staff.

2. Four nominated by and from among the members appointed by the Lieutenant-Governor-in-Council.

3. Three nominated by and from among the members elected by the members of the teaching staff.

4. One nominated by and from among the members elected by the full-time undergraduate students.

5. One nominated by and from among the members elected by the graduate and part-time undergraduate students.

6. Two nominated by and from among the members elected by the alumni.

**Mr. Chairman:** Shall the minister's motion carry?

Motion agreed to.

**Mr. Chairman:** Is there any comment, question or amendment on section 4? If not, the minister has notified me of an amendment to section 5. We are in section 5, subsection 3 coming up.

Interjection by an hon. member.

**Mr. Chairman:** I am sorry. I asked for section 4 and there was no comment on that.

**Mr. T. Reid:** I would like to make one comment, Mr. Chairman, in section 3.

**Mr. Chairman:** Section 3, subsection 1 is carried. Is there another subsection?

**Mr. T. Reid:** Yes, I would like you to turn to subsection 2. The question here, sir, is that the subsection reads, "The chairman of the governing council is the chairman of the executive committee."

You will note, Mr. Chairman, that the chairman of the governing council is, in the first instance, appointed directly by the minister. We have a case in which the University of Toronto is without a president. We are just about to pass a bill which, in terms of the appointment of the chairman of the council, who is also chairman of the executive committee, will happen very shortly.

I made this comment, and I think it is not without exaggeration, that in a very real sense what is happening is that the Minister of University Affairs, through the Lieutenant-Governor-in-Council is, in a very real sense, appointing the next president of the University of Toronto.

Let me make this clear. There is tremendous power in the person whom the minister appoints to the council and whom he makes chairman of the council. Because in this particular subsection that chairman is also chairman of the executive committee.

At a time of great change in the University of Toronto; at a time when there is an acting president and there is no president yet appointed or able to take office, the man the minister appoints—if he is still here after the next election and he has a possibility of still being here—will be a very powerful individual operating in a vacuum situation in a real respect, I submit, Mr. Chairman.

I am worried that the power vested in this single man through the minister—and it is a direct appointment—may affect the choice of the person who is asked to become president of the University of Toronto, and will affect the decision of that person on

whether or not to accept the position of president.

All I can do at this point, Mr. Chairman, is to say that I am concerned about this. The only possible type of solution I can think of is for this particular subsection to be amended now to the effect that—perhaps a negative amendment—anybody else but the chairman of the council appointed by the minister can be chairman of the executive committee. That will, I think, make it clear that the person the minister appoints as chairman of the council will not have that great power of also being chairman of the executive committee during the next six months to a year.

I have not got a motion worked out, Mr. Chairman. I can only say to the minister that I think he must reconsider now, or he can in third reading—I suppose he cannot do that—the implication of having this one person so powerful at a time when there is, to a great extent, a vacuum in leadership at the University of Toronto.

**Hon. Mr. White:** The president will be selected long before the bill is proclaimed and before the chairman of the governing council takes office which is expected to be July 1, 1972, so there will be no vacuum at all.

**Mr. Chairman:** Will section 3 subsection 2 then stand as part of the bill?

**Mr. Pitman:** Could I ask the minister whether he might be prepared to put a section in very much as he placed one at the end of the last section on governing council in relation to openness. I think that section was most appreciated and one would hope that the executive council meetings would be open and that they would do their part in almost the same way as the governing council.

**Hon. Mr. White:** We did contemplate this but, as in a wide variety of other matters, we see this as the clear responsibility of the governing council.

**Mr. Pitman:** In view of the lateness of the hour I will not place an amendment but I hope this Hansard will be in the hands of the governing council and they will realize their responsibility in that regard

**Mr. Chairman:** Shall this section then stand as part of the bill? Carried.

I have an amendment for section 5 subsection 3, from the minister. Is there anything before that? If not, the hon. minister.

**Hon. Mr. White:** Mr. Chairman, I move that subsection 3 of section 5 of the bill be amended by adding at the end thereof the following: "But if he is absent, or unable to act, degrees shall be conferred by such person as the governing council may designate"

**Mr. Chairman:** Shall the motion carry?

Carried.

I have noted the motion to section 8 from the minister. Is there anything further before that? If not, the hon. minister.

**Hon. Mr. White:** Mr Chairman, I move that section 8 of the bill be amended by striking out after "act" in the third line, "and subject also as to the teaching staff and all officers and employees to their removal by the governing council."

**Mr. Chairman:** Shall the minister's motion carry?

Carried.

Are there any other comments, questions or amendments to any later sections of the bill? If not, shall the bill as amended be reported?

Bill 80, as amended, reported.

**Hon. Mr. Yaremko:** A great university.

**Mr. Pitman:** It could be greater. We could have made it greater tonight.

**Hon. Mr. White:** Mr. Chairman, may I take a moment to thank the members of the standing committee, who invested very heavily of their time and energy, and the student presidents, one of whom is with us here tonight, who brought a great deal of goodwill and expertise to our discussions and deliberations.

**Mr. Sopha:** The minister is trying to mollify them, you know.

**Hon. Mr. White:** And to those other people who spent day after day assisting us in a variety of matters as we attempted to improve this bill—and, as a matter of fact, as we have in many respects improved the bill.

**Mr. Sopha:** You did not get it from him. He is being patronizing now. Do not embarrass us all, please.

**Hon. Mr. White:** I extend my thanks to everyone concerned.

Hon. Mr. Wishart moves that the committee rise and report one resolution, six

bills without amendment and three bills with certain amendments, and ask for leave to sit again.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the Committee of the Whole House begs to report one resolution, six bills without amendment and three bills with certain amendments and asks for leave to sit again.

Report agreed to.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, tomorrow we are going to continue with the items on today—

**Mr. T. P. Reid** (Rainy River): Oh, come, the order paper?

**Hon. Mr. Wishart:** The order paper, yes. Everything on the order paper. We will continue with the committee work and move to those second readings of the other bills.

**Mr. E. W. Sopha** (Sudbury): Which one is next?

**An hon. member:** Which bill?

**Mr. S. Lewis** (Scarborough West): Can the House leader not tell us what we will begin with tomorrow?

**Hon. Mr. Wishart:** There is not a great deal left for tomorrow on the order paper.

**Mr. Lewis:** For those of us with frail minds, sort out the items that remain.

**Mr. I. Deans** (Wentworth): The House leader had better check with his colleagues and see if they will be here at 10 in the morning.

**Hon. Mr. Wishart:** I had hoped tonight to reach—

**Mr. T. Reid** (Scarborough East): The House leader should not get snarky!

**Hon. Mr. Wishart:** I had hoped to reach—

**Mr. Lewis:** He is the only House leader who giggles while he speaks!

**Hon. Mr. Wishart:** —Bill 81, the Insurance Act, and Bill 64, an Act to provide for the Registration of Businesses Engaged in the Distribution of Paperbacks and Periodical Publications. There are a number of bills sponsored by the Minister of Education and by the Minister of Social and Family Services. I would hope we would be able to manage those tomorrow.

**Mr. T. Reid:** We will not be recessing for another week!

**Hon. Mr. Wishart:** All of that is in committee.

**Mr. Lewis:** That is a very amiable way to spend this morning and this afternoon.

Hon. Mr. Wishart moves the adjournment of the House.

Motion agreed to.

The House adjourned at 3:10 o'clock, a.m.

# CONTENTS

**Thursday, July 22, 1971**


**Municipal Act,** bill to amend, Mr. Bales, on second reading ..... 4589

**Ontario Development Corporation Act, 1966,** bill to amend, reported ..... 4589

**Municipal Act,** bill to amend, Mr. Bales, second reading ..... 4602

**Regional Municipal Grants Act, 1970,** bill to amend, reported ..... 4603

**Regional Municipality of York Act, 1970,** bill to amend, reported ..... 4603

**Municipal Act,** bill to amend, reported ..... 4604

**Regional Municipality of Niagara Act, 1968-1969,** bill to amend, reported ..... 4610

**Assessment Act, 1968-1969,** bill to amend, reported ..... 4615

**Municipality of Metropolitan Toronto Act,** bill to amend, reported ..... 4620

**City of Toronto,** bill respecting, reported ..... 4621

**Audit Act,** bill to amend, reported ..... 4621

**University of Toronto Act, 1971,** bill intituled, reported ..... 4625

**Motion to adjourn,** Mr. Wishart, agreed to ..... 4671

No. 113

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

---

## Friday, July 23, 1971

---

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

5

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

FRIDAY, JULY 23, 1971

The House met at 10 o'clock, a.m.

Prayers.

**Mr. Speaker:** Statements by the ministry.

**Hon. W. D. McKeough** (Treasurer): Mr. Speaker, I am pleased to announce salary revisions for employees in the operational services category of the Ontario public service, which includes classes in the skilled trades, general labour and institutional care. The increases were recommended, as an award of the Civil Service Arbitration Board, and will cover the two year period from January, 1971 to December, 1972.

Increases for the bulk of the employees for the first year, which will be retroactive to the pay period beginning January 3, 1971, vary between eight and 10 per cent. In addition there were special adjustments for a limited number of classes. The overall increase averaged out at approximately nine per cent.

In the second year, effective January 2, 1972, all classes in these categories will be increased an additional six per cent.

Approximately 19,440 employees will receive increases as a result of these revisions. Salary increases for related management classes will be announced shortly.

**Mr. Speaker:** I see that we have with us in the west galleries some visitors this morning, being the English Language School from Orde Street Public School in Toronto.

Oral questions.

## POLICY ON FARM PROBLEMS

**Mr. R. F. Nixon** (Leader of the Opposition): A question of the hon. House leader: Can he inform the House as to the whereabouts of the Minister of Agriculture and Food (Mr. Stewart)? Will there be any opportunity to question the Minister of Agriculture and Food regarding some farm problems that are of a pressing nature on this, the last day, apparently, of the current activities of the House?

**Hon. Mr. McKeough:** Mr. Speaker, the Minister of Agriculture and Food is attending, as he does at this time of the year, the annual meeting of the ministers of agriculture of the provinces—I am not sure whether the federal minister attends those meetings or not, or whether they are just provincial meetings.

He is out West, and he will be in the House on Monday, I believe.

**Mr. Nixon:** He will be alone. The House does not sit. That is just great.

Supplementary to the Treasurer who answered the question: Is there anyone in the ministry who is aware of the policy of the Minister of Agriculture and Food regarding some of the immediate problems facing the farm community, particularly the decision as to whether to go forward with an agency vote for the Egg Marketing Board, or the status of the election of representatives to the Ontario Milk Marketing Board?

**Hon. Mr. McKeough:** I think some of these matters which have extra provincial implications are the matters which are being very much discussed by the ministers of agriculture.

## ENERGY BOARD DECISION ON NORTHERN AND CENTRAL

**Mr. Nixon:** Mr. Speaker, I have a question of the prospective Minister of the Environment —is that the correct name of that department?

**Hon. G. A. Kerr** (Minister of Energy and Resources Management): Not yet!

**Mr. Nixon:** Oh yes, when it gets Royal assent.

Is the minister aware that the decision by the Ontario Energy Board, dealing with the application by Northern and Central Gas for a rate increase and opposed by the northern municipalities, has been pending since January 1971? Does he know what is holding up the decision?

**Hon. Mr. Kerr:** Mr. Speaker, I realize there is a great deal of confusion as a result

of change in names and changes in makeup of departments. This question should be more properly directed to the hon. Minister of Mines and Northern Affairs (Mr. Bernier).

However, to my knowledge—and I may be getting him into trouble here I do not know, but—

**Mr. T. Reid** (Rainy River): The minister usually does.

**Hon. Mr. Kerr:** —this is a rather complicated application. There have been a number of interventions and it is just a matter of taking time to deal with all those interventions and then making a decision. To my knowledge at this point there is no predictable date for decision.

**Mr. Nixon:** A supplementary: Has the government, to the minister's knowledge, put any presentation before the energy board? Have they been in communication with the board on any subject regarding this hearing —particularly the date on which the government would like to have the recommendation?

**Hon. Mr. Kerr:** I am not aware of that. I cannot answer the question, Mr. Speaker.

**Mr. Speaker:** The member for Scarborough West.

## PREMIERS' CONFERENCE AGENDA

**Mr. S. Lewis** (Scarborough West): Mr. Speaker, a question of the Premier: Can the Premier now indicate at this point what the agenda will be for the Premiers' conference in early August in Victoria?

**Hon. W. G. Davis** (Prime Minister): Mr. Speaker, I will try to have that for the hon. member perhaps before we finish today. I believe that it has been more or less finalized, and I will endeavour to get it here before the House adjourns this afternoon.

## RECLASSIFICATION OF MILK FOR CHEESE PRODUCTION

**Mr. Lewis:** Mr. Speaker, a question of the Minister of Public Works, oddly enough, as it were: What will be the effect of the Milk Marketing Commission hearing—on July 16, I guess it was—on the cost per hundredweight of classified milk? What effect will that have on the future of Plum Hollow cheese factory?

**Hon. J. A. C. Auld** (Minister of Public Works): Mr. Speaker, I cannot answer that question, although I understand that there is a meeting today of the Milk Commission, and I believe the Milk Marketing Board, to discuss the general question of milk and cheese. Whatever comes out of that, no doubt, will have an effect.

**Mr. Lewis:** By way of supplementary: How was it that the Plum Hollow people were not informed of the meeting of July 16, and only of its deliberations afterward by the minister?

**Hon. Mr. Auld:** I am sure I could not say, Mr. Speaker. They were informed, as were a number of factories, of a meeting of the Milk Marketing Board, the Milk Commission and the Milk Advisory Board—I think it was a week ago Wednesday—and I think they were represented.

**Mr. K. C. Bolton** (Middlesex South): By way of supplementary, is the minister aware that others were notified by mail of this meeting and the Plum Hollow people would not have known had it not been for the minister's good offices in phoning them?

**Hon. Mr. Auld:** Mr. Speaker, all I can say is I know I phoned them. I do not know who else was notified, because I am not the Milk Marketing Board or the Milk Commission or the Milk Advisory Board.

## SWEET'S CORNERS INQUIRY

**Mr. Lewis:** Mr. Speaker, a question of the Minister of Education—and this may have missed me in the last few days and it is not a conspiracy directed to the Minister of Public Works' riding—has he ordered an inquiry into the affairs at Sweet's Corners?

**Hon. R. Welch** (Minister of Education): Mr. Speaker, I will have some information in that connection later on today as well.

**Mr. Lewis:** By way of supplementary, am I to understand that the minister may make an announcement in the Legislature before 3 o'clock when we adjourn?

**Hon. Mr. Welch:** Mr. Speaker, this came up in the departmental estimates yesterday and I indicated to the hon. member for Peterborough (Mr. Pitman) at that time that the matter was still under review, but I was hoping for some determination some time today on that matter.

**Mr. Lewis:** That is all, Mr. Speaker.

**Mr. Speaker:** The member for Grey-Bruce.

## GRANT FOR SAUBLE BEACH

**Mr. E. Sargent** (Grey-Bruce): Mr. Speaker, a question of the Prime Minister: Does the Prime Minister realize that Sauble Beach in my riding is the finest beach in Ontario and that if he would spend $18 million up there he could almost win my seat? Would he consider that?

**Hon. Mr. Davis:** Mr. Speaker, I would certainly consider winning the hon. member's seat, but we will do it by other means.

**Mr. Sargent:** A supplementary: How does the Prime Minister pick and choose where he will spend $18 million on one beach and nothing on another beach? How does he do that?

**Hon. Mr. Davis:** Mr. Speaker, I do not pick or choose. I think the answer is relatively obvious as to the priorities that one might attach to the Wasaga Beach area. I am sure the hon. member would not really debate this.

**Mr. Speaker:** A supplementary? The member for Sandwich-Riverside.

## PHOSPHATE DETERGENT DEADLINE

**Mr. F. A. Burr** (Sandwich-Riverside): Mr. Speaker, a question of the Minister of Energy and Resources Management: Is August 1 still the deadline after which the use of detergents with phosphate content greater than 10 per cent will not be permitted in Canada?

**Hon. Mr. Kerr:** Yes, Mr. Speaker, August 1, as far as I know, is still the deadline. I believe that provision is in The Canada Water Act.

However, I think the amount is 20 per cent. I may be wrong, but I think the maximum amount is 20 per cent.

**Mr. Burr:** Will the minister's department be involved in enforcing this prohibition in Ontario?

**Hon. Mr. Kerr:** We would certainly make sure that the provisions of the Act are being adhered to as far as the manufacture and distribution of detergents are concerned. The actual department, I suppose, may be the Attorney General's or some other department, possibly Financial and Commercial Affairs.

We would not have the actual task of policing that type of legislation, particularly where it is federal legislation, but certainly we would be very interested in the department to see that it is being complied with.

**Mr. Burr:** A final supplementary: When new detergents such as Polar Bear appear on the market, does the minister's department have any involvement in assuring the public that its ingredients will not present any threat to the human environment?

**Hon. Mr. Kerr:** Mr. Speaker, I believe Polar Bear is a phosphate-free detergent.

As a matter of fact, I think in a rather indirect way the personnel of OWRC and The Department of Health at the present time are promoting this type of washing material in the northern part of the province as a sort of an illustration to housewives that phosphate-free detergent is available to them. One of those products is Polar Bear and I would assume that we are satisfied that there are no deleterious effects from using this type of product.

**Mr. Speaker:** The member for Scarborough East.

## FINANCIAL ASSISTANCE TO PUBLISHING HOUSES

**Mr. T. Reid** (Scarborough East): Mr. Speaker, I have a question for the Minister of Trade and Development.

Why in the light of the crisis in the Canadian-owned and controlled publishing firms do the top officials of the Ontario Development Corporation have an interpretation of the regulations that excludes financial assistance to small Canadian-owned book publishing firms?

**Hon. A. Grossman** (Minister of Trade and Development): I am not aware that there is such a restriction. I am only aware that we are withholding any assistance to publishing firms on the basis of their applications for financial assistance while awaiting the final report of the royal commission on book publishing.

**Mr. T. Reid:** A supplementary, Mr. Speaker: Why did Mr. Gibb, who I understand is a fairly senior official in the minister's department, say to Peter Martin, president of Peter Martin Associates, a small

Canadian-owned book publishing house, that "there is no money available for publishers?" Why did he make this statement in the light of the grant from the ODC to McClelland and Stewart? Why this discrimination against the small firms in favour of large firms?

**Hon Mr. Grossman:** I think that is fairly obvious, Mr. Speaker. The royal commission in its interim report recommended in fact some immediate assistance be given to McClelland and Stewart at that time because of the emergency situation they felt existed. So the government decided at that time to carry out the recommendation of the royal commission and do precisely that. We are now awaiting the final report of that commission to see what action, if any, we should take in respect of publishing firms generally.

I am not too sure whether the firm the hon. member refers to is the one which came to my attention recently but if it is, the balance of the letter I think might show that they were offered some assistance or consideration for assistance in respect of their printing operations.

If it is not that particular firm, I can tell him that this is what has been done in a number of instances. We have in those cases offered them some assistance, in consideration for assistance in the printing portion of their business, and as a matter of fact one or two have already made application on those grounds. Perhaps this is one of them. The name sounds familiar, it might very well be.

**Mr. T. Reid:** A supplementary, if I may Mr. Speaker: Is the minister not aware that the crisis in the book publishing area in the country and in this province hits the small firms as well as the big firms like McClelland and Stewart, and that unless some of these firms get financial assistance for their large publishing operations—

**Mr. Speaker:** The member is now making a statement.

**Mr. T. Reid:** Printing is just a small part of their operations. When is the minister going to get off his butt?

**Hon. Mr. Grossman:** Mr. Speaker, surely the hon. member would not suggest that we appoint a royal commission and then ignore the fact that it is sitting and studying these matters, preparing its report, and go on our sweet merry way going on doing what we think should be done anyway? We have to await the report of the royal commission.

**Mr. D. M. Deacon:** (York North): As a further supplementary: Why would the minister not bring to the attention of the royal commission that the recommendation singling out assistance to one publisher in effect discriminates against other Canadian publishers and would they take action on this to resolve this discrimination?

**Hon. Mr. Grossman:** In the first place, the reason is obvious. The reason they made this recommendation is because they felt there was an urgency because of a possibility of an immediate takeover.

Interjections by hon. members.

**Mr. Speaker:** Order!

**Hon. Mr. Grossman:** That was the reason they recommended that this assistance be given to McClelland and Stewart. I think the rest of it follows from that.

We are doing our best to help small business under the new programme. I do not think there is anything more I can add to that, I think it is fairly clear.

**Mr. Speaker:** The member for Wentworth.

## DOMINION GLASS STRIKE

**Mr. I. Deans** (Wentworth): Thank you, Mr. Speaker, I have a question of the Minister of Labour.

Is the minister or his department aware of the rather disastrous consequences to the farm community in the Niagara peninsula which would result from the prolonged strike in the glass industry in this province? And, anticipating a "yes "answer, can the minister guarantee that he has the very most competent people in his department operating on a full-time basis in an effort to resolve the rather difficult situation that has arisen within the negotiations between the company and the union in the glass industry?

**Hon. G. Carton** (Minister of Labour): Yes, Mr. Speaker, I am aware of the consequences of this particular strike. I will advise the hon. member that we do have the most competent people meeting, and meeting continually, as I explained the other day, with the three different branches of this particular company in Ontario. I also would point out to him that they meet on a 24-hour basis.

They are operating 24-hours a day down there in the conciliation and mediation services branch. I also point out to him the strikes that they have been able to settle over the past three or four weeks with a great deal of effort on their part—Toronto Star, Hamilton Street Railway yesterday, Auto Parts. They are aware of these problems and deal with them daily.

**Mr. Deans:** A supplementary question: Is the minister aware that the investigation which he said was to be conducted, at least in the Hamilton area, did not include any meeting between his department and union representatives?

**Hon. Mr. Carton:** In the Hamilton area you are correct. We had both parties in connection with the Wallaceburg area and the Bramalea area. As a matter of fact the Bramalea area I believe are still meeting, or will be meeting again Monday.

**Mr. Speaker:** The Minister of Labour has the answer to two questions previously asked. Would he please give them, so we can clear the backlog of answers?

**Hon. Mr. Carton:** Yes, Mr. Speaker. This is in connection with question 37 on the order paper from the member for Scarborough East. I would advise him that although these questions were directed to The Department of Labour through myself, that basically the question has Health implications and we operate though The Department of Health and their occupational health branch.

However, the answers to the questions are as follows:

1. The criteria for the government's health regulations regarding dust conditions in plants located in Ontario depend on the number of particles or fibres per volume of air.

**Mr. D. C. MacDonald** (York South): Mr. Speaker, on a point of order, I do not want to interrupt the minister, but if he is answering a question that is on the order paper, surely the answer should be tabled?

**Mr. Speaker:** Was it a question to the order paper?

**Mr. MacDonald:** Yes, it is on the order paper.

**Mr. Speaker:** Oh well then it should not be given, it should be tabled now.

Is the other answer which the hon. minister has one which should be given orally or one which needs to be tabled?

**Hon. Mr. Carton:** There is a question on the order paper, question 35, but there was an oral question directed to me. The question, No. 35, was directed to the Minister of Trade and Development, but there was a question given to me in respect to this one also, and this is in connection with the—

**Mr. T. Reid:** On a point of order.

**Mr. Speaker:** Point of order?

## CANADIAN DRIVER POOL ROLE IN STRIKE

**Mr. T. Reid:** My point of order is that in addition to the question on the order paper to which the minister refers, I did ask the minister questions in the House concerning, for example, the Canadian Driver Pool, which is allegedly engaged in strikebreaking activities. I was wondering if the minister had any reply to that?

**Hon. Mr. Carton:** Mr. Speaker, this has been under investigation and I am expecting an answer this morning from our department head on that one.

**Mr. Lewis:** Will the minister make a statement before 3 today?

**Mr. T. Reid:** Will the minister relay that to me?

**Mr. Speaker:** The Minister of Justice has the answer to questions.

**Mr. E. W. Sopha** (Sudbury): On behalf—

**Mr. Speaker:** The hon. member for Sudbury is not the next one from his party to ask a question.

**Mr. Lewis:** Oh come on!

**Mr. Speaker:** In any event, the member for Rainy River has the Speaker's eye.

**Mr. Sopha:** I am under punishment.

**Mr. Speaker:** When the hon. member is in his seat in question period and rises, he gets his turn to ask questions in turn—

**Mr. Sopha:** Would somebody make a motion that I ask a question?

**Mr. Speaker:** —and his turn for his party will be after the member for Rainy River.

The Attorney General has answers to questions.

## OPP VEHICLES STATIONED AT PETROLIA

**Hon. A. F. Lawrence** (Minister of Justice): Mr. Speaker, on July 15 the hon. member for Sarnia (Mr. Bullbrook) asked me certain questions regarding provincial police vehicles stationed at the Petrolia department.

The Petrolia detachment in Lambton county has a complement of 10 Ontario Provincial Police cars—one Plymouth sedan, purchased by tender from the Chrysler Corporation through Core Motors Limited, Petrolia; four Chevrolet sedans purchased by tender from General Motors through MacFarlane Motors Limited, Petrolia; five motor sedans purchased by tender from the Ford Motor Company through Clark Motors Limited, Wyoming, which I gather is four miles outside of Petrolia. All of these vehicles are serviced by the selling dealers.

## OPP DISPOSAL OF MOTORCYCLE SIDE-CARS

**Hon. A. F. Lawrence:** On July 15, the hon. member for Essex-South (Mr. Paterson) asked me a question regarding OPP motorcycle side-cars.

In 1964, nine late-model Harley-Davidson motorcycle side-cars were purchased by the OPP from Harley-Davidson Company Limited, 7 Chauncey Avenue, Toronto 18, at a cost of $453.20 each.

The purchase of these side-cars was made with a view to permitting a year-round motorcycle patrol on Highway 401 in the Downsview area during the period when that stretch of road was being widened from four to 12 lanes. Upon completion of the project, the side-cars were no longer required or useful, primarily because of the increase in speed limit and the fact that a motorcycle loses its manoeuvrability when a side-car is mounted to it.

So in 1969 seven of the side-cars were disposed of by tender to the Metropolitan Toronto Police force for the sum of $100 each. Two side-cars have been retained for escort and other special duty when required and are presently stored in the OPP headquarters at 125 Lakeshore Boulevard East, Toronto.

**Mr. Sopha:** That is the type of question where the minister should write a letter to the member.

**Mr. Speaker:** Does the Minister of Mines and Northern Affairs have an answer to a question today?

**Hon. L. Bernier** (Minister of Mines and Northern Affairs): No, I have not.

**Mr. Lewis:** Why not? Why does the minister not have an answer?

**Mr. Speaker:** Then the member for Rainy River.

**Hon. Mr. Bernier:** Well, just a minute, Mr. Speaker—

**Mr. T. P. Reid:** Mr. Speaker, in the absence of the Minister of Health (Mr. A. B. R. Lawrence) I would like to direct a question to the Premier—

**Mr. Lewis:** Mr. Speaker, the minister does have an answer!

**Mr. Speaker:** Order! The member for Rainy River has the floor.

## INCENTIVE GRANTS FOR DOCTORS, DENTISTS

**Mr. T. P. Reid:** I wonder if the Premier is aware of the limited success the incentive plan for doctors and dentists has had in northern Ontario, particularly in those areas that are far removed from any urban centre; and whether he would consider increasing the incentive grants to doctors and dentists so that they would have some incentive to move to smaller communities in northern Ontario, rather than ones closer to the Metropolitan areas?

**Hon. Mr. Davis:** Mr. Speaker, I am not aware of this but I will be quite prepared to discuss it with the Minister of Health.

**Mr. Speaker:** The member for York South.

## PROVINCIAL AUDITORS' STAFF

**Mr. MacDonald:** I have a question of the Provincial Treasurer.

Because of the impending changes arising from The Audit Act, am I correct that some 20 employees of the Provincial Auditor have been given their notice that they will be phased out from September on?

**Hon. Mr. McKeough:** Not to my knowledge, Mr. Speaker. There will be a reduc-

tion in the auditor's staff. This may be a technical thing, that they will be phased out of the auditor's staff and into the departmental staff, but there is certainly no intention to lay anyone off. I will be glad to look into that.

**Mr. MacDonald:** Would the minister check into it, because my information—and I wish he would confirm this—is that some of them with years of service have been asked to re-apply; which is a nice ploy—in effect, "Go elsewhere," or "If you cannot find something else you will have to move out"—in other words downgrading.

**Hon. Mr. McKeough:** I will be glad to look into it, and unless there is some special circumstance I would give the assurance to the House that they will not in fact be laid off.

**Mr. MacDonald:** Very good!

**Mr. Lewis:** One employee of 24 years!

**Mr. Speaker:** The member for Sudbury.

Interjections by hon. members.

**Hon. A. F. Lawrence:** The question period has expired.

## TORONTO SYMPHONY NORTHERN TOUR

**Mr. Sopha:** I have a question for the Minister of Education. Many people in Sudbury will be interested in the answer.

Under his responsibility for the Ontario Council for the Arts, was he aware that the Toronto Symphony Orchestra had planned a tour of northern Ontario in May, 1972? Was he aware that the tour was cancelled because the Ontario Council for the Arts withdrew its grant of assistance?

**An hon. member:** Shame!

**Mr. Sopha:** Was he aware that the Sudbury Arena Commission offered to guarantee to the Toronto Symphony Orchestra the sum of $7,500 for a one-night performance? That does not sound like inhabitants from the moon does it?

Could the minister prevail upon the Council for the Arts to reschedule this tour? Failing that, could the minister undertake to use some of the $717,600 voted by this Legislature to be spent at his discretion so that the tour may be rescheduled?

**Hon. Mr. Welch:** Mr. Speaker, I would be very happy to discuss this matter with the chairman of the Ontario Council for the Arts.

**Mr. Sopha:** By way of supplementary: Would the minister undertake to let me know what the result of that discussion may be so that perhaps some other arrangement can be made to have one of the world's most famous orchestras come into northern Ontario?

**Hon. Mr. Welch:** Yes, I would be very happy to follow up on that and inform the member.

**Mr. Speaker:** The hon. member for Brantford.

## STRIKE AT TEXPACK

**Mr. M. Makarchuk** (Brantford): Mr. Speaker, I have a question of the Minister of Labour.

In view of the flagrant breaches of The Ontario Labour Relations Act by Texpack, or Pharmaseal, or American Supply Company inasmuch as they are hiring permanent personnel in a strike situation, dismissing workers who are picketing and threatening other workers who were laid off before the strike with dismissal unless they return to work now, will the minister take action immediately to ensure that this kind of strikebreaking situation ceases and the company stops disregarding the provisions of The Ontario Labour Relations Act?

**Hon. Mr. Carton:** Mr. Speaker, I want to thank the hon. member for giving me some additional information in connection with that by way of correspondence.

I would also point out to the hon. member that The Labour Relations Act sets out the machinery, sets out the offences and sets our responsibilities of both parties to the dispute. In this case in fact the union filed a complaint with the Ontario Labour Relations Board yesterday morning and there the matter lies. The minister of course will not intervene.

**Mr. Makarchuk:** By way of supplementary: Will the minister move in a massive way to remind this American firm that the conditions of work of the people of Ontario are decided by this Legislature and not by the American Hospital Supply Company?

**Mr. Speaker:** I believe the hon. Minister of Mines and Northern Affairs has an answer now.

## ALLEGED DESTRUCTION OF QUINTE SAND DUNES

**Hon. Mr. Bernier:** Mr. Speaker, the hon. member for Scarborough West directed a question to me yesterday concerning the Quinte sand dunes. My investigation revealed that my department is not involved in this at all. It is with The Department of Lands and Forests and I have brought the matter to their attention.

**Mr. Lewis:** By way of supplementary, perhaps I should know this, but where is the Minister of Lands and Forests (Mr. Brunelle), and will he be about?

**Mr. MacDonald:** In Alaska.

**An hon. member:** He is in the lands and forests of Ontario.

**Hon. Mr. Bernier:** I really do not know, Mr. Speaker.

**Mr. Speaker:** The hon. member for Windsor-Walkerville.

## WINDSOR POLICE DISPUTE ARBITRATOR

**Mr. B. Newman** (Windsor-Walkerville): Mr. Speaker, I have a question of the Minister of Justice and Attorney General.

Is the minister aware that negotiations between the Windsor Police Commission and the Windsor Police Association have broken down? Will he appoint an arbitrator to settle their differences?

**Hon. A. F. Lawrence:** Yes, the matter is receiving our consideration, Mr. Speaker.

**Mr. B. Newman:** A supplementary: Has the arbitrator been appointed, Mr. Speaker?

**Hon. A. F. Lawrence:** I signed orders the other night in the small hours of the morning for a number of arbitrators, and I am not too sure whether the Windsor one was included among them or not. If it was not it will be done either today or Monday.

**Mr. B. Newman:** Thank you.

**Mr. Speaker:** The hon. member for Brantford.

## FALSE ADVERTISING OF STERILE BANDAGES

**Mr. Makarchuk:** Mr. Speaker, I have a question of the Minister of Financial and Commercial Affairs.

Is the minister aware that the Safety Supply Company, located on King Street East in Toronto, has advertised in its catalogue No. 70, page 24, item 2, "sterile bandages for sale to industrial establishments in Ontario"; when in fact it has been admitted by the manufacturers that these bandages are not sterile? Therefore will the minister institute or take action regarding false advertising against this company?

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): I am aware, Mr. Speaker, and the matter is being looked into.

**Mr. Speaker:** The hon. member for Scarborough East.

**Mr. T. Reid:** The Minister of Labour has left.

**Mr. Lewis:** He did not leave, he fled. He knew the member was going to ask him a question.

**Mr. Speaker:** The hon. member for Essex-Kent.

## OPP PATROL OF THAMES RIVER

**Mr. R. F. Ruston** (Essex-Kent): I have a question of the Minister of Justice and Attorney General.

Can the minister explain his remarks in his estimates that the OPP did not have the authority to police the Thames River, and yet the Minister of Energy and Resources Management in his estimates stated that the OPP would be patrolling the Thames River to control the speed limit this year? Could it be possible for the ministers to get together and come to a conclusion as to who is responsible?

**Hon. A. F. Lawrence:** Well yes, I thought the hon. member should have been here during the course of my estimates when we were discussing this matter and he would have absorbed something out of it anyway.

Interjections by hon. members.

**Hon. A. F. Lawrence:** Our hope is—will you keep quiet for a minute then? Does the member want to hear it or not? Does he want to hear the explanation? I gave it twice. Our hope is that the OPP—

**Mr. Nixon:** The minister should get more sleep.

**Hon. Mr. Grossman:** He cannot understand that member.

**Hon. A. F. Lawrence:** Our hope is that the OPP will be permitted, under the regulations that still have to be passed by Ottawa, to police that stretch of waterway. It is simple as that.

**Hon. Mr. Grossman:** The member should speak to his friends in Ottawa.

## AWARD TO HOSPITALS BRANCH EMPLOYEES

**Mr. Deans:** Mr. Speaker, I have a question of the provincial Treasurer.

Has an order-in-council been made implementing the arbitration award which was handed down some months ago, recommending changes to the conditions, including pay, of employees primarily within the psychiatric hospitals branch of the civil service?

**Hon. Mr. McKeough:** I made a statement to that effect this morning.

**Mr. Deans:** I am sorry. I must have missed it. Thank you.

**Mr. Speaker:** The member for Windsor-Walkerville.

## GRANT TO WINDSOR COUNSELLING SERVICE

**Mr. B. Newman:** Mr. Speaker, I have a question of the Minister of Social and Family Services.

Has the minister received a request for a grant from the Credit Counselling Service of Metropolitan Windsor and is he giving it favourable consideration?

**Hon. T. L. Wells** (Minister of Social and Family Services): Mr. Speaker, I assume the member knows that they have probably asked us. I am not sure whether they have.

There are many others in the province who are asking for grants for credit counselling services. We are supporting about six now. We have just added two new ones. We are looking at them all favourably.

I am not sure that we have enough money in our vote this year to extend it beyond what we are doing at the present time, but we are certainly encouraging their development and will be happy to work with the Windsor community to see if we can assist them.

**Mr. Speaker:** The member for High Park.

## DRUG COST DEDUCTIONS FROM COMFORT ALLOWANCE

**Mr. M. Shulman** (High Park): I have a question of the Minister of Social and Family Services, Mr. Speaker.

Is the minister aware that some counties are subtracting the cost of the patients' drugs from the comfort allowance for the chronically disabled, which was increased from $15 to $25 so that if the drugs come to more than $25 a month, the patient receives nothing?

**Hon. Mr. Wells:** In which institutions is this, Mr. Speaker?

**Mr. Shulman:** This has taken place in Halton and elsewhere.

**Hon. Mr. Wells:** In the county homes for the aged? I am not aware of it, but I would be happy to investigate it. I do not believe it should be done to patients entitled to the $25 comfort allowance.

This is in the homes for the aged, is it? It may be different in nursing homes.

**Mr. Shulman:** Can the minister assure us that this will be changed if, in fact, they are doing this? Because obviously it is against policy.

**Hon. Mr. Wells:** Mr. Speaker, before I assure the hon. member of anything, I would like to know exactly where it is happening and investigate it.

**Mr. MacDonald:** But we cannot be sure this policy will be upheld.

**Hon. Mr. Wells:** The policy is always upheld and the policy in the homes for the aged is that the patients receive a $25 comfort allowance. However, there is a different policy in nursing homes and people sometimes confuse the two of them.

**Mr. Speaker:** A further supplementary?

**Mr. Shulman:** As a supplementary: Would the minister not agree that in the nursing homes also the patients should get the full $25 and not have the money deducted for the cost of drugs?

**Hon. Mr. Wells:** Mr. Speaker, this is a different regulation, and at the present time it is discretionary with the municipalities, I believe, so it is up to them. Even if I wish them to do it, under existing regulations it is up to them to decide whether they wish to provide the full $25 amount.

**Mr. Shulman:** A final supplementary, if I may, Mr. Speaker: Is the minister aware that as a result of this discretion, at least in Halton county, many of these persons are receiving absolutely nothing?

**Hon. Mr. Wells:** Mr. Speaker, I indicated that before I comment definitely on an individual case I would like to have all the facts and then I will tell the hon. member.

**An hon. member:** Why does the minister not have all the facts?

**Mr. Speaker:** The member for Scarborough East.

**Mr. MacDonald:** It is like the government's no-fault insurance—30 per cent no-fault insurance.

## CTV PROGRAMME ON INDIANS

**Mr. T. Reid:** I have a question of the Provincial Secretary.

Was the Provincial Secretary successful in getting the reply from the CTV network that they would not show that particularly obnoxious film about Indians, at which the minister showed righteous indignation?

**Hon. J. Yaremko** (Provincial Secretary): The reshowing has been held. The member will recall that I made a statement in the House, I think at the beginning of the week, that the CTV did go ahead and show the film.

**Mr. T. Reid:** Is the minister aware that the film, to which he properly took exception, is based on a book the Minister of Education has on Circular 14; and will he contact the Minister of Education to suggest that he might take the book off Circular 14?

**Hon. Mr. Yaremko:** I was aware of that and that matter has already been discussed with the people in The Department of Education.

**Mr. Nixon:** But the minister was not righteously indignant about that.

**Mr. Speaker:** The hon. member for Cochrane South.

## CONDITION OF ROAD TO MINE

**Mr. W. Ferrier** (Cochrane South): Mr. Speaker, I have a question of the Minister of Mines and Northern Affairs.

Has a decision been taken to upgrade the condition of the road between Timmins and the Texmont mine?

**Hon. Mr. Bernier:** No, Mr. Speaker, no decision has been reached on that particular point. There has been no direct communication from the mine in question, for improvement to this road.

**Mr. Ferrier:** A further supplementary, Mr. Speaker: Have there not been representations made by the Chamber of Commerce and other groups to the Northern Ontario Transportation Commission of cabinet requesting that such action be taken?

**Hon. Mr. Bernier:** Yes there have, Mr. Speaker. We are looking for a multiple-use road and for this reason we would like more communication from the mine itself as to what the future is of this particular development. The matter is certainly not a dead issue. When we heard from them, we will certainly give it further consideration.

**Mr. Ferrier:** As a further supplementary: Is the answer contingent upon the owners of the Texmont Mine formally requesting the department to make a decision? When will the minister be able to come out with an answer to this question that has concerned many of us in that area?

**Hon. Mr. Bernier:** Mr. Speaker, we would like to hear from the industry on the mining question, to know what future there is in that particular area.

**Mr. Speaker:** The member for Grey-Bruce.

## BUDGET DEFICIT

**Mr. Sargent:** Mr. Speaker, a question of the provincial Treasurer: In view of the fact, that the minister has projected a $500 million deficit this fiscal year, at this half-way point has he any projections? Has he had a six-month audit? Where are we going to end up? Has he any idea yet?

**Hon. Mr. McKeough:** The projection was for a $415 million deficit and we are only three months into this fiscal year. I think, within limits of a budget of $4 billion there is an indication that we will not be too far off that. The revenues are no more buoyant though than we predicted they would be.

**Mr. Sargent:** A supplementary: I missed that last statement. The revenues are no more

buoyant than the minister thought they would be?

**Hon. Mr. McKeough:** Right!

**Mr. Sargent:** So the government is going to end up on target, $400 million in the hole.

**Hon. Mr. McKeough:** No, I think what—

**Mr. Ruston:** They will end up with a surplus!

**Hon. Mr. McKeough:** I think there is always some suspicion on the other side that we tend to understate our revenues. What I am saying is that I think the revenues budgeted are on target.

**Mr. Nixon:** The minister's predecessor always did. We do not want this minister to do it.

**Mr. Sargent:** The Treasurer does not know yet? He just thinks?

**Hon. Mr. McKeough:** No, I will say this —which I think is encouraging and which is encouraging us—a couple of the tax revenues are down. The retail sales taxes has been very healthy which, I think, is a healthy indicator that the consumers are spending.

**Mr. Speaker:** The member for—A supplementary?

**Mr. MacDonald:** A supplementary question, Mr. Speaker. If revenue and payout are on target, could the minister give us some estimate—

**Mr. Sargent:** The minister does not know anything.

**Mr. MacDonald:** Could the minister give us some estimates of how much more is being added to the prospective payout?

**Hon. Mr. McKeough:** Yes, I reviewed a report on that subject yesterday. There have been certain economies made without the effects of this award this morning, I think somewhere in the neighbourhood of $20 million.

**Mr. MacDonald:** That is $20 million saved? But how much more—

**Hon. Mr. McKeough:** No, $20 million net.

**Mr. MacDonald:** Net addition to the estimates?

**Mr. Speaker:** The member for Brantford.

## ALLEGED ASSAULT ON WOMAN AT TEXPACK

**Mr. Makarchuk:** Mr. Speaker, I have a question of the Minister of Justice.

Can the minister at this time give me an answer to a question raised earlier in the week regarding the royal treatment that a management employee received at Texpak after slugging a woman whereas the workers were locked up?

**Hon. A. F. Lawrence:** No.

**Mr. Makarchuk:** By way of supplementary, Mr. Speaker, can the minister tell me when he will have an answer to that question?

**Hon. A. F. Lawrence:** I can certainly check later today and find out what is holding up the report that I asked for. Until I have that information I cannot tell him when I will have the report.

**Mr. Speaker:** The member for Kent.

## PROBLEMS IN AGRICULTURE

**Mr. J. P. Spence** (Kent): Mr. Speaker, I have a question for the provincial Treasurer. Is the minister familiar or aware of the problems facing agriculture at the present time? Would he discuss with the Minister of Transportation and Communication, and Agriculture and Food and encourage them to discuss with those companies which built service centres along Highways 401 and 400, that they ask them to set up vegetable and fruit stands to promote agriculture products to increase the sale of agricultural products across the Province of Ontario which would improve the net return to agriculture?

**Hon. Mr. McKeough:** I would be very pleased to discuss that. I think that suggestion has a great deal of merit and I will follow that up with both of my colleagues.

**Hon. Mr. Kerr:** Be sure they do not litter.

**Hon. Mr. McKeough:** One would have to say this, that those fruit vendors who are so familiar to all of us in our part of Ontario, in other parts of Ontario who are not located, or would not be part of this action, I suppose they might take some exception to it.

It is amazing the number of people who talk to me who, for example, in going to Windsor on the MacDonald-Cartier freeway, leave the freeway at Talbotville and go along that gorgeous stretch of Highway 3 and come

back on perhaps at Blenheim so that they can go to the fruit stands.

The fruit stands of southwestern Ontario and other parts of Ontario are a way of attracting people off the freeway, but I would agree it is a good suggestion.

**Mr. Speaker:** The member for High Park.

## RETAIL SALES TAX

**Mr. Shulman:** Has the minister had a chance to consider ruling 13(a) of the retail sales tax which I showed his yesterday and which apparently takes a Chinese lawyer to figure out? And has he figured out what it means?

**Hon. E. A. Winkler** (Minister of Revenue): Mr. Speaker, I did in fact have a look at the ruling and I have checked it out in regard to the administration of the Act itself. The tourist operators are quite satisfied with the way it is written at this time.

**Mr. Shulman:** Supplementary: if the minister—

**Mr. Nixon:** What is the reference to the Chinese lawyer?

**Mr. Shulman:** It was Philadelphia.

If the minister had some difficulty understanding it—and I think everyone else has been in some difficulty—how do the tourist operators know what it means?

**Hon. Mr. Winkler:** Mr. Speaker, what the hon. member says is not so.

**Hon. A. F. Lawrence:** Pretty discriminatory.

**Mr. Speaker:** The hon. member for Rainy River.

## LEGISLATION ON BILL 94

**Mr. T. P. Reid:** Mr. Speaker, I have a question of the Minister of Energy and Resources Management: In view of the numerous amendments that the minister has already introduced to Bill 94, and the other obvious flaws of the bill, will he consider redrawing and redrafting the bill and resubmitting it, in view of the fact that we are returning here probably in September?

Secondly, will the minister have for the perusal of the Legislature the amendments that flow from the legislation of Bill 94?

**An hon. member:** The regulations.

**Mr. T. P. Reid:** The regulations, pardon me.

**Hon. Mr. Kerr:** Well Mr. Speaker, no.

I understand it is the intention of the House leader to proceed with the bill in committee. I am not sure. It depends on the progress we make. There will be some amendments, as I indicated on second reading.

I hope to get copies of those amendments to the leaders of both the opposition parties and we will proceed in a normal way. We are in the process of drafting regulations particularly in respect to those Acts that will be repealed. I do not expect we will deal with those before we recess.

**Mr. Speaker:** The oral question period has expired.

Petitions.

Presenting reports.

**Mr. J. R. Breithaupt** (Kitchener): Mr. Speaker, as chairman of the Public Accounts Committee, I am pleased to present its report for the 4th session of the 28th Legislature; as well as a minority report by the Liberal members on the committee.

**Mr. Speaker:** I thought minority reports cannot—

**Hon. A. F. Lawrence:** Is a minority report in order?

**Mr. Speaker:** —but it says you can include it in the main report, but you cannot present a minority report.

Interjections by hon. members.

**Mr. Speaker:** I am sorry. I just wanted to be sure because I had not heard exactly what the member said. This is the report of a committee, which includes a minority report. All I heard was a minority report and that bothered me.

**Mr. J. A. Allan** (Haldimand-Norfolk): Mr. Speaker, on a point of order, could I inquire if it is in order to present a minority report without the approval of the committee?

**Mr. Speaker:** That is the point I was just raising with the hon. member for Kitchener. Our rules provide that minority reports may not be presented by themselves, but they may be included in the report of the committee. He assures me that this is the report of committee, including the minority report, and our rules read that that may be done.

**Mr. MacDonald:** Mr. Speaker, speaking to that point—

Interjections by hon. members.

**Mr. Speaker:** Yes, it is a report of the committee. That is what I am trying to assure myself of, that this is a report of the committee which includes the minority report. If it is just the minority report it cannot be received.

**Mr. Nixon:** It is customary.

**Mr. MacDonald:** Mr. Speaker, may I just add to this? I do not want to give any impression of appearing to question the right to minority reports, but I think the hon. member for Haldimand-Norfolk has raised a very valid point. I am a member of that committee; I attended all of the concluding meetings and at no point was any mention ever made of a minority report being included in the official report.

In short, no member of the committee before now has been aware that there was going to be a minority report, and I think that point raised by the member for Haldimand-Norfolk is valid.

**Hon. Mr. McKeough:** Shameful!

**Hon. A. F. Lawrence:** Well then it is part of the committee report.

Interjections by hon. members.

**Mr. MacDonald:** Mr. Speaker, I can sustain the petty gibes of the hon. member for Scarborough East, but there is such a thing as following the appropriate rules of operation. And Mr. Speaker, if I may conclude my point, it is simply this: If there is a minority report it should be included—but it should have been submitted to the committee.

Since there is obviously a bit of a political game being played here, may I suggest at this point that since it was not submitted to the committee it is not officially part of the report of the committee? It cannot be, because it was not adopted by the committee.

**Mr. T. Reid:** But it is a good report.

**Hon. A. F. Lawrence:** It should not be tabled.

**Mr. MacDonald:** In short, Mr. Speaker, this is a very unfortunate development. What has happened is that the members of the Liberal party, because the House has taken the very desirable step of making the chairman of the committee a member of the opposition, have sneaked a minority report in without the authorization of the committee.

**Hon. A. F. Lawrence:** He is abusing his position as chairman.

Interjections by hon. members.

**Mr. J. Renwick** (Riverdale): It is just unconscionable.

**Mr. MacDonald:** Mr. Speaker, I had occasion yesterday to rise and complain about the chairman of a committee who happened to be a Conservative playing with the rules of that committee and had it overruled here by the Prime Minister. I am a little sad that in the one instance where—

**Mr. J. Jessiman** (Fort William): Teacher's pet!

**Mr. MacDonald:** —the committee has been chaired by a member of the opposition. He plays the game like the Tories do.

**Mr. Speaker:** The member for Ottawa South.

**Mr. I. Haskett** (Ottawa South): Mr. Speaker, in preparing the report of the public accounts committee we received first a draft and went over that carefully. It was sent back for correction and finally brought before the committee and adopted. In the report of the public accounts committee there was no minority report and I remember moving, when we had gone over the final draft of the report, that this be the report of the committee, and there is no minority report in it.

**Mr. G. Demers** (Nickel Belt): Great spirit of unanimity.

**Mr. Speaker:** Perhaps it would be useful if I read to the members so that we would all understand it, standing rule 79(d) which sets out what can be received by this House, and I read this rule in full:

> The report from a standing or select committee is the report as determined by the committee as a whole, or a majority thereof, and no minority report may be presented to or received by the House. A committee may, in its discretion, include any dissenting opinions in its report.

I queried the hon. member for Kitchener when this was presented and he assured me this was a minority report, or dissenting opinions included in the report, of the committee as a whole.

**Mr. MacDonald:** But without the authorization of the committee!

**Mr. Speaker:** Order! I am satisfied now—after listening to the hon. members for Haldimand-Norfolk and from Ottawa South, who are members of the committee—that he must have been in error in making that statement. Therefore so far as I am concerned—the Clerk advises me it is possible to take out the page with the minority report—I would suggest to have it properly approved by the committee for presentation, or that he agrees that the matter which was not approved by the whole committee be deleted from the report before it is tabled. And I would leave that to the chairman of the committee.

**Mr. Breithaupt:** Mr. Speaker, there is no difficulty at all. The information which had been appended was prepared basically with discussions led by the member for York North concerning certain details which he had hoped would be included. I am quite happy to advise the House, of course, that this is not part of the report of the committee and I am quite prepared to delete that if the House wishes. No. problem at all.

**Mr. Speaker:** It would not be the wish of the House, it would be the wish of the committee. Since we are so close to adjournment, if the committee members who have spoken would be satisfied with that, I would —or would they—

**Mr. J. Renwick:** No, no.

**Mr. Speaker:** The hon. member for York South who spoke first to this, the Clerk has shown me the sheet which was inserted, says if that is taken out, the report is there.

**Hon. Mr. McKeough:** Have it destroyed publicly.

**Mr. Speaker:** It would be my view it should go back to the committee for a proper report to be submitted to the House.

Interjections by hon. members.

**Mr. MacDonald:** Mr. Speaker, I am really a little puzzled this morning—

**Mr. T. P. Reid:** The member always is.

**Mr. Speaker:** Order!

**Mr. MacDonald:** You know, Mr. Speaker, this is really a bit scandalous when an opposition member has been given the right to chair a committee and the Liberals are willing to abuse that right and bring it into disrepute, then it just shows how badly off we are in this House.

**Mr. C. G. Pilkey** (Oshawa): That does not happen often!

**Mr. Speaker:** The hon. member will answer my question rather than making a speech.

**Mr. MacDonald:** I would be glad to answer your question, Mr. Speaker, but I draw to your attention a little puzzlement that has nothing to do with this. Until today, you have had no jurisdiction over committees at all, now you are willing to intervene. I congratulate you for doing this.

**Mr. Speaker:** The hon. member is not correct; he continually makes statements such as this. What I have said is that the report as presented was stated to be a minority report. I questioned the chairman of the committee and he assured me it was a minority report included, as the rules provide, with the majority report as part of it. Then members of the committee advised me that that is not so.

Now, what I have said is that in my opinion—and I said that before I asked the hon. member his opinion as one of the members of the committee who raised the point—it is my opinion that the report should go back—and I said this earlier—go back to the committee, so the whole committee could report.

I also said, since it was apparently close to recess time, perhaps the committee members would like to have the sheet deleted which the Clerk brought up to me and showed what was there, and which did not form part of the report.

I thought it only fair to ask the three members of the committee who had spoken —and the hon. member for York South had spoken first—I thought it only fair to ask the three members of the committee who had spoken what their view was because the chairman had said that he had no objection to it being handled in that way.

Now, I do not know whether or not the report without that sheet is the report of the committee approved by the members, so my view is that it should go back to the committee and come in properly. But that, I think, under the circumstances, the members might decide.

**Hon. J. White** (Minister of University Affairs): Mr. Speaker, on a point of order—

Interjections by hon. members.

**Mr. MacDonald:** Mr. Speaker, I want to respond to—

**Hon. Mr. White:** A point of order, it will not take a moment.

**Mr. MacDonald:** Well, I am on a point of order.

**Mr. Speaker:** The hon. member for York South is on his feet on a point of order and has the floor.

**Mr. MacDonald:** Points of order line up to the right.

Interjections by hon. members.

**Mr. V. M. Singer** (Downsview): Get rid of everybody and let us go.

**Hon. A. F. Lawrence:** It will not take a moment.

**Mr. MacDonald:** My point of order, Mr. Speaker, is this: Yesterday I drew to your attention the fact that a committee had made a ruling without the authorization of the committee and you said it was none of your business.

**Mr. Nixon:** All right, next point of order.

**Mr. MacDonald:** Today, it has been drawn to your attention that a committee has done something irregularly and you say it is something of your business; you are going to send it back. I think you are right today, you were wrong yesterday.

I agree, if I may conclude, that this is irregular. I do not think it should be done informally in the House here. I think we should live by the rules back at the committee and I would agree that it be sent back.

I would move that the report be returned to the committee for final consideration.

**Mr. Lewis:** And that the chairman be impeached!

**Mr. Singer:** Yes, forthwith.

**Hon. Mr. White:** On a point of order, Mr. Speaker, I suggest that the chairman of the committee summon the committee and submit his resignation.

**Several hon. members:** That is right!

**Mr. Speaker:** Did the member for Haldimand-Norfolk, wish to speak on this point?

**Mr. Allan:** Mr. Speaker—

Interjections by hon. members.

**Mr. Speaker:** Order!

**Mr. Allan:** Mr. Speaker, in view of the lateness of the session, I would be satisfied to have the sheet that was added deleted.

**Mr. Speaker:** The member for Ottawa South.

**Mr. Haskett:** Mr. Speaker, I am not aware of just what is contained in the sheet that is allegedly added and whether it was a part of the report.

**Mr. Speaker:** Then the report cannot be tabled, will not be received; and I would ask the chairman of the committee to ensure that when the report comes in it is a proper report from his whole committee.

**Mr. Singer:** There will be a meeting of that committee in three minutes.

**Mr. Speaker:** A point of order?

**Mr. Deacon:** On a point of order: Just speaking to the point, Mr. Speaker, the minority report—

**Hon. Mr. Yaremko:** If he is resigning from the committee, he should put his resignation in writing.

**Mr. Deacon:** —the minority report contains a clause that the majority of the committee deleted at its last meeting.

**Mr. J. Renwick:** It is not before the House.

**Mr. Lewis:** It is not consistent.

**Mr. Speaker:** Presenting reports.

Mr. Villeneuve from the standing human resources committee reported the following resolution:

RESOLVED, *that* supply in the following amounts and to defray the expenses of The Department of Education be granted to Her Majesty for the fiscal year ending March 31, 1972:

Department of Education

| | |
|---|---|
| Departmental administration | $ 40,296,000 |
| Formal education K-13 | 40,093,000 |
| Assistance to school authorities | 1,060,046,000 |
| Special educational services for the handicapped | 11,446,000 |
| Continuing education | 162,799,000 |
| Community services | 12,588,000 |
| Student summer activities | 1,111,000 |

**Mr. Speaker:** Does the House wish just to receive this in the ordinary course and have it placed on the order paper or do they wish to concur in its receipt?

**Mr. Nixon:** Yes, we will have it on the order paper.

**Mr. Speaker:** The order paper? All right.

**Mr. Sopha:** I would like to submit a minority report.

**Mr. Nixon:** We think it is too much.

**Mr. Singer:** We would delete $1 billion from it.

**Mr. Speaker:** Motions.

Hon. Mr. Wishart moves that the House today continues to sit through the previously ordered luncheon recess.

**An hon. member:** Previously ordered luncheon recess?

Interjections by hon. members.

**Mr. Speaker:** Order, order. Let us get on with the business of the House.

**Mr. Nixon:** Mr. Speaker, this might be an appropriate time to ask the House leader what the plans are for the organization of the House business next week? There was some indication—

**An hon. member:** That is a large order.

**Mr. Nixon:** —in the answer from the Treasurer that we would be here on Monday to conduct the business and that the Minister of Agriculture and Food would be able to answer questions. Having heard the Premier yesterday indicate that we were rising for what he chose to call some kind of a summer recess—

**Hon. Mr. Davis:** That was just me. That was my own holiday.

**Hon. Mr. Yaremko:** Well deserved.

**Hon. A. F. Lawrence:** He did not say when, though!

**Mr. Nixon:** Yes, well right! I would like that made clear so that our members could make some plans and not just hear about them, as they say, from the elevator operator or the leader of the NDP.

**Hon Mr. Davis:** I did not say when we would be ready.

**Mr. Lewis:** The Minister of Financial and Commercial Affairs should make sure that the member for Downsview can still take Monday and Tuesday off. The House will give him that permission.

**Hon Mr. Wishart:** Mr. Speaker, first I would say that the intention today would be to strive to rise around 3 o'clock, and I think that may be possible. We will return on Monday and attempt to—

**An hon. member:** At 2 o'clock.

**Hon. Mr. Wishart:** At 2 o'clock.

**Mr Nixon:** If that was the decision made this morning it countermands the decision that was made yesterday!

**Hon. Mr. Grossman:** We shall return!

**Hon. Mr. Davis:** There was no decision made yesterday.

**Mr. Nixon:** The minister was talking about a summer holiday.

**Hon. Mr. Davis:** Yes, well we are going to have one. Certainly we are.

**Mr Nixon:** Well quit fooling around.

**Hon. Mr. Davis:** Who was fooling around last night?

Interjections by hon. members.

**Mr. Speaker:** Order! The member for Scarborough West.

**Hon. Mr. Davis:** If members opposite would talk less, we would have a lot of it done.

**An hon. member:** It will be a long campaign.

**Hon. Mr. White:** The Liberals cannot take it.

Interjections by hon members.

**Mr. Lewis:** Mr. Speaker, if I may ask the House leader, in view of what he will concede in the changing nature of times and House business, does he have now a fixed terminal date—of Tuesday I take it?

**Mr. Singer:** Yes, it will be sooner than later.

**Hon. A. F. Lawrence:** The members will get a summer holiday; it may be next January.

**Hon. Mr. Yaremko:** They will have Labour Day weekend off.

Interjections by hon. members.

**Mr. Lewis:** I would prefer, if possible, not to deal endlessly in the world of rumours. Has the House leader set that for himself now?

**Mr. Nixon:** The latest rumours come from the NDP. Maybe they can tell us.

**Hon. Mr. Wishart:** No. We have certain objectives to achieve and I would hope that they would be achieved shortly.

**Mr. Sopha:** What are they?

**Hon. A. F. Lawrence:** To clean up most of the order paper.

**Hon. Mr. McKeough:** Re-election.

**Mr. Speaker:** Order.

**Mr. Deans:** That is the most honest answer we have had all week.

**An hon. member:** It was incredible during the speeches last night!

Interjections by hon. members.

**Mr. Singer:** I heard them. That is why I stayed out.

**Mr. Speaker:** Order!

Hon. Mr. Wishart moves that the House continue to sit through the previously ordered luncheon recess.

Is it the pleasure of the House the motion carry?

Motion agreed to.

**Mr. Speaker:** Introduction of bills.

## CHANGE OF NAME ACT

Hon. A. F. Lawrence moves first reading of bill intituled, An Act to amend The Change of Name Act.

Motion agreed to; first reading of the bill.

**Mr. Nixon:** No one would ever believe the government could run like this. They are changing their name to "Progressive Confusion."

**Hon. A. F. Lawrence:** Mr. Speaker, several weeks ago I tabled in the House the report on The Change of Name Act from the Ontario Law Reform Commission and this, roughly follows out the recommendations of the commission.

At present under The Change of Name Act, briefly, before the Act can apply there are certain requirements respecting nationality, sex and age. The Change of Name Act is being amended so that the only requirements will relate to residence and age.

## BILLS OF SALE AND CHATTEL MORTGAGES ACT

Hon. A. F. Lawrence moves first reading of bill intituled, An Act to amend the Bills of Sale and Chattel Mortgages Act.

Motion agreed to; first reading of bill.

**Mr. Nixon:** They are heading for a long holiday.

**Mr. Sopha:** Get the Law Society to give the members opposite a crash course like they used to do for the Veterans.

**Hon. A. F. Lawrence:** Sir, The Bills of Sale and Chattel Mortgages Act provide that a mortgage or conveyance must be registered, in the case of a county within five days of the execution thereof, and in the case of a district within 10 days of the execution thereof.

These time limits are proving to be most impractical, primarily because of the introduction of the personal propreties security registration system. This bill, if approved by the House in due course, will change the time limit to 30 days.

**Mr. Singer:** Oh, another great legal reform!

## CONDITIONAL SALES ACT

Hon. A. F. Lawrence, moves first reading of bill intituled, An Act to amend The Conditional Sales Act.

Motion agreed to; first reading of bill.

**Hon. A. F. Lawrence:** Sir, The Bills of Sale and Chattel Mortgages Act provides that a mortgage or conveyance must be registered in the case of a—I am sorry. The Conditional Sales Act provides that a contract must be registered within 10 days of the execution of the contract.

Again, in view of the introduction of the whole personal property security registration system, this is proving impractical, and this will change that five-day limit to 30 days.

**Mr. Speaker:** Introduction of bills.

Orders of the day.

## THIRD READINGS

The following bills were given third reading upon motion:

Bill 73, An Act to amend The Audit Act.

**Hon. W. G. Davis** (Prime Minister): Mr. Speaker, I wonder if I might just interrupt, in case the hon. members have not heard the very tragic news that the former Premier of Saskatchewan died a few moments ago of a heart attack. I am sure I express the feelings of this party in voicing a very great regret.

I did not have the honour to know Mr. Thatcher well; I met him on only a few occasions. But certainly, Mr. Speaker, he made a very real contribution to public life in Canada and certainly I would like to express our regrets on this side of the House at this very tragic event.

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker, we join with the Premier in expressing our regret at Mr. Thatcher's death and extend our condolences to the family.

**Mr. S. Lewis** (Scarborough West): Mr. Speaker, we in this party associate ourselves entirely with the feelings that have been expressed.

## THIRD READINGS
*(continued)*

Bill No. 80, The University of Toronto Act, 1971.

**Hon. J. White** (Minister of University Affairs): Carried unanimously.

**Mr. Nixon:** Not passed unanimously; we objected and said no.

Does the minister wish to divide on it? No.

## THIRD READINGS
*(continued)*

Bill 89, An Act to amend The Highway Improvement Act.

Bill 92, An Act to amend The Workmen's Compensation Act.

Bill 93, An Act to amend The Department of Energy and Resources Management Act.

Bill 95, An Act to amend the Conservation Authorities Act, 1968.

Bill 97, An Act to amend the Ryerson Polytechnical Institute Act, 1962-63.

Bill 98, The Department of Colleges and Universities Act, 1971.

**Mr. Lewis:** It was not passed unanimously. Let us get that in Hansard.

## THIRD READINGS
*(continued)*

Bill 99, An Act to amend The Ontario Development Corporation Act, 1966.

Bill 112, An Act to amend The Regional Municipal Grants Act, 1970.

Bill 113, An Act to amend The Regional Municipality of Ottawa-Carleton Act, 1968.

Bill 114, An Act to amend The Regional Municipality of York Act, 1970.

Bill 115, An Act to amend The District Municipality of Muskoka Act, 1970.

Bill 116, An Act to amend The Regional Municipality of Niagara Act, 1968-69.

Bill 123, Provincial Parks Municipal Tax Assistance Act, 1971.

Bill 127, An Act to amend The Assessment Act.

Bill 128, An Act to amend The Municipality of Metropolitan Toronto Act.

Bill 136, An Act to amend The Municipal Act.

Bill Pr 30, An Act respecting the City of Toronto.

**Mr. D. C. MacDonald** (York South): Mr. Speaker, I want to impose briefly on the House to speak to this bill at third reading. I was busy in my office attempting to prepare some amendments for forthcoming legislation when unexpectedly this bill came before the House last night for committee consideration.

I will not talk at great length, but there are two or three points which I think must and should be made. All of these points are directed to section 16 of the bill. The extraordinary thing, Mr. Speaker, about section 16, is that on the biggest development project that the city of Toronto has had for years, if not in its history, this section is going to give exemptions from the normal safeguards of the public interest and the full involvement of the public in decision making.

Now why one should eliminate those safeguards when you have got a major project

and do it all in the name of flexibility is something that puzzles me. I did not have the opportunity of listening to all the discussion at the standing committee hearings on this matter, but some who are deeply interested in the bill have drawn me into consideration of it since then, and as a matter of fact the more I look at it the more my suspicions are aroused.

When the bill was before the House for second reading I asked the minister specifically as to whether the amendments that had been made to section 1 of clause 16 would give assurance of a full public hearing, and the minister made a statement of which I just want to remind the House because it is so vague and so confusing and open to so many interpretations that the minister has compounded the situation rather than resolved it.

What the minister said is this, and I quote:

> There will be hearings in reference to the official plan and it will deal—that official plan—has to deal with all of the detailed type of arrangements envisaged under the Metro Centre, but not necessarily all detailed in any agreement that they might enter into. But rather the public kind of arrangement or planning matters that would be affected by it. So that the public would be well aware of these conditions and also, as in the normal case with an official plan amendment, objections can be filed with the minister and, if necessary, I can refer it to the Municipal Board for a hearing.

Now, that sounds fine but we are talking about agreements.

Does the minister, when he made that somewhat confusing and vague statement, refer only to the development agreement, or was he also referring to the many land agreements that are going to be involved? Nobody seems to be able to resolve this issue. Nobody can be certain. And here is where my doubts grow to a point that has provoked me to speak on third reading this morning.

Let me remind the minister and let me remind the House that the development commissioner of the city of Toronto has estimated that the value of the land on which the Union Station happens to be situated is some $50 million without encumbrances; and for those who argue that the encumbrances have devalued that property, may I remind them that the court on one instance has expressed the opinion that the value of the land has not been reduced by the encumbrances.

Yet the value which is now being discussed, Mr. Speaker, for a $50 million property is in the range of $9 million. How can one, in effect, let $40 million fly out the window, when the public interest, when the public concern is at stake?

That is only the beginning of it. If it were restricted to the Union Station then one could perhaps still one's doubts, but I have in my hand a copy of a basic document in this whole development, namely, the commissioner of development's report to the city of Toronto executive committee on May 6. And the incredible thing about this, Mr. Speaker, is that this has become, in effect, the chart for action. My information is that the figures—and I am just going to remind the House here—have been more or less confirmed in the course of subsequent reporting on certain aspects of it. For example, the highways which are going to become closed and conveyed to the developer. Approximately 600,000 square feet. The report reads: "Having a possible value of $500,000." They speak of a parking lot site: "Valued at about $2,500,000." Another paragraph refers to: "Therefore estimated values of the total city-owned lands equals approximately $12,-500,000." They go on to speak about the beltline property in relationship with the CNR: "A figure in the region of $3,000,000 has been suggested." They refer to another area of the beltline property and it is valued "at approximately $3,200,000." They refer to land at the northeast corner of Front Street and Spadina Avenue valued at "approximately $1,500,000."

And so on all down the line. I could add to this list.

Clearly, the kind of preparation on the estimates of the value of this land have been of the most casual nature, according to this report and subsequent action. There are a lot of people who are beginning to wonder whether some of this public land is going to be sold off to developers at prices which are going to result in high-cost housing constructions on the west end of this whole development.

There is no assurance that those who are concerned on behalf of the whole city, on behalf of the citizenry in general, are going to have an opportunity to make their case.

Just to underline another rather intriguing aspect of this bill, you will note, Mr. Speaker, that two later subsections both have in them "by bylaw." Subsection 3, for example, and subsection 4 gives power to do certain things, such as the establishment of highways, and powers respecting subdivision control, but it notes that these can be done only "by bylaw." But when you get to the

key section, subsection 1, which has set up this alternative procedure that the minister says will assure a public hearing, by a strange coincidence there is no reference to "by bylaw."

I come back to my basic point that the section, in effect, is removing the traditional safeguard even to the point in its final subsection of saying:

> Notwithstanding any general or special Act, when an agreement has been entered into pursuant to subsection 1, the corporation may, by bylaw, provide that subsection 2 of section 26 of The Planning Act does not apply to all or any of the lands described in schedule B thereto.

In short, all of the normal safeguards of The Planning Act have been set aside.

Mr. Speaker, let me sum up. All I am saying is that it is an indefensible proposition, under the guise of flexibility to assist in the speedy expedition of this project, that these safeguards should all be set aside. I say to the minister as a warning that those who are most deeply interested in this whole development have growing reason to believe that there are plans for land transactions, based on estimates for land which, up until now, we have had no realistic costing. I think it is the responsibility of this minister to live up to the spirit of that original statement and not allow the loopholes that anybody, with half of legal training, can drive through his statement.

That is all I will say on third reading. I would have moved some amendments, if I had happened to be in the House when in committee. Although, let us face the facts, even if one had called for a division the whips would have been on and the government would have voted the amendment down so we could not have achieved our purpose. I am hoping that my words of warning to the minister here this morning will have an equal impact in terms of safeguarding the public interest once this bill has been passed.

**Mr. D. M. Deacon** (York Centre): I would like to speak briefly to this.

I would like to hear the minister's assurance that under this amendment there is no doubt that all the relative agreements can be called upon at any hearings that are held under the provisions of this amendment; that there is no question that, if there is a move to ask if this matter be brought before the municipal board under the minister's direction, that the understanding would be clearly that all relative agreements between the developers and the municipality would be available for study and examination by the municipal board.

I hope the minister will make that abundantly clear to the House in his remarks and I think that will do a great deal to alleviate the concern of those who are afraid, for various reasons, that there will be some underhand negotiations occur here.

**Mr. Speaker:** Is there any other member who wishes to speak to this matter? Does the minister have any comments with respect to the bill?

**Hon. D. A. Bales** (Minister of Municipal Affairs): Yes Mr. Speaker. There were amendments, which I suggested to members of the private bills committee. This matter was being considered at that point. The official plan covering this general development was completed a year ago. There has to be a secondary plan completed. The amendment, which I suggested to the hon. members and which was concurred in in private bills committee, was that that secondary plan would have to be passed by council and approved by the minister before any agreement could be completed by the city.

**Mr. MacDonald:** Does that involve land transactions?

**Hon. Mr. Bales:** The secondary plan does not. It is a detailed plan as to the uses which are going to take place on this land. I would anticipate, Mr. Speaker, that the agreement would be worked out concurrently, but the important point is that when that secondary plan is being completed by the council of the city of Toronto, then it must be dealt with by council and there will be hearings there.

Then it comes to the minister for approval and if there are objections filed with me, I may refer it to the municipal board. So again, there can be hearings. My intention in making that amendment and suggestion to the members of the committee was that there could be proper hearings and discussions at the council level so that those who have views and wish to make their views known could make them known at that time.

I think it is very important that there be that opportunity for discussion at the public level. But let me make it quite clear it is not envisaged that the actual agreements have to come to the minister for separate approval. The secondary plan contains the detailed plans of the area, and the agreements must comply with those detailed plans.

**Mr. Deacon:** In consideration of change, would the separate agreements be part of the evidence that could be called upon—

**Mr. Speaker:** If the member wishes to engage further in a formal debate he must ask the minister if he will accept a question. If the minister will, then I will allow the question.

**Mr. Deacon:** Would the minister accept a further question?

**Hon. Mr. Bales:** Yes.

**Mr. Deacon:** In connection with the hearings and the consideration of the matters that are being objected to, would the minister consider that all the detailed agreements could be called upon for examination at the Municipal Board hearings that he has directed the matter be referred to?

**Hon. Mr. Bales:** Mr. Speaker, there is no necessary limitation; it would depend on the chairman of the Municipal Board in dealing with those matters. Those agreements would be developed concurrently with the secondary plan and, I am sure, would be in much detail at the council level.

**Mr. MacDonald:** Mr. Speaker, if I may, one final question by way of clarification.

**Mr. Speaker:** Will the minister accept the question?

**Hon. Mr. Bales:** Yes.

**Mr. MacDonald:** Will the minister's discussion or hearings for the development of a secondary plan involve full opportunity for public expression of views on land transactions, the sale of land to developers for development portions of the property?

**Hon. Mr. Bales:** No, Mr. Speaker, the secondary plan deals with use of land, not with transactions.

**Mr. MacDonald:** In other words, the minister says there will be no opportunity for public hearing—

**Mr. Speaker:** The hon. member said that he had one final question and he has asked it.

The motion is for third reading of Bill Pr 30.

Motion agreed to.

**Clerk of the House:** The 22nd order; House in Committee of the whole House; Mr. A. E. Reuter in the chair.

## NORTHERN ONTARIO DEVELOPMENT CORPORATION ACT

House in committee on Bill 100, An Act to amend The Northern Ontario Development Corporation Act, 1970.

**Mr. Chairman:** Bill 100, An Act to amend the Northern Ontario Development Corporation Act, 1970. There are three sections to this bill. Are there any comments, questions or amendments to any section and if so which section?

**Mr. D. M. Deacon** (York Centre): Mr. Chairman, this is an amendment to section 1, subsection (a).

**Mr. Chairman:** Yes. The hon. member for York Centre.

**Mr. Deacon:** I move that clause (a) of section 1, subsection (*a*) be amended by the deletion of the words "the ownership and" in the fourth line and the addition at the end of the clause of the words "but that such loan would become due and payable to the extent it is in excess of the amount set out in the general loan limits of this section at such time as such control is not held by a Canadian citizen or Canadian citizens."

I bring this amendment before the House backing up the argument that I—

**Mr. Chairman:** Shall I put the motion first? Mr. Deacon moves that clause (a) of section 1, subsection (*a*) be amended by the deletion of the words "the ownership and" in the fourth line and the addition of the words at the end of the clause

> but that such loan would become due and payable to the extent it is in excess of the amount set out in the general loan limits of this section at such time as such control is not held by a Canadian citizen or Canadian citizens.

**Mr. Deacon:** Mr. Chairman, I am not going to repeat the words I expressed in the same way as I did in the Ontario Development Corporation consideration. I just wish to reiterate that in my view the minister's intent is more clearly set out by adopting this amendment than it would be if he carries on as it now is. I think there is a great confusion by adding the words, "ownership of", in the clause, because it does restrict those whom, I think, the minister really does intend to help, if such persons, such Canadian citizens, happen to have been able to obtain ownership interests that are non-voting and non-controlling in a corporation.

**Mr. Chairman:** Any further comments before the minister responds?

**Mr. M. Makarchuk** (Brantford): Mr. Chairman, I just want to state briefly that the amendments to the bill, or the bill itself, are not really going to provide that kind of action that we desire in Ontario in terms of providing jobs or ensuring Canadian ownership. This government has a very dismal record of providing jobs, in comparison to other provincial jurisdictions in operation in Canada. If the government is really serious, as the minister said he was serious, about providing jobs, he would remove the restrictions that exist in ODC and EIO and make money available to the existing Canadian small industries that right now can expand, can grow and provide jobs at this moment, and they exist in the many urban centres of Ontario.

**Mr. Chairman:** The member for Riverdale.

**Mr. J. Renwick** (Riverdale): Mr. Chairman, I do not think we can support the amendment, not because we do not agree with something in the nature of the thrust of it, but I just do not think that one can penalize the kind of company to which the minister would be extending this additional aid by providing that, at some point in time, there will be an acceleration of the repayment provisions of that loan.

**Mr. Deacon:** Then it becomes foreign-controlled.

**Mr. J. Renwick:** It just is unreal to think that, in some way or other, either it could be supervised or that that kind of penalty should be imposed. Our view is very much as we expressed it last night and as the member for Brantford has expressed it. If there are conditions to be imposed, they should be imposed at the outset of the time when the money is granted, not at some later date, because it then becomes in the nature of a penalty and impedes the orderly operation of the kind of businesses that the additional assistance is supposed to help.

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Chairman, surely the penalty that the hon. member has just been speaking about is to restrict and to assist to restrict the sale of companies to foreign ownership and control and to strengthen the possibility of their maintenance and growth here. That is the point of the amendment put forward.

**Mr. Chairman:** The hon. minister, any comment?

**Hon. A. Grossman** (Minister of Trade and Development): Mr. Chairman, we went after these arguments last night and the bill is exactly like Bill 99. I do not think there is anything to add really.

The hon. member for Brantford objects to the fact that small business has not been helped and, of course, we now have a programme for assistance to small business and, as a matter of fact, we are now beginning to get applications. It is just a recent development. I agree with the hon. member for Riverdale in respect of his remarks about the amendment, that any restrictions or any qualifications or requirements should be totally imposed at the outset and this is what we do, in fact, in the agreements we make with the applicants involved.

I will just close, Mr. Chairman, with the same comment I made last night in closing that the best way to carry the policy which everything here is talking about in general terms, by and large, is to provide for the flexibility of the corporation so that it can deal with situations where there may be an attempt to evade the principle involved in the bill itself.

**Mr. Chairman:** I will put the question.

Those in favour of Mr. Deacon's motion will please say "aye".

Those opposed will please say "nay".

In my opinion, the "nays" have it.

I declare the amendment lost and section 1 shall stand as part of the bill.

Any other comments, questions or amendments in the next two sections? If not, shall the bill be reported?

Bill 100 reported.

## INSURANCE ACT

House in committee on Bill 81, The Insurance Act.

**Mr. Chairman:** This is Bill 81, An Act to amend The Insurance Act. Are there any comments, questions or amendments in any section of this bill, and if so, which sections?

**Mr. J. Renwick:** Section 14.

**Mr. Chairman:** Anything before section 14?

**Mr. J. Renwick.** Yes.

**Mr. Chairman:** Which section?

**Mr. J. Renwick:** I want to make a very brief comment on the first two or three, and

then on section 4, and ask the minister a couple of questions in connection with them.

**Mr. Chairman:** Section 1 then.

**Mr. J. Renwick:** I take it, Mr. Minister, that there is nothing in clauses 1 and 2 other than to make this legislation correspond with legislation which was introduced earlier to The Corporations Act with respect to cash mutual corporations, and that this is just simply to make it consistent with matters which were discussed at that time.

If I may turn to clause 3 of the bill, I do not quite understand the import of the insertion in clause 3 of the words "not licensed on the 30th day of June, 1971." As I take it there is a prohibition against a licence being granted for mutual insurance purposes and for other companies which operated as underwriters operating on the plan known as Lloyd's, and I take this to mean that underwriters operating on the plan known as Lloyd's who are licensed on the 30th day of June no longer come within the prohibition, if my understanding is correct.

And if that is the meaning of it, I just do not understand what the distinction is as to whether underwriters operating on the plan known as Lloyd's licensed on the 30th day of June are not within the prohibition, but any ones licensed subsequent to the 30th of June 1971 will continue to fall within the prohibition. I just do not understand the import of it.

**Mr. Chairman:** Does the hon. minister wish to reply?

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): I do not know whether I can make it any clearer, Mr. Chairman, than in the language of the section: "Licence shall not be granted to a cash mutual insurance corporation"—and the various types are described there—that are "not licensed on the 30th of June, 1971, except upon proof of certain financial stability."

**Mr. J. Renwick:** I realize it is a very technical question, and so as not to delay the progress of the bill, perhaps at some point the minister could get me the technical answer as to why they insert that date in there.

**Hon. Mr. Wishart:** I would be glad to do that.

**Mr. Chairman:** Shall these first five sections then stand as part of the bill?

**Mr. J. Renwick:** No, Mr. Chairman. This is a difficult technical bill—

**Mr. Chairman:** I am sorry, the first three sections.

**Mr. J. Renwick:** Again, Mr. Chairman, I do not understand whether I have an up-to-date copy of the statute or not, but I think there must be a typographical error in clause 4. I think the reference there must be to subsection 4 of section 355 and not 357. I have an office consolidation of The Insurance Act which incorporates the amendments to and including the 1970 amendments, and there just is no subclause 4 to section 357. But it does appear that the applicable limitation is the one contained in subsection 4 of section 355.

Again I do not intend to delay it, but perhaps your advisers could check that and if it requires an amendment, to do so.

**Hon. Mr. Wishart:** I will have that checked immediately, Mr. Chairman.

**Mr. J. Renwick:** And clause 5, Mr. Chairman?

**Mr. Chairman:** Clause 5, yes.

**Mr. J. Renwick:** I want to just say to the minister that we have a number of amendments—I am sure the members of the Liberal Party probably have amendments—

**Hon. Mr. Wishart:** Mr. Chairman, I have checked that. There should be no reference in that section 4 to subsection 4. I think it should read that "clause (c) of section 357"—I have not got my consolidation before me—

**Mr. J. Renwick:** May I suggest that I do not think that is right, because there is no clause (c) in—oh yes, I am sorry.

**Hon. Mr. Wishart:** I shall have it checked thoroughly.

**Mr. J. Renwick:** I am sorry.

**Mr. Chairman:** It will not require an amendment. It will just be an error which can be corrected.

**Hon. Mr. Wishart:** A typographical error.

**Mr. J. Renwick:** Well, whatever it is.

**Mr. Chairman:** Section 5 then, the member for Riverdale.

**Mr. J. Renwick:** Clause 5, Mr. Chairman, is the first clause which relates to schedule

E, and this provides the power by way of regulation to amend or alter the terms, conditions, provisions, exclusions and limits set forth in schedule E.

We will be dealing with certain amendments in connection with schedule E. I want to reiterate the two basic points for which we have not drafted amendments; and therefore I am going to ask the minister if he will consider under this particular clause of the bill, promptly looking at the whole question of including provision of dismemberment loss by way of regulation in the light of the comments which were made about the lack of a dismemberment feature in the accidents benefits in schedule E and, secondly, that he will consider the second part by way of an amendment to the regulation to include the question of property damage in this so-called no-fault insurance.

It is possible for us to draft amendments to do it, but the language gets quite technical, and I just want to reiterate to the minister that amongst the many points that are of concern to us in the failure of the minister's package to include, among many other things which we can deal with later on, but the failure to include damage to property and the question of dismemberment.

It seems to me that all accident policies in this province tend to carry the dismemberment provision. That should be very simple to include. I really do not believe that it would be such a burden in the way in which this Act is drawn for the insuring companies, particularly as in most instances it is excess insurance anyway. And I think that should be done immediately, and then the whole question of property damage coverage should be seriously considered and the schedule amended by regulation to cover that just as quickly as possible.

**Hon. Mr. Wishart:** Mr. Chairman, I would have to say this. The benefits that were worked out, provided for in this legislation, were worked out very carefully with actuarial study and assistance. Our actuarial staff, and the assistance we were able to obtain, and the whole study with the committee, which is a very large and competent committee, which brought forward the recommendation on which this legislation is based, relate to the cost of the premium—the amount which is paid in premium and the benefits which are provided as a result thereof. This is very carefully worked out, as I say, on an actuarial basis.

Now dismemberment, which has been a usual thing in this type of insurance, for that we have substituted what we felt was a better benefit—that is, rehabilitation and rehabilitation payments.

If we were to return to dismemberment and I would have no objection really to doing that—but we think we have got a better benefit there. My difficulty would arise that if we were to substitute now, if we would put dismemberment in, we would have to take out the rehabilitation benefits which we have included.

And I am in this position, that having worked out with the committee and having based this legislation on actuarial studies, I would have no assurance that the insurance companies with whim this legislation will apply, who will have to mete these payments out by way of benefits, would be able to meet it; and I would be forcing something upon them by way of amendment here, that I would have actually, in an extremely arbitrary manner, perhaps, certainly be placing upon their shoulders a piece of legislation which cannot actuarially be justified without placing them in a loss position.

This legislation, as I say, has been worked out in that way so that we enrich the benefits, took out the fault principle, and established it on very careful actuarial studies. So if I were to restore dismemberment, which I do not think is nearly as good as the rehabilitation clauses and benefits we have in this Act, I would be really coming down now in the face of that study and those recommendations and without knowledge of what that is going to cost the companies, and I would have no assurance that it would be acceptable, and I think it would be simply impossible for me to do that sort of thing.

I think while I am speaking to that point, Mr. Chairman, I realize that—at least I anticipate—the hon. members opposite are going to propose amendments, particularly relating the benefit provisions of this Act, schedule E. And I am going to have to take the same attitude with respect to those amendments. If they vary, as I anticipate they will do, the benefits which have been so carefully arrived at here, I shall simply have to say, I cannot accept them. I shall have to reject them. To that, further, I would say this, as I have assured the House on first reading of this bill, and on second reading, the committee has continued and we are hoping to arrive—and I say this very optimistically to the House, and I say it very sincerely—at some arrange-

ment with respect to property damage, and I think, we can come forward with that very soon. But I cannot accept amendments. Perhaps in the experience of this legislation after a short time in our continuing studies we will be able to do better with respect to the benefits which are provided here with respect to personal injury and death benefits, rehabilitation and so on. But in dealing with this bill, and the remarks that I have made with respect to the suggestion that there will be amendments to schedule E, I will have to say, and I say this generally, I cannot consider them. So perhaps that may save some time in this debate on this clause-by-clause consideration of this legislation.

I am not trying to say that there should be any reason why the hon. members should not present those amendments and I would be glad to have them and consider them to see what is proposed. But I must make it clear that I shall not be able to adopt them, if they vary the benefits of this legislation, because, having worked it out, as I say, on a basis of what the premium can bear, what the companies can do with the anticipated increased premiums, as carefully and nearly as that could be established, we must remain with it, at least for this time.

**Mr. Chairman:** Yes. The member for Oshawa.

**Mr. C. G. Pilkey** (Oshawa): The minister, on at least three or four occasions while he was on his feet, talked about actuarially costing this plan and indicated that this costing came about very meticulously and that only the premiums that are alluded to in the bill will carry the benefits that are in the bill.

**Hon. Mr. Wishart:** Might I just interject?

Part of that was, as the member knows, the assurance, which I related to the House, that the premium costs would not rise in 1972, so, if you start adjusting benefits, it will destroy an undertaking which I have from the insurance industry in writing that there will be no increase in the cost of that insurance. So that is one further reason that perhaps I should have made plain. I just cannot on my own initiative or on the initiative of this House say that if you raise benefits, or vary them, that that other undertaking will not go out the window.

So I am in that position and I wanted to make that clear.

**Mr. Pilkey:** Surely, if the formula that was used to actuarially cost these benefits was available to the minister, why is it not available to the members on this side of the House, so that we can ascertain whether these costs were actuarially sound, if I could use that term? We do not have that. We are not privy to that information. The minister tells us that it was actuarially costed and, by implication, that it is sound. But we have no details of the kind of formula that was used.

Let me put another question then, to the minister. He says that it was actuarially costed. Did he take into consideration when he actuarially costed the benefits that are accrued to the people under this bill, the profits of the insurance companies, the automobile insurance companies? Was that part of the criteria that were used to make the determination?

**Hon. Mr. Wishart:** Mr. Chairman, the whole matter was taken into consideration —the fact that by making this mandatory, you do increase the number of insured persons and therefore the number of persons paying their premium of $9, some 30 per cent more than presently are covered, and all that, and what the company's administrative costs will be. What reasonable profits a company might expect, what benefits they could pay and, therefore, all these things are taken into account. By reason of that actuarial study, we were able to include in this legislation those larger benefits which are provided. Certainly, the actuaries took into account these matters.

**Mr. Pilkey:** The minister made the statement—

**Hon. Mr. Wishart:** As to why they are not before the House, I think the suggestion was made on second reading that there should be a committee—a select or standing committee; a select committee perhaps—to study these matters and examine insurance persons. Perhaps that would be a way to approach it. Also bear in mind that we had, some 10 years ago, a select committee to study this whole matter, on which the members of this Legislature sat. We followed in this legislation, as I pointed out on second reading, their recommendations almost without exception.

This dismemberment thing which the member for Riverdale suggests should be in here is not in because we substituted what we thought was a better thing for the insured

who was injured. That is the rehabilitation of him with the part of the payments which go for that purpose under this bill.

We have had a study—not a recent one—but then I also recounted to you the further studies by Professor Linden who is a recognized authority. The last words I cited to you in 1967 were those in which he discussed the benefits which could be provided. I gave you the comparisons of this legislation with that of British Columbia and that of Saskatchewan. I invited your comparisons, and I think I have established to the satisfaction of us here that the benefits here are better than those in the legislation of those provinces. I have been examining recently what is proposed by Manitoba and I believe we are in the position to say that this legislation provides better benefits than are proposed there.

**Mr. Pilkey:** Mr. Chairman, through you to the minister, he implied that he opted for something called rehabilitation as opposed to dismemberment and he stated that the reason we could not have both was to the effect that this would escalate the premium cost for automobile insurance.

**Hon. Mr. Wishart:** That would add to the cost.

**Mr. Pilkey:** All right. In his view, the minister felt that it was better to go for the rehabilitation, whatever that means, as opposed to the dismemberment?

**Hon. Mr. Wishart:** Would the hon. member let me interject again? Supposing, to explain what I mean, a person loses a hand—if I can have the hon. member's attention? Let us say he loses a hand in an automobile accident and the policy provides $500 for that loss. I suggest to you that it is far better that the company be required to pay the expenses, necessary to provide him with an artificial hand or limb or whichever it may be, and give him that sum of money and then go on to rehabilitate him so that he would be able to use it and return to his employment. This is a better thing, we suggest, and a larger benefit, dollarwise, than to say, "Loss of a hand, $500," or "Loss of an arm, $1,000"—

**Mr. I. Deans** (Wentworth): It should be both.

**Mr. H. Peacock** (Windsor West): It has got to be both.

**Hon. Mr. Wishart:** —that you get rehabilitation but you would lose the limb and the—

**Mr. Peacock:** You are a man trained in the law, and you know that is not right.

**Hon. Mr. Wishart:** Well, it is our view that it is a better benefit than a lump sum of money.

**Mr. Peacock:** You know the person has the right of compensation for the loss of a limb.

**Mr. Pilkey:** Right, and surely, Mr. Chairman, one is synonymous with the other. I really do not understand how the minister divorces them and so lightly dismisses this. As I said, they are synonymous with one another and—

**Hon. Mr. Wishart:** If they are synonymous, then they are equal. The member is really saying we are giving the benefits.

**Mr. Pilkey:** They are of equal importance, then; let us put it that way. The other thing is that the minister alluded to a lot of the things that were taken into consideration as the criteria that was used to determine the holding of the premium. If I remember his quotes exactly, he said the premiums were guaranteed until 1972. One of the things that the minister alluded to was that the insurance companies should expect a reasonable return on their investments—he said something like that—or a reasonable profit.

**Hon. Mr. Wishart:** I do not think I said they should, I do not think I used those words.

**Mr. Pilkey:** Well, he said a reasonable profit.

**Hon. Mr. Wishart:** But I would think I might agree that any company might be expected to have some return.

**Mr. Pilkey:** Right, but this is what the minister said. When he took this into consideration, what in the minister's view is a reasonable profit for the insurance companies out of auto insurance in the Province of Ontario? Surely if this was part of the criteria that was used, he ought to be able to tell us exactly what in his view is a reasonable profit for the insurance companies out of the premium dollars of the consumers of automobile insurance in the Province of Ontario.

**Hon. Mr. Wishart:** No, I have no answer for that, Mr. Chairman. I am not going to comment on what in my opinion is profit.

**Mr. Pilkey:** Well, the minister made a statement that they should be able to expect it.

**Mr. Chairman:** The hon. member for Windsor West.

**Mr. Peacock:** Yes, Mr. Chairman, I was rather hoping I would be on my feet when the Premier came in to interrupt me to make a statement, but perhaps there is time to ask the Attorney General—

**Hon. W. G. Davis** (Prime Minister): I am sorry, I was just wondering if I could move that the committee rise. I would like to make a very brief—

**Mr. Peacock:** Oh, I have the floor! Does the Premier want to make a motion?

**Hon. Mr. Davis:** I was anxious to make a very brief statement.

**Mr. Peacock:** Well, Mr. Speaker, I will certainly yield the floor if the Prime Minister wants to move that the committee rise and report so he can make the statement.

Hon. Mr. Wishart moves that the Committee of the Whole House rise and report progress and ask for leave to sit again.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the Committee of the Whole House begs to report progress and asks for leave to sit again.

Report agreed to.

**Mr. E. W. Sopha** (Sudbury): All right. Shades of the apocalypse, we are ready.

**Hon. W. G. Davis** (Prime Minister): Oh it is not that earth-shattering, Mr. Speaker, but I would like to acquaint members of the House with an announcement that is being made elsewhere at this hour. One might term it an announcement of a major Canadian takeover.

I would like to bring to the attention of the hon. members the purchase of a major American-controlled mine in Ontario by Dominion Foundries and Steel Limited of Hamilton. Dofasco reached agreement today with Jones and Laughlin Company Limited of Pittsburgh to purchase all the assets of the Adams Iron Ore Mine in Kirkland Lake, effective July 30. The mine employs some 430 persons. Under the terms of the agreement of sale all will retain their jobs. There will be no interruption of mining operations during the transfer of ownership.

The government, Mr. Speaker, is most encouraged by this important Canadian takeover in the natural resources field. We have been pursuing policies to encourage increased Canadian participation in business operations and greater control over natural resources in Canada.

The purchase of the Adams Mine by Dofasco, together with its ownership in other Canadian mines, will mean that this Ontario-based steel company will obtain its iron ore requirements entirely from Canadian sources. I anticipate that this transaction will lead to a substantial increase in Canadian processing of the iron ore produced in this province. Heretofore, the taconite ore pellets from the nine-year-old Adams mine were processed in the United States.

The government of Ontario has been involved in discussions with Dofasco regarding the terms of acquisition of the Adams mine. Since this is the result we are actively seeking to encourage in Ontario, the government has agreed to remission of the retail sales tax up to $1.25 million which otherwise would accrue from this transaction. Full details will be set out in the very near future by the Minister of Revenue.

I might add that while the acquisition of the Adams mine assets will be free of sales tax, this transaction will not qualify for our new five per cent investment tax credit, which could have amounted to a similar sum of money. No actual loss of tax revenue is involved since retention of the Adams mine under United States control would not have involved sales tax collections.

From the point of view of Dofasco, this commitment by the province will remove a potential impediment to the purchase of this important Ontario ore mine and permit a rationalization of the company's total extraction and processing operations in Canada.

Mr. Speaker, similar treatment will be considered in other cases of Canadian takeovers in the natural resources field as they arise. In this manner, the province will exert a positive and dynamic influence towards achieving greater Canadian control and ownership of our vital natural resource industries.

**Mr. J. Renwick** (Riverdale): Mr. Speaker, perhaps by way of clarification, the Prime Minister would consider clarifying his statement in two respects. Did the government of

Ontario, in fact, take any initiative to bring about this transfer; and secondly, what specific commitment was obtained from Dofasco with respect to processing in Canada of the pellets in the Adams mine?

**Hon. Mr. Davis:** Mr. Speaker, it is very hard to determine just where the initiative originated. There have been discussions with the government for a period of time and I think it is quite fair to state that the determination by the government as it relates to the remission of the sales tax up to $1.25 million was without any question part of the consideration by Dofasco in going ahead with the purchase.

As far as the commitment from Dofasco as it relates to the processing, this is their statement in the transaction and I am quite confident that this will be in fact what happens.

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker, just one other point, can the Premier indicate whether or not this change will affect in any way the contract with the Ontario Northland Railway?

**Hon. Mr. Davis:** Mr. Speaker, I will have to check this out. I do not believe so but I will find out for the Leader of the Opposition.

**Mr. P. D. Lawlor** (Lakeshore): A further point of clarification: Was the business of the remission of the tax tied to or in consideration of processing in Ontario or Canada?

**Hon. Mr. Davis:** Mr. Speaker, I do not think there is any doubt that Dofasco needs the asset and the processing of it here is relevant. There is no doubt whatsoever that the remission of sales tax was one of the factors that determined their decision to purchase this mine.

**Mr. Lawlor:** That is not question, Mr. Speaker, my question was—

**Hon. A. F. Lawrence** (Minister of Justice): Dofasco does not process anywhere else but here in Ontario.

**Hon. Mr. Davis:** Dofasco, Mr. Speaker, does not process outside Ontario.

**Mr. Deans:** One question of the minister: Was there, prior to the takeover, a Dofasco interest already held in the Adams mine?

**Hon. Mr. Davis:** Mr. Speaker, I do not believe so. My understanding is that it is a complete purchase of the Adams Mine and I do not believe they had an equity position in it prior to this time. I will find out. If so it was a very small one, but I do not think they did.

**Mr. Peacock:** The Premier did not have to call a conference on foreign ownership to do that.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, I expected the Lieutenant Governor might be here at noon to give royal assent to the bills which are ready. I am just checking. I expect he will be here. If the House might just wait a moment.

The Honourable, the Lieutenant Governor of Ontario entered the chamber of the legislative assembly and took his seat upon the throne.

**Hon. W. Ross Macdonald** (Lieutenant Governor): Pray be seated.

**Mr. Speaker:** May it please Your Honour, the legislative assembly of the province has, at its present sittings thereof, passed certain bills to which, in the name of, and on behalf of the said legislative assembly, I respectfully request Your Honour's assent.

**The Clerk Assistant:** The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 51, An Act to amend The Public Lands Act.

Bill 53, An Act to provide Procedures governing the Exercise of Statutory Powers granted to Tribunals by the Legislature wherein the Rights, Duties or Privileges of Persons are to be decided at or following a Hearing.

Bill 54, An Act to provide a Single Procedure for the Judicial Review of the Exercise or the Failure to Exercise a Statutory Power.

Bill 55, The Public Inquiries Act, 1971.

Bill 56, The Civil Rights Statute Law Amendment Act, 1971.

Bill 63, The Compensation for Victims of Crime Act, 1971.

Bill 68, An Act to provide for the Conservation, Protection and Propagation of Species of Fauna and Flora that are threatened with Extinction.

Bill 70, An Act to amend The Surveys Act.

Bill 73, An Act to amend The Audit Act.

Bill 74, An Act to amend The Financial Administration Act.

Bill 80, The University of Toronto Act, 1971.

Bill 83, An Act to amend The Judicature Act.

Bill 85, An Act to repeal The Fort William Land Titles and Registry Office Act, 1917.

Bill 86, An Act to amend The Surrogate Courts Act.

Bill 87, An Act to amend The County Courts Act.

Bill 89, An Act to amend The Highway Improvement Act.

Bill 92, An Act to amend The Workmen's Compensation Act.

Bill 93, An Act to amend The Department of Energy and Resources Management Act.

Bill 95, An Act to amend The Conservation Authorities Act, 1968.

Bill 97, An Act to amend The Ryerson Polytechnical Institute Act, 1962-1963.

Bill 98, The Department of Colleges and Universities Act, 1971.

Bill 99, An Act to amend The Ontario Development Corporation Act, 1966.

Bill 102, An Act to amend The Secondary Schools and Boards of Education Act.

Bill 103, An Act to amend The Public Schools Act.

Bill 106, An Act to amend The Separate Schools Act.

Bill 108, An Act to repeal The Maternity Boarding Houses Act.

Bill 111, An Act to amend The Corporations Tax Act.

Bill 112, An Act to amend The Regional Municipal Grants Act, 1970.

Bill 113, An Act to amend The Regional Municipality of Ottawa-Carleton Act, 1968.

Bill 114, An Act to amend The Regional Municipality of York Act, 1970.

Bill 115, An Act to amend The District Municipality of Muskoka Act, 1970.

Bill 116, An Act to amend The Regional Municipality of Niagara Act, 1968-1969.

Bill 123, The Provincial Parks Municipal Tax Assistance Act, 1971.

Bill 127, An Act to amend The Assessment Act, 1968-1969.

Bill 128, An Act to amend The Municipality of Metropolitan Toronto Act.

Bill 136, An Act to amend The Municipal Act.

Bill Pr30, An Act respecting the City of Toronto.

Bill Pr33, An Act respecting the Town of Burlington.

**Clerk of the House:** In Her Majesty's name, the Honourable, the Lieutenant Governor doth assent to these bills.

The Honourable, the Lieutenant Governor was pleased to retire from the chamber.

**Mr. J. R. Breithaupt** (Kitchener): Mr. Speaker, I ask that the House do revert to the presentation of reports.

**Mr. Speaker:** The hon. member for Kitchener has asked the unanimous consent of the House to revert to the order of business presenting reports?

Agreed.

**Mr. Speaker:** Presenting reports.

Mr. Breithaupt presents the report of the standing committee on public accounts for the fourth session of the 28th Legislature.

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** The 22nd order; House in Committee of the Whole House; Mr. A. E. Reuter in the Chair.

## INSURANCE ACT

*(continued)*

House in committee on Bill 81, An Act to amend The Insurance Act.

**Mr. Chairman:** Bill 81, An Act to amend The Insurance Act. When we rose we were discussing section 5, I believe.

The member for Windsor West.

**Mr. H. Peacock** (Windsor West): Thank you, Mr. Chairman. Just before the Premier (Mr. Davis) entered to make his statement I was about to say to the Minister of Financial and Commercial Affairs (Mr. Wishart) that he cannot pretend to us that the introduction of the insurance of rehabilitation services for a person injured in an accident in any way takes the place, or represents an improvement upon, the compensation for loss of a limb, or loss of sight, or loss of hearing, as the result of an accident.

It is one of the essential principles of insurance to cover a person's incapacity to earn a living; insofar as they are incapacitated by way of injury or loss of a limb or faculty, that is a loss which must be compensated for

all time, for the rest of his natural life. In every scheme of insurance which I, or the member for Oshawa—or any other member of this House who has ever engaged in collective bargaining or in the writing of insurance contracts for accidental death and dismemberment—we know it is a one-time compensation for a loss for the rest of the life of that person. It will not do that this clause permits that the insurance company may write a scheme of insurance under Schedule E which does not cover such loss.

There will be many persons—there have been in the past—who continue to be disabled, perhaps very extensively by the loss of an arm or both or loss of a leg or both or loss of sight or hearing or mental faculties. I say to the minister that this is a terrible loss indeed.

I have heard from that minister, when he was Attorney General, and other members of this House accounts of how the law provides that the person who finds himself so deprived may sue; may take an action against another person who may have caused him that injury and loss in order to obtain compensation to make up, in some fashion, either by the way of payment of a lump sum or payment of a continuing benefit the loss of income which results from the sustaining of that injury or dismemberment.

In every collective agreement, if we look in the field of industrial relations in this province, in virtually every collective agreement, Mr. Chairman, there is some scheme of insurance against loss of life and dismemberment of the workman while engaged in his employment. Beyond that again there is the insurance of loss of his weekly salary or wages and we simply have to have both, the compensation for loss and the payment of rehabilitation benefits.

I do not know specifically what Schedule E sets out but I would doubt very much that any contract of insurance written under this section 5 of the bill will provide a full range of insured rehabilitation services. This minister, in turn, knows from listening to us on this side of the House the terrible inadequacies of the workmen's compensation scheme of insured rehabilitation services. That is presented to us as one of the finest schemes of insurance against loss of income on account of injury or dismemberment that exists in this world.

Now, if that scheme in The Workmen's Compensation Act, with all of its flaws, is cognizant of the necessity for on-going compensation for loss of a limb or faculty and the disability which results, then surely this Insurance Act, as we amend it now, must also contain that very fundamental insurance.

I say to the minister that he cavils with us when he talks of the actuarial work which has been done precluding any change of this type —the insertion or amendment of this section of references to dismemberment. We are talking here about a scheme of benefits. We are not talking about actuarial methods or principle. It has always been an approach, Mr. Chairman, by the most sophisticated of negotiators in questions of insurance against loss of whatever type, that you start off with the first matter of the benefit which is to be paid to the insured person. That is where you begin.

You begin by talking about the benefit and then you turn to the mechanics, actuarial or otherwise, which must be looked at in order to assure that you can achieve that particular benefit. You set out the schedule or scale of your benefits and then you work backwards from that point on; and of course in this particular section the minister has done exactly the reverse.

He has looked at what is, to the insurance companies, a tolerable schedule, and he has said to himself, "This is what they are prepared to carry by way of premium income and underwriting, and we will talk about money first and then we will see what we can buy with the money." That is what he has done.

I say to him that that is not the way one writes a scheme of insurance to protect people from the losses brought about by injury and dismemberment. You start off with the benefits that they require to afford them some compensation, some restoration, which may be for the rest of their natural lives.

**Mr. Chairman:** Shall section 5 stand as part of the bill?

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Chairman, I think I—

**Mr. Chairman:** The hon. minister.

**Hon. Mr. Wishart:** —would like to say a word on this subject again. It is my understanding that presently in Ontario, under the present law—The Insurance Act—dismemberment payments are deducted from the weekly indemnity payments and if there is death, it follows, from the death benefits. So this payment made for dismemberment is lost on the end, it is lost at the time, by way of the

deduction from the weekly indemnity payments, and in the event that death happens as a result of the injury those payments made on the dismemberment side are deducted.

This is true in Saskatchewan, the weekly indemnity is paid in addition to dismemberment, but if death occurs within 104 weeks the dismemberment payments are deducted from the death benefits. That is the Saskatchewan approach. In British Columbia there is no provision for dismemberment. I assume that perhaps British Columbia had the same advice that we received. I am reading from the interim report of the committee, which studied this whole matter and, as I have mentioned, from which this legislation had its genesis.

We come to this paragraph on dismemberment or loss of sight. This is the recommendation: "The committee believes that this coverage should be deleted from the policy and that such cases be treated on the same basis as other disabilities" and they say: "The flow of funds from weekly indemnity and rehabilitation seems to us a more sensitive way of handling such costs."

So we accepted that recommendation. As I point out, the situation here and in Saskatchewan is that those dismemberment payments are deducted from the death benefit, and from the weekly indemnity in Ontario. In British Columbia they have abandoned the dismemberment but they do have the weekly indemnity.

So that was our reason for it. Now I think the only way that I could consider the matter would be, if we were to go back and consider the restoration of dismemberment payments, I think we would have to at the same time restore the situation where they would be deducted from the weekly indemnity.

I think the committee is right when it says it is a more sensitive way to help people, to keep the weekly indemnity and the rehabilitation benefits. So I can only submit that a move back to dismemberment would be what I think is a retrograde step, the deduction from indemnity. Now, I am sure hon. members do not want me to do that.

**Mr. Peacock:** May I make a comment on the minister's reply Mr. Chairman? I accept the logic of integration, so to speak, as between the benefit on death and the benefit on dismemberment. Where a person is dismembered and applies for a benefit and at some later point dies as a result of the dismemberment, then there is obviously a logic to that integration or deduction, but that is not the point at issue. A weekly indemnity payment is a short term income maintenance programme, predicated on the recovery of the injured person to full capacity. That is what a weekly indemnity scheme is all about.

I agree with the minister that there should be no such deduction or integration in that respect, but a weekly indemnity which is paid to a person during the period of his recovery in no wise takes the place of a compensation for dismemberment because, just as in The Workmen's Compensation Act there is this recognition, as I pointed out before, that the person who is undergoing recovery may reach a point which is not the restoration of his full capacity even under the scheme of rehabilitative services which are to be insured.

Once his condition has stabilized, to use the jargon of the Workmen's Compensation Board administration, then the weekly indemnity stops or is reduced and a full—I should not use that word; that is totally misleading, it is anything but full—a permanent pension, total or partial, is then paid to the injured workman under the scheme of The Workmen's Compensation Act. So I say to the minister he simply has to distinguish between the purposes of a weekly indemnity payment and the compensation for loss of the limb or faculty. They are two separate things altogether.

**Hon. Mr. Wishart:** I accept the logic of the comment, but I come back to my position that if I am to restore dismemberment I can only do it, I think, by the deduction from other payments. I am in the same position as I am with other amendments which I am sure to be offered where we change the benefits under this legislation. I am in the position where I cannot take—I could do this one, but I would have to adjust—and that is the only adjustment I would be free to make.

**Mr. Peacock:** How long does the weekly indemnity run for?

**Mr. J. Renwick** (Riverdale): It runs for 104 weeks.

**Hon. Mr. Wishart:** It runs for 104 weeks—two years.

**Mr. Peacock:** Mr. Chairman, what happens at the end of the 104 weeks?

**Hon. Mr. Wishart:** Mr. Chairman, on that question: In the bill on page 10, under Schedule E at the top of the page, subsection 1,

medical and rehabilitation benefits, in the policy, one of the benefits provided is, in the language of the schedule:

> All reasonable expenses incurred within four years from the date of the accident as a result of such injury for necessary medical, surgical, dental, hospital, professional nursing and ambulance service and, in addition for such other services and supply which are, in the opinion of the insured person's attending physician and that of the insurer's medical advisor essential for the treatment or rehabilitation of said person, to the limit of $5,000 per person.

As I say, the committee thought that was a better approach, and a more sensitive way, than the old approach of so many dollars for the loss of a portion of the body.

**Mr. Peacock:** Since the minister has brought this to our attention again that it is there in the Act to be read, since he has pointed to it, let me say this, that a person who finds himself undergoing major medical procedures on account of a very serious accident is going to use up a tremendous, a great portion of the $5,000 and there is going to be very little left to carry on the rehabilitative services. I say to the minister, going back to his earlier answer which is set out in Part 1, in death benefits, what happens when the 104 weeks of weekly indemnity benefits terminates? Under contracts of insurance that are now being written—in group insurance I would imagine probably exclusively, perhaps not—once the weekly indemnity benefit has terminated, then the insurance becomes some other form of income maintenance programme.

You may call it a bridge benefit or you may call it a transition benefit, which will be payable until the person reaches the age at which he becomes eligible for some other kind of on-going income maintenance programme, whether it be the old age security programme of the federal government, or a benefit from the Canadian Pension Plan, or a benefit to which he is entitled under his own employer's pension plan or a personal retirement savings plan. There simply is nothing here which, after the termination of 104 weeks of weekly indemnity payments provides any income maintenance support, whatsoever, unless the injured person has some other scheme of insurance of his own which makes such provision to tide him over until he becomes eligible by way of his contributions to the Canada Pension Plan for a disability benefit which, of course; is what, what age, I forget—

**Mr. R. Haggerty** (Welland South): Ten years.

**Mr. Peacock:** —10 years, contributions are the minimum required as of 1975, but for the moment, I cannot recall at what point the disability benefit becomes payable under the provisions of The Canada Pension Plan. But in any event, for most people, unless they are well-to-do and capable of affording a personal scheme of insurance, they will have nothing, absolutely nothing at the end of the 104 weeks where they are dismembered and their disability is total or partial and either renders them incapable of earning an income or renders their capacity to earn income considerably reduced.

At the end of that 104 weeks, they are either totally at a loss for support to carry them through the period until they become eligible for some other form of income which is likely to be a government scheme of pensions.

I say to the minister that is why there simply has to be some recognition for the concept of loss of the capacity to earn an income, or the opportunity to earn an income if the person has not yet reached the age, or the level of skill or experience with which he would be able to go into the market, or she would be able to go into the job market, and support himself or herself. It is just not good enough, Mr. Chairman.

**Hon. Mr. Wishart:** Well, Mr. Chairman, very briefly again, no part of the payment will be used up for hospital expense because that will be paid by OHSC.

**Mr. Peacock:** Yes; your claim over against OHSC and OHSIP.

**Hon. Mr. Wishart:** There is no medical or hospital expense which is an expense to the injured person. And in the case of—

**Mr. Peacock:** And if they have got the coverage.

**Hon. Mr. Wishart:** —I know the hon. member was not talking about this, but I should mention in the case of permanent disability there is no time limit. Those payments are for life.

**Mr. J. Renwick:** On clause 5, I did not understand the implications of this agreement that the government entered into with the insurance industry. I had thought that you had—

**Hon. Mr. Wishart:** No, not an agreement. Not really an agreement. I must check that word down at once. But we did have a committee study this matter on which there were insurance personnel, executives, staff persons, I believe with our actuaries, with members of our own insurance branch, the superintendent of insurance, the committee brought forward a report. In that committee were our actuaries working with and studying the figures of the insurance companies' experience. It was not an agreement, but that committee produced a report and said "here is what we feel Ontario can do and should do." From that we started off with legislation, trying to implement that.

One of the things that came to our attention as we were producing this legislation, the question that was raised—I think it was probably just about the time we were introducing legislation—we were saying we think we have got a very good package and there was a suggestion made: "Oh, but you are going to have to pay, the insurance companies will raise the premiums."

So I said to them, to my people, and directly, "I want some assurance from you that if we get this legislation forward and you do pay these benefits and we do accept the no-fault principle, these enriched benefits are to be paid and a prompt payment is to take place and that you are not going to come back and balance this thing upon the other side by an increased premium." I know the letter is somewhere here in my file.

The association which represents the great bulk of insurance firms writing this type of insurance, said, "We will not be raising the payments, certainly not through 1972, and we believe that the experience will be such that we can continue at the $9 premium, the present premium, to give these benefits."

But it was not an agreement. It was a request after we had prepared the legislation, on the recommendation of the committee. It was my request: "I want some assurance, because it was suggested to me that you will get back at the public this way."

And they said: "Here is your assurance."

**Mr. Peacock:** You say the great bulk of them, but if one raises the rates, all the others will follow.

**Hon. Mr. Wishart:** Well they will not do it because if they do I think at that point I would not need much persuasion to exercise the power which rests there, perhaps latent, in The Insurance Act.

**Mr. Peacock:** But the minister is retiring.

**Mr. J. Renwick:** Whether the minister thinks that my term "agreement" was too strong or not, the net effect of it of course is that the minister has brought in a bill with these provisions in it which do not permit any amendment by the assembly at all for the next year. There is that understanding, that nothing that we can say about this Act is going to alter one single iota of the Schedule E, at least for another year.

**Hon. Mr. Wishart:** It is not, Mr. Chairman. I do not think the hon. member is trying to use language that does not express really what the situation is, but it comes out this way. It is not really an understanding that we have at all; if I now have to accept an amendment that adjusts and enlarges the benefits and the dollar size of this legislation, what concerns me is that in order to make sure that it is reasonably equitable and that I can, without placing it arbitrarily on these companies whose figures I say have been studied, then I would have to go back to my committee and say, "Will you examine this? Will you actuarially work it out again?" And I am going to lose and the public is going to lose the benefit of what I think is a very good package.

**Mr. Peacock:** It is done overnight in major industrial companies for hundreds of thousands of people. It is done overnight.

**Hon. Mr. Wishart:** I do not think I can get that committee together at this season of the year and have them study this properly, if I accept an amendment. And how would I get this legislation back to have it approved?

**Mr. Peacock:** How does GM do it when it faces a midnight deadline? It does it.

**Hon. Mr. Wishart:** I think surely the members will appreciate my position is that I have to take that position. I would be quite glad to have the amendments and see what is proposed. Certainly they can be a part of the study of that committee, but I do not believe I can implement them in this legislation.

**Mr. J. Renwick:** Well, Mr. Chairman, to veer, because my next comment is on clause 14, but surely the minister can give us some commitment that the references that we have made to this question of property coverage under this no-fault insurance and the question of dismemberment will be actively

pursued by the committee and some understanding reached as to what the actuarial result would be if this loss were included.

**Hon. Mr. Wishart:** I would certainly give that assurance. I think I have already said that we are actively pursuing it—and I mean that. It is being very actively pursued since the legislation was produced and is going on at the present time.

**Mr. J. Renwick:** My next comment is on clause 14, Mr. Chairman.

**Mr. Chairman:** Anything up to 14? If not, the hon. member for Riverdale.

**Mr. J. Renwick:** I have an amendment which I would like to put and then speak briefly to it.

I would like to move, Mr. Chairman, that clause 14 be amended by deleting subclauses 3 and 4 and substituting therefor the following:

(3) Insurance required by subsection 1 is a first-loss insurance and any other insurance not being automobile insurance of the same type, indemnifying the insured person or in respect of a deceased person, is excess insurance only.

**Mr. Chairman:** Mr. J. Renwick moves that clause 14 be amended by deleting subclauses 3 and 4 and substituting therefor the following:

> (3) Insurance required by subsection 1 is a first-loss insurance and any other insurance not being automobile insurance of the same type, indemnifying the insured person or in respect of a deceased person, is excess insurance only.

The hon. member for Riverdale.

**Mr. M. Gaunt** (Huron-Bruce): Mr. Chairman—

**Mr. Chairman:** I think the hon. member may speak to his own motion first.

**Mr. Gaunt:** I just wanted to indicate to you, Mr. Chairman, that we have an amendment to subsection 1 of this same section, if you wanted to take them in order.

**Mr. Chairman:** To subsection 1?

**Mr. Gaunt:** Right.

**Mr. Chairman:** All right. Perhaps then the hon. member for Riverdale will just withhold his motion until we deal with the first subsection. So I will hear the hon. member for Huron-Bruce.

**Mr. Gaunt:** Mr. Chairman, we propose to offer an amendment to section 14, subsection 1, of section 226b of The Insurance Act, as proposed by section 14-1 of Bill 81 by amending the said section and adding thereto the following words:

> And no owner of a motor vehicle licensed in the Province of Ontario shall operate, cause or permit to be operated such motor vehicle, unless such motor vehicle is covered by a motor vehicle policy of insurance.

**Mr. Chairman:** And where are these words to be added, might I ask the hon. member for Huron-Bruce?

**Mr. Gaunt:** At the end of subsection 1.

**Mr. Chairman:** Which reads: "every contract evidenced by motor dealers," et cetera; and after the words: "in schedule E," then you wish to add the words in your motion?

**Mr. Gaunt:** That is right. It just simply provides for a compulsory insurance.

**Mr. Chairman:** Right! I just wanted to make sure that the additional words were at the end of subsection 1.

**Mr. Gaunt:** That is right. After subsection 1, it just follows on.

**Mr. Chairman:** Mr. Gaunt moves that subsection 1 of section 226b of The Insurance Act, as proposed by section 14-1 of Bill 81 be amended by adding thereto the words:

> And no owner of a motor vehicle licensed or sought to be licensed in the Province of Ontario shall operate, cause or permit to be operated such motor vehicle, unless such motor vehicle is covered by a motor vehicle policy of insurance.

**Mr. J. Renwick:** Mr. Chairman, may I just speak on a point of order? I am quite prepared to debate the merits of the amendment, but I think on any strict ruling or any reasonable ruling, that amendment is out of order.

I do not think that one can tag on to a reference to schedule E to a motor vehicle policy an overall substantive requirement that everyone in Ontario carry a motor vehicle insurance policy. I am not commenting on the merit one way or the other but it seems to me to be totally out of order.

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Chairman, commenting on the point of order: We examined the bill for a number of ways in which we could most conveniently

put this amendment forward, the principle having been expressed previously on second reading. This was the method that we chose. And Mr. Chairman, I would submit to you, sir, the fact that it is added on to the subsection does not vary the intent nor the content of the amendment, and I would ask you, sir, to rule that it is in order for debate at this time.

**Mr. Chairman:** I am going to ask the hon. minister for an opinion as to whether or not this violates the original principle or adds to a new principle.

**Hon. Mr. Wishart:** I would have to say, Mr. Chairman, that I think there is a very serious question as to the amendment offered by the hon. member being in order, because he is putting it in at the end of a clause which provides for the content of a contract of insurance.

**Mr. Nixon:** It simply says everyone who drives a car has to have one.

**Hon. Mr. Wishart:** Well, in the general intention of the Act, I suppose you could argue this way. What the government is doing by this bill is saying that everyone who writes a contract must put in it these clauses containing these benefits, et cetera, and what this section is really saying is every contract that is written of insurance shall have in it this schedule and these terms, et cetera.

What you are doing by this proposed amendment now is going way beyond that; you are saying that every person in Ontario shall be assured. That is compulsory insurance.

**Mr. Nixon:** That is right.

**Mr. Gaunt:** That is right.

**Hon. Mr. Wishart:** So, I say, perhaps you could argue that we are dealing with one class of people: those who write it. And you are saying: "We want to go further, we are going to say not just everyone who buys it, but everyone who wants to have the contract, has to get the mandatory clauses." But you are going way beyond that in saying that in this particular section: "Everyone who drives a car must be insured." That is a very different thing.

But, Mr. Chairman, perhaps you would allow this much debate—I think it is out of order. Perhaps you would allow this much debate for me to say that in the consideration of this legislation, one of the members of the committee—as I have indicated it was a very broadly based committee—was Mr. Gilchrist of The Department of Transport, now Transport and Communications, who is one of the senior officials charged with the administration of the accident benefit fund. He was a member of the committee which recommended the legislation.

Our objective and our approach which we have been pursuing is to bring the benefits of the accident benefit fund in line with the benefits of—as I would like to refer to it—the enriched benefits provided under this legislation.

I think when you have used the fund and we bring the benefits in line with this legislation which I think we shall achieve shortly—we have been in touch with the minister and the department and, as I say, his senior official, their chairman of fund, was a member of our committee and is aware of the approach—we will achieve what will be in effect, as far as benefits are concerned, the same coverage as is provided by the legislation.

**Mr. Nixon:** Mr. Chairman, if you care to make a ruling on this, I would take my seat—but since the hon. minister has made some brief comments as to the intent of the statute and particularly this section, I bring to your attention that the amendment offered by my hon. friend would apply, we are told by statistics for the last year available from the government of Ontario, to 58,000 vehicles registered in this province—which do not carry the standard insurance as required. They are driven under the permission of the statute that allows the owner and operator to make a payment—or the owner to make a payment—into the motor vehicle accident claims fund.

There have been debates on this in the past. I have often heard the representatives of the government say that the number of individuals driving without this sort of insurance is vanishingly small—the percentage is not an impressive figure. I find that it is impressive when it is put in terms of vehicles on the road and this has nothing to do with vehicles that are driven by tourists from other jurisdictions. It is the absolute figure of 58,000 and this was a year ago.

There has been no indication that the applications to make payments to the motor vehicle accident claims fund are reducing; there seems to be a small group of people who consider this the alternative to insurance. As a matter of fact some of them now feel that by making that contribution they

are buying some sort of government insurance—you know, they are warned specifically that that is not the case.

Many of us, of course, as members, have had to provide what assistance and advice we could to those people who have been involved in automobile accidents in which one party or the other was not insured. We know the complex difficulties this often leads to. As much as anything else, this sort of problem that members have experienced has led to the kind of universal support for the concept of no-fault insurance that you find in the objections to this bill in its broader principle and its failure to provide a broader base of no-fault coverage.

The problems that also have been put forward in objection to a requirement that automobiles here be insured, refer to the fact that there is a certain number of vehicles which have been stolen or are being driven without proper authority at all. Other jurisdictions do not require insurance, or the coverage on the vehicle is not applicable when it is being driven in this jurisdiction.

We are not saying for a moment that this amendment would cover all of those problems at all, but it would mean that vehicles being driven here and registered here could not be licensed without the minimum insurance requirements as set out in other sections of the statute and the regulations. As we discuss this with constituents, people driving on the roads and used to the problems associated with transportation in this province, there is always the feeling with the costs of accidents with modern automobile transportation on our highway system, that it is incomprehensible that we do not require those people using the roads to have specific insurance coverage set out in legislation putting minimum limits.

I cannot see why the government sticks to a position which it has enunciated so often. Certainly the word "obligatory" offends many people but part of the responsibility in using a licensed vehicle on our highways must obviously be the coverage by this basic insurance.

If the government feels that it would affect so few people, then I do not see why they should hesitate in taking steps which would lead to universal coverage—obligatory, mandatory, universal coverage. Some of the words are more acceptable than others but the concept is the same. Surely the concept is one that in modern use, modern experince, is not only acceptable but should be required by government that in fact is concerned about the problems faced by the motoring public.

**Mr. T. Reid** (Scarborough East): Hear, hear!

**Mr. Chairman:** I am going to consider the remarks of the hon. minister as long as the Leader of the Opposition is having them directed to the point of order raised by the hon. member for Riverdale. In light of the evidence available from those remarks, I must rule that the motion does add to the bill a further major additional aspect of the principle of the bill, and therefore the motion is, in my opinion, out of order.

**Mr. Nixon:** For clarification here, you are ruling it out of order in that it adds a principle, not because it is associated with a section that is somewhat different in intent.

**Mr. Chairman:** That is correct.

If there is nothing further to subsection 1 or 2 of section 14, then I shall entertain the remarks by the hon. member for Riverdale, on his amendment to subsection 3 of section 14.

**Mr. J. Renwick:** Mr. Chairman, I am going to need some help from the minister on the impact of the proposal that he has put before us.

I am dealing now with the medical expense coverage and the amendment to 226b of The Insurance Act at the present time. What the minister proposes is that the insurance that is the medical expense part of this insurance package will be a first-loss insurance and any other automobile insurance of the same type available to an injured person will be excess insurance. He then goes on to say that the insurance is excess insurance to any other insurance, not being automobile insurance of the same type, indemnifying the insured person or in respect to a deceased person for the expense.

So he states that it is excess insurance to any other insurance, other than a similar automobile policy. Then he goes on to say that the insurance is excess insurance to any other insurance indemnifying the injured person for the expenses.

I must say that I am not clear as to exactly what the effect of the amendment proposed by the minister is. The amendment which we propose is simply to state that to the extent that a person purchases automobile insurance for the purposes stated in the automobile insurance policy, that losses re-

sulting from automobile accidents should fall on the insurer who issues that policy. Our clause is simply to provide that it is first-loss insurance and that any other insurance, apart from another automobile insurance policy—I am quite prepared to work that out but any other insurance that a person may have carried, it, not related to the automobile insurance coverage, should be the excess insurance.

I think our amendment is opposite and reverses the import of what the minister's proposed amendments would do. I think there is one view expressed by the minister, another view expressed by us. Let me make this other point that we come to something like the same problem in the next clause—we do not intend to introduce any amendment on the next clause—because under the accident benefits part, that is 226c, in fact, the minister does delete all of the causes with respect to stating which is first loss or which is excess insurance. Our immediate amendment is directed toward the medical expenses coverage. We think that the automobile policy should be first loss insurance and other insurance that a person may have would be excess insurance rather than the reverse position.

**Hon. Mr. Wishart:** Mr. Chairman, the answer is simply that in arriving at the benefits again those other contributions which normally have fallen to the insured were taken into account in the reckoning. If we were to adopt this amendment, it would increase the premium cost. We worked out this legislation and the schedule of benefits on the basis that we have set forth in the Act. As I say, if I were to accept the hon. member for Riverdale's amendment and treat other insurance, other contributions as excess only, we would have an increase of premium or a reduction in benefits. It is just that simple—we have to do one thing or the other.

**Mr. J. Renwick:** I simply make the point, as my colleague from Oshawa made on the second reading of the bill. This is another aspect where the loss with respect to automobile accidents is not borne by the automobile insurance industry, but is shifted to other aspects of the insurance industry, and the automobile insurance industry only has to pick up whatever the excess may be. I would urge the support for the amendment.

Mr. Chairman, I might say that these amendments—we have considered it in the caucus—we have a number of amendments and are quite prepared to stack them all until the end of the bill.

**Hon. Mr. Wishart:** That would be a very good arrangement, Mr. Chairman. I would just like to say this. I have indicated I am very glad to have the amendments as proposed. I think they are very reasoned and I am not saying that they are at all impossible of adoption in insurance legislation generally and they may have merit if that approach is taken.

What I want to do with them—I think I am restricted in dealing with them in this legislation—I would like to take them to that committee and say "Should you have approached this from this angle? Would be it possible to adopt this if we amend this legislation? Or if we bring in further legislation, can we bring in this proposal which has been put forward by persons who have given this much thought in the Legislature?"

I have to reject it as far as adopting it into this bill is concerned. I see merit in these amendments as they come forward.

**Mr. C. G. Pilkey (Oshawa):** Mr. Chairman, I think we have—

**Mr. Chairman:** Perhaps, if the hon. member would permit a moment, we should clarify what the intention was of the hon. member for Riverdale when he inferred that he had no objection to stacking. Based upon the comments of the hon. minister, I would have to deal with each amendment placed before the committee in turn. Now does the hon. member have any thought of withdrawing these proposed amendments?

**Mr. J. Renwick:** No. Rather than have the votes called on the amendment now, the vote would be called at the end of the discussion of the whole bill.

**Mr. Chairman:** All right then. We will deal with each motion as it has been presented. We will debate it and then if there is to be a division, we will stack them with the approval of the committee.

**Mr. J. Renwick:** Right.

**Mr. Chairman:** The hon. member for Oshawa.

**Mr. Pilkey:** I just want to make a very short comment. Obviously the automobile insurance private versus public or public versus private is going to generate considerable discussion in the Province of Ontario

shortly. I think we ought to have it on the record that when we are costing the private automobile insurance under this scheme, actually there is a false premise inasmuch as the true costs of the scheme is not really relative when you take out the costs, they will be shifted to the other agencies and plans that we have in this province.

And I just wanted to get that on the record because it just seems to me even though the minister has agreed that these amendments being proposed are reasoned, the fact still remains that in this bill there is a shift of the costs to agencies and plans where obviously the cost should not be shifted and that there really is not any relationship between that and the rightful costs of the plan itself. I appreciate the minister saying that he is going to take that to the committee.

It just seems to me that it is only fair that if I have an insurance plan of some type, that that plan carry in effect all of its liabilities. You cannot say that as a result of an accident victim being hospitalized—as a result of that accident—that it ought not to reflect in the costs of that insurance scheme. You just cannot. It just seems to me that it is absolutely unfair to say that this is the plan, this is the premium, as it relates to the cost but yet the total cost of that plan is not incorporated in the automobile accident scheme.

I just wanted to get that out of the record because I just think it is unfair—though I do appreciate the minister saying that he is going to give it some consideration at some point in time through this advisory committee.

**Mr. Chairman:** The hon. member for Sandwich-Riverside.

**Mr. F. A. Burr** (Sandwich-Riverside): Mr. Chairman, I should like to ask the minister for clarification to make sure that I understand this aspect of the no-fault insurance. Suppose that my colleague from Oshawa has an accident and he runs up a bill of $2,000 for medical and hospital expenses and I am in an accident and I do the same. Supposing that I have OHSIP and OHSC but my colleague from Oshawa has none. Is it true that my insurance company—my auto insurance company—will get off virtually scott-free, whereas my colleague's auto insurance company will have to foot the bill of about $2,000? Is that correct?

**Hon. Mr. Wishart:** I have to answer it this way, Mr. Chairman. Your insurance company would not have to pay, cannot take out insurance to pay additional hospital benefits. That is against the law. So your insurance company would not have to pay that. You cannot insure in Ontario for that. That is forbidden in order to be a universal scheme, so nearly universal that it would to meet the requirements for hospital benefits.

Now if the member for Oshawa does not have any such coverage and is not covered by OHSIP, he would get the benefits provided for under the schedule of the Act. All I would point out to you is that in reaching the schedule of benefits set forth in the bill and in the schedule appended to it as part of it, the situation was surveyed and those contributions which come in from other sources were reckoned and taken into the reckoning and the actuarial studies, so that we could say: on the one hand these increased benefits can be paid, judging from our experience, and on the other hand we will not need to increase the premium. And that is the whole approach to this legislation.

Now, if I were to receive an amendment saying, as we have, for instance, here: Make this first-loss and forget all contributions that may come in, I am not sure that—I certainly do not think you would be able to write it. I think the answer would be clearly it could not be written for the present premium.

Now you can buy any kind of insurance, or any quantity of benefit, if you want to pay a premium to match it. But what we were doing here is saying on this present premium —taking into account all the factors which come to bear—this is what we can provide in the way of benefits. By a higher premium you could have doubled the benefits or tripled them, and so on. But what we have done so far is to say this is our approach with the present premium, reckoning in all the factors, including those contributions which may come from other sources, there are the benefits which we can provide.

**Mr. Burr:** Well then the answer to my question was yes?

**Hon. Mr. Wishart:** Yes.

**Mr. Burr:** Thank you.

**Mr. Pilkey:** Could I ask one question in respect of what the hon. member for Sandwich-Riverside asked? The minister said that it would be against the law—and I did not follow that—it would be against the law for insurance companies to cover hospital medical expenses as a result of an automobile accident. Is that—

**Hon. Mr. Wishart:** No, I think it is a law in Ontario that when we brought in the hospital, OHSC's cost and coverage, that you cannot go out immediately—insurance companies are entitled to write that or you cannot get a contract. I think you have to understand this. If you have OHSIP you cannot go out with a private insurance company and write that you will get paid a sum for hospitalization. You could make a very nice thing out of it. With that type of coverage paid by the Ontario government plan, and if you had insurance on the side given to you, you could triple or double and put it in your pocket.

So it is the same principle as insuring your house. You could insure it three times. If it is worth $30,000 you could insure it with three or four or five companies for $30,000 on each policy. But if it burns to the ground you cannot collect $150,000. That is where you have to pro rate. But the hospital insurance situation is a little stickier than that. You just cannot write additional hospital insurance. You must be under the OHSIP plan, or if you are under the OHSIP plan, you cannot write.

**Mr. M. Makarchuk** (Brantford): A point of clarification, then, Mr. Chairman. Will OHSIP then have the right to collect this money—the money that they paid out for hospital claims—and have the right to collect the money from the insurance company under this legislation?

**Hon. Mr. Wishart:** They have the right to pursue the person.

This is where they would establish the fault for the accident. The agency, the Hospital Services Commission, the Workmen's Compensation Board, would have the right to—if fault can be established—they have the right to go over it and say to that person at fault, you are insured: pay. And then he calls upon his insurance company and they pay.

And that amount collected last year, I believe, was, I think I have the figure here, since we are on that point; if I may give you that. I believe I have it. So much insurance material.

If I may, Mr. Chairman, the memo I have here, relating to the Ontario Hospital Services Commission, and its right to subrogation, or to claim over, and what the figures are and what our proposal is with respect to this, and I point out to hon. members that under the terms of the agreement with the federal government, which as you know is a party to the hospital insurance plan—medicare as it is sometimes known as well as hospital, OHSIP—the Ontario Hospital Services Commission is required to make provisions for the recovery of costs for hospital services from the persons responsible for the accident.

That is part of the agreement of the federal government, which our people must carry out. Between the years 1965 and 1969, both years inclusive, the commission made recoveries under this heading, in the amount of $14,168,000. Much of the money recovered by the commission is offset by administrative expenses.

I think if I understand this memorandum, which has just come to me, in the last year approximately $5 million was recovered.

What we are proposing, and I think the hon. members might be interested, what happens in practice is that insurance companies forward to the commission a card in each case, where they are aware that a third party claimant has been hospitalized. If their insured is liable for the accident, the insurer, that is the insurance company, reimburses the commission for the hospital account, the injured person. So that it is a very good working arrangement, and they do—in that case the fault is established, the insurance company admits and they pay the insurance commission.

Now, there is still involved in many of these cases a lot of investigation and some litigation, and this expense is something that could be avoided and an arrangement could be worked out. So what is proposed, and it is our proposal, is that the Insurance Bureau of Canada is attempting to work out with the hospital commission, some formula, acceptable to all parties, that would avoid the processing of subrogated claims, that is where they are claiming over against the insurance company. This could involve payment of a lump sum annually by the industry—that is the insurance industry—based on the payments made in the past.

There were five million in 1970 or 1971. Some formula related to the number of cases and the amount—a portion of the amount expended, which is not all recoverable—could be made in a lump sum payment, and that would be really knocking out the fault that is still there in that scheme. That is the other side of the coin. We are dealing here with the insured and the company. We dispense with the fault and we come

to the no-fault again and the procedure we adopted on the other side where the hospital services commission must pursue and endeavour to ascertain fault and collect from the insurance company. This, I say, they are doing in very large amounts. We are seeking to obtain some formula where one can abandon the question of fault and get the lump sum payment.

**Mr. Makarchuk:** In other words, Mr. Chairman, until such time as we arrive at that ideal solution that the minister has mentioned is being considered at the moment, if the insurance company does not admit to liability, then OHSC will have to take the insurance company to court to prove fault or negligence and collect in that case.

**Hon. Mr. Wishart:** They would take the insurance company's insured, the chap, whom they claim, was guilty or responsible, I should say, for the accident. They would make a claim against him because, let us say, Jones is injured. Jones is in hospital. He is covered by OHSIP. He does not have to pay; the government's scheme covers him. Brown, who injured him, is claimed to be at fault, so the hospital goes after Brown. Brown goes to his insurance company and says, "Here, I am covered; protect me." The insurance company covers and protects him.

Now there are cases where they deny fault and then there has to be litigation, in which we have opted out, as between the insured. The man in hospital has to come to court. We are trying to get some formula which will save all this litigation, investigation and, in short, get away from trying to establish fault.

**Mr. Burr:** Mr. Chairman, following this up, one of the benefits of this no-fault insurance is that the injured party receives his payment without dispute and fairly quickly. Does the minister foresee any great reduction in the amount of litigation under this proposed bill?

**Hon. Mr. Wishart:** Yes, very much.

**Mr. Burr:** Or will the arguments between the two insurance companies, between OHSC and one of the insurance companies, between OHSIP and the insurance company, be approximately the same in number?

**Hon. Mr. Wishart:** No, I foresee a great deal of reduction in the number of cases in the courts. I think there is no question about this, particularly in many of these cases where, as I say on the other side of the coin the hospitals services commission calls on the insurance company to pay. Many of these cases the insurance companies settle without court action. If we could achieve this formula, we would gain a great deal more in the way of reduction of cases, but there is a very great reduction with what we are doing here, because in a great number of these cases there would be no claim over beyond the benefits set forth in this bill. There is, as you know, reserved in this legislation what we call the torts principle, that is the right to sue, for benefits exceeding those provided by this legislation. But if that action is taken for a claim, say of $8,000 or $15,000 or whatever, the benefits received under the policy must be deducted from the claim. I think a great majority of claims will be covered by this legislation so those cases will not appear in court at all. There will be a very great reduction.

**Mr. J. Renwick:** Mr. Chairman, I think the statistics will indicate whether the minister is right or not. I assume that the minister's department will collect the statistics about county court actions commenced and county court actions tried and Supreme Court actions commenced and Supreme Court actions tried, dealing with motor vehicle accidents, so that we can find out whether or not, in fact, there has been any actual reduction in the actual burden on the court.

**Hon. Mr. Wishart:** I would think so.

**Mr. J. Renwick:** Mr. Chairman, I assume we will go through the bill clause by clause and then come to schedule E.

My next comment, Mr. Chairman, is on one of the non-automobile sections. That is clause 19 of the bill.

**Mr. Chairman:** I should deal with the hon. member's motion before me.

Those in favour of Mr. Renwick's motion will please say "aye."

**Mr. J. Renwick:** How do we stack them?

**Mr. Chairman:** Well, after it is evident that there will be a division, then we stack them.

**Mr. J. Renwick:** Yes.

**Mr. Chairman:** Those opposed to Mr. Renwick's motion will please say "nay."

In my opinion the "nays" have it, if five members rise in their places.

**Mr. J. Renwick:** Oh, I see.

**Mr. Chairman:** Now, the procedure is to call in the members and if the committee agrees to stack these votes, we will do so.

**Mr. J. Renwick:** Thank you.

**Mr. Chairman:** We must proceed with things on a formal basis.

**Mr. J. Renwick:** My next comment is on clause 19.

**Mr. Chairman:** Now, is there anything on 15, 16, 17 or 18?

**Mr. Peacock:** On 17.

**Mr. Chairman:** On 17? The hon. member for Windsor West.

**Mr. Peacock:** I think my earlier point on clause 5, Mr. Chairman, should be raised again to ask the minister whether or not 17 precludes or permits an insured person suffering dismemberment from taking an action against a person who is liable for that involvement.

**Hon. Mr. Wishart:** Subsection 2.

**Mr. Peacock:** On clause 17, Mr. Chairman.

**Hon. Mr. Wishart:** Section 17.

**Mr. Peacock:** Section 17. Is there anything which precludes a person suffering dismemberment from an automobile accident from suing the person who is liable?

**Hon. Mr. Wishart:** No, but he must pay or allow—

**Mr. Peacock:** Disclose.

**Hon. Mr. Wishart:** —as a reduction from his claim, whatever benefits he may receive for that injury under this Act. That I think is clear from subsection 2, is it not: Where a claimant is entitled to the benefit of insurance as provided in E this to the extent of payments made or available to the claimant constitutes a release of that amount.

**Mr. Peacock:** That is right, I understand. The claimant must disclose what benefits are available to him under any contract of insurance which he has when he takes action, or rather when he files a claim here.

**Hon. Mr. Wishart:** Other contracts, you say?

**Mr. Peacock:** Yes, is that what it implies? What I am seeking from the minister is whether there is offset from the award for dismemberment which an insured person may receive from the court which is then paid by the defendant's insurance so that the compensation for dismemberment in some fashion is reduced by these other benefits that are disclosed.

**Hon. Mr. Wishart:** I do not know if the hon. member is bringing it down to a specific point. I think this section is clear. I think it will answer his question. I can put it in the way I understand it.

Where a person sues, and I say the tort principle area is concerned as the hon. member knows, under subsection 1 he must furnish the person against whom the claim is made full particulars of—and I think the hon. member said of all contracts of insurance; it does not go that far—particulars of all insurance available to the claimant under contracts falling within the scope of this legislation.

**Mr. Peacock:** For these benefits.

**Hon. Mr. Wishart:** Yes. He must say, "I am entitled to this, this, and this under my own automobile insurance." Now, I do not know if it is—

**Mr. Peacock:** That is right: I understand that.

What I am seeking from the minister is an answer as to whether anything in section 17 serves to reduce an award which may be made by the court, payable by the liable party's insurance company for dismemberment. Because dismemberment is not one of the things which is insured. Dismemberment is not set out in Schedule E. It is not an insurable loss, so to speak.

When a person takes an action and it is an action on account of dismemberment, is the award there reduced by virtue of any benefits payable under this Act?

**Hon. Mr. Wishart:** I think I would answer it by giving a specific example.

A is injured in an automobile accident. He loses his arm. He sues the person for the loss of his arm, and in it he might very well be claiming medical attention. He might very well claim for pain and suffering. He would claim for an artificial limb and perhaps travelling expenses, going to be fitted and back and forth and a number of things.

**Mr. Peacock:** And on-going disability.

**Hon. Mr. Wishart:** And on-going disability. Under this Act, I think he would have to produce some evidence pursuant to Schedule E on page 10, I would presume that he would get from his insurance company all reasonable expenses incurred within four years. So the insurance company, I think, would be liable to pay his railway fare, his air fare, his automobile travel and certain medical expenses—some of it would be covered by his OHSIP coverage; he might have specialist medical expense in large figures which the insurance company would bear. And he would have to reveal that and give evidence on it as part of his claim, as a reduction from his total claim. That is the best way I can answer the hon. member.

**Mr. J. Renwick:** On clause 19—

Sections 17 and 18 agreed to.

**Mr. Chairman:** The member for Riverdale on section 19.

**Mr. J. Renwick:** Clause 19. It is just a comment.

I think the minister is very unwise to put in the provision typing in the incorporation of an agent, broker or adjuster with The Business Corporations Act and having the approval of the articles of incorporation by the superintendent prior to incorporation.

I say that because the select committee, when it tried to work out The Business Corporations Act, tried to say that so far as The Business Corporations Act was concerned a citizen had a right, if he fell within the terms of the statute, to be incorporated. That is separate and distinct from the function of the superintendent of insurance to grant licences to a particular company to be an agent, a broker or an adjuster for the purposes of carrying on those functions in the Province of Ontario. The two of them are quite separate and distinct.

It seems to me that it is very unwise to prevent a citizen incorporating his company as an insurance brokerage company. As a matter of business judgement and care, he would be discussing with the superintendent of insurance that he wants to go into the brokerage business and he would undoubtedly, if he was wise and wanted to save a little time, he would discuss it in advance; then he would submit his application for incorporation, incorporation would be granted and he would make his application for the licence.

But it does seem to me to unnecessarily clutter up the companies branch of the minister's department to provide in this specific instance—not in The Corporations Act, but in this Act—that the articles of incorporation would have to be approved by the superintendent prior to incorporation.

I just think it is unwise, as I say, to clutter up what we tried to accomplish in The Business Corporations Act and to require someone to say, "Well, I wonder if there is some other statute somewhere else that says I have got to do something now?" If in a specific, special situation such as this you are going to have this provision, I would at least urge that The Business Corporations Act have a highlight remark and say, "If, however, an application is being made to incorporate an insurance brokerage or agency or adjuster's firm, the approval of the superintendent of insurance must be obtained." So a person looking at The Business Corporations Act, applying for incorporation, would know that in this special instance there was a specific requirement.

My own view is to let the wisdom of the people who are advising the persons who are going to incorporate it carry the matter and not have it cluttering up this statute. The two functions are separate and distinct. I hope I have made my point.

**Hon. Mr. Wishart:** I think, Mr. Chairman, I can be brief in reply. I think there is merit in the suggestion, but on the other hand a person forming a corporation to handle insurance matters, to be an insurance broker is going to look at The Insurance Act. I do not think it matters too much where he finds the requirements, it should be in one or the other. I do not think perhaps it should be in both; maybe somebody might suggest that. We have it in The Insurance Act so that anyone certainly going into the insurance business, an incorporated company, will naturally first go to The Insurance Act, I think. Then he will find that if he is going to form a company he has this requirement. I appreciate the comments; I do not think we need spend much time on this.

**Mr. Lawlor:** It pains me, Mr. Chairman, to assist the minister in this regard, but is it not the current practice of his department in the incorporation of such a business—or in the incorporation of a real estate operation and the incorporation of people having, say, to do with dental technicians—when the application arises in the office of his department to refer it in any event to whatever

authority and whatever other department and get their approval? I have been through that a number of times.

**Mr. J. Renwick:** Mr. Chairman, I am not going to labour it. One of the things the select committee tried to do in The Business Corporations Act was to remove that kind of paternalistic referral, so that each guy takes his chance. If he requires a licence under some other aspect of government and so on, that has to do with him getting that licence; it does not have to do with him getting the articles of incorporation which are not appropriate, which are not apt for it, and he finds that some other body of the government will not give him the licence he wants, that is his tough luck. We have tried very much to remove this sort of paternal referring of applications for incorporation to other branches.

Mr. Chairman, I would like the minister on clause 20—

**Mr. Chairman:** Shall section 19 then stand as part of the bill?

Agreed.

**Mr. J. Renwick:** I would like the minister on clause 20, dealing with this delightful term, twisting life insurance policies, to make a brief statement as to what led to the necessity to provide this revision of this particular clause regarding twisting life insurance policies and misleading statements being prohibited.

**Hon. Mr. Wishart:** I think I can answer simply it was the experience of the department of complaints of insured persons, persons buying insurance; that they have been persuaded by some very persuasive salesmen to buy another bill of goods as it were, another policy, saying, "That policy that you bought, we have a much better one. It has this feature which that one has not got. It is a cheaper policy." The person is taken—

**Mr. J. Renwick:** Mr. Speaker, perhaps just in the interest of saving time—

**Hon. Mr. Wishart:** The person is taken into camp by what is known as twisting their arm or twisting them into another type of policy, which is a waste of money. They are not any better informed—or perhaps misinformed—in the doing of this, so this is to stop that practice which has become somewhat prevalent among very aggressive salesmen, persuading people who are not too well informed, to buy their product in the way of an insurance policy, rather than keep what was, perhaps, a very good policy which they had.

**Mr. J. Renwick:** That did not answer my question.

**Hon. Mr. Wishart:** I thought the hon. member asked why was this in the bill in so many words.

**Mr. J. Renwick:** Before this Act was introduced there was an existing provision against twisting, in The Insurance Act now. You have chosen to repeal that one and substitute a new provision.

What is the specific evil that came to the attention of the department that made you feel that the present provision with respect to twisting is inadequate? It seems to me there must have been a specific matter where someone thought there was a gap or a loophole in the Act and that is what I am asking.

**Hon. Mr. Wishart:** There was another feature which is a recent thing, and that is the permission, it becoming legal for insurance salesmen, persons selling life insurance particularly, to sell investments, securities, mutual funds and that type of thing, where the life insurance company and the mutual fund company were related. This gives a much broader field for misleading statements because you are dealing with not just an insurance policy now, but the insurance agent has the right to sell investments and there would be a temptation and a much greater incentive for a salesman to say: "This type of investment will do this for you and will do that for you." He can get into the area of misleading people much more now than when he was selling life insurance policies alone.

**Mr. Chairman:** Shall section 20 then stand as part of the bill?

Section 20 agreed to.

**Mr. Chairman:** Anything before section 26 then?

**Mr. J. Renwick:** On clause 21 and 22, would the minister make a brief comment as to why this new provision is introduced and what the import of it is? I notice that the approval of the superintendent of insurance must be given to it and an overall agreement to re-insure a class or group of contracts. Then each policyholder, as I understand it, gets a notice that there has been a

re-insurance agreement entered into. Does that notice affect the—

**Hon. Mr. Wishart:** Mr. Chairman, I did not hear—I guess I was not paying attention—I did not hear the hon. member when he started to speak and I did not get the section.

**Mr. J. Renwick:** I am sorry. The clauses are 21 and 22, dealing with re-insurance. Clause 22 introduces a new requirement and that is that if there is to be a re-insurance of a class or group of contracts that there be the approval of the superintendent to the re-insurance agreement. Then a notice of the agreement is to be served on all policyholders that may be re-insured.

My question is—I will try to make it as simple as I can—if I take out a contract of insurance with a particular insurer, and he then has a group of such insurance contracts and he enters into an agreement to re-insure that group of contracts, what effect does it have on me if I receive a notice from him in due course saying I have now re-insured? Does it limit in any way the rights or obligations—rights I may have against the insurer or the obligations of my original or prime insurer to me?

I just do not understand why there is the need to give that notice to every policyholder. If I take out an insurance policy with a company, what they do internally by way of re-insuring that risk in whole or in part is their business; I look to them.

**Hon. Mr. Wishart:** That I think is true, but I think simply it is a matter of disclosure that this policy which you have with your particular company has been by them re-insured with other outside corporations. I think it is simply a matter of disclosure by way of notice to the policyholders.

**Mr. Chairman:** Shall sections 21 and 22 then stand as part of the bill?

Sections 21 and 22 agreed to.

**Mr. Chairman:** Anything on 23, 24, 25? The member for Humber on section 25.

**Mr. G. Ben** (Humber): Yes, 25. Why did the minister pick the date of November 13, 1970, in paragraph 1 in section 25?

**Hon. Mr. Wishart:** Well, this explanatory note is all I have. I will read it:

> The amendment clarifies the application of the prohibited investment provisions as of the date of the Royal Assent to The Insurance Amendment Act, 1970.

—the bill that was passed last year, November 13, 1970. That bill, what I recall of it, provided certain restrictions and this continues it on account of, as I mentioned before, the fact that insurance agents now are entitled to sell other investments. The insurance company shall not make other than those provided as of the date of that legislation.

**Mr. Ben:** Now on 26.

**Mr. Chairman:** Right.

Section 25 agreed to.

**Mr. Ben:** How are you taking 26, Mr. Chairman?

**Mr. Chairman:** Well, I was just looking at it. It is a fairly lengthy section. What is the intention?

**Mr. J. Renwick:** Mr. Chairman, if I may, my suggestion is that we take this subsection by subsection. If the Chairman will note, it is headed "schedule E" and then it is headed "Accident Benefits Section" and then there are various subsections and the top of page 10 is subsection 1 and then there are various clauses under subsection 1. Then you come to subsection 2 and there are various aspects of subsection 2 and you come to subsection 3 and you also come to part II. I think if we go through it carefully that way, it might be the simplest way to deal with it.

**Mr. Chairman:** Yes, we will do that. On subsection 1. The member for Riverdale was on his feet some time earlier and we deferred him until now. Perhaps he should have the floor first.

**Mr. J. Renwick:** I have a comment on the introductory sentence and then I have, Mr. Chairman, an amendment with respect to subsection 1. My comments on the introductory part touches a problem, of course, that is run into with the Workmen's Compensation Board. I am concerned about the restrictive wording of "directly and independently of all other causes." In other words, the insurance is a coverage for a person who sustains bodily injury, or dies, directly and independently of all other causes, from an accident arising out of the use or operation of an automobile.

The minister must be familiar that in Workmen's Compensation situations, many cases are just noncompensable because of what the board euphemistically calls a "pre-existing condition."

The situation worries me. If I can think up an extreme example, let us assume that a person has suffered a stroke at some point in his life, is relatively seriously paralyzed and he then, at a subsequent date, is hit by an automobile and is further injured, or is killed by it. Do these words "directly and independently of all other causes" mean in fact that the automobile insurance policy will not pay the benefits provided under this Schedule E because it could be argued that his death occurred, at least in part, because of the pre-existing condition?

I am sure that people perhaps could think up more apt examples of it. But I am very much concerned that we are really restricting the coverage by the use of these kinds of very restrictive words in the very opening clause of Schedule E.

That is my first comment. Perhaps the minister before I put the amendment on subsection 1 would consider that comment.

**Hon. Mr. Wishart:** Mr. Chairman, I do not think that the words could be interpreted in a way so narrowly as the hon. member set forth in his example.

If the person had suffered, say a previous heart attack or stroke, or something of that sort, and was partially disabled and was driving a car on the highway and is involved in an accident. He is injured, and whatever injury he has sustained beyond his present condition at the moment of the accident, he is injured directly by the accident. If he is cut, or his arm is broken, or he is maimed in some other way, that would be directly as a result of the accident. I do not think that anyone could argue or at least maintain successfully that the injury was from another cause.

I think the reason the words are in there is that if someone is driving and dies suddenly from a heart attack, or has heart failure, or something of that sort, and death results or injury results, that other clause would be a factor, I think if you could establish it. But one can think of different cases where I suppose something could occur at the same moment prior to the accident where the claimant might be seriously injured by falling into a hole on the highway or something of that sort and being very seriously injured and then immediately afterwards there is an accident and from that impact he is injured or sustains further damage. I do not think it would be safe to take those words out—I do not think they could be interpreted so widely as to deprive an insured person of benefits set forth in the balance of the schedule.

**Mr. J. Renwick:** Well, Mr. Chairman, I think it is precisely words such as that which in difficult insurance claim cases permit insurance companies to disclaim. Any of the argument that could be made, could be made just as well in difficult situations if those words were not there, so that the section simply read "who sustains bodily injury or death by an accident arising out of the use or operation of an automobile." That should be an adequate way of stating it.

I am not proposing to introduce an amendment, but I would like for those who may possibly be interested in these debates for them to know that those are limiting words—words which can be used against the insured person and in favour of the insurer. I would like to come now to subsection 1, Mr. Chairman, at the top of page 10—

**Mr. F. A. Burr** (Sandwich-Riverside): Mr. Chairman.

**Mr. Chairman:** The member for Sandwich-Riverside.

**Mr. Burr:** Might I—

**Mr. Chairman:** On the opening paragraph?

**Mr. Burr:** Yes.

**Mr. Chairman:** You may proceed.

**Mr. Burr:** Might I suggest an instance that the member for Riverdale was trying to think of: Suppose a member—for example, a member who might represent the riding of Peel—has a back injury now and then is in a motor accident in which his back is much more badly damaged. He might be one of the persons who would fit this case. The insurance company might claim that he had a pre-existing back injury that was really the cause of his present injury. How would the minister deal with an instance of that kind? That is the kind that causes trouble in The Workmen's Compensation Act.

**Mr. Peacock:** All I can say is it is a lucky thing that the Prime Minister (Mr. Davis) is not insured by the Workmen's Compensation Board. You know what they would say about him? He had a pre-existing back injury and degenerative back condition with a psychic overlay.

**Mr. Chairman:** Any comment from the minister?

**Mr. Wishart:** Mr. Chairman, I must confess I was looking at the statutory conditions in The Insurance Act to see if I could find any words similar to those that the member for Riverdale was speaking of while the hon. member started his question and I am sorry but I was so intent on this that I did not get it.

**Mr. Burr:** Mr. Chairman, in Workmen's Compensation Act cases, we have the problem of a man who has a record of having some kind of back trouble earlier and then the employer claims that the accident in which he received this bad back injury arose out of a pre-existing condition. Now how would this affect the person injured in an automobile accident under this introductory clause?

**Mr. Wishart:** I do not think it would affect it. I think that was the answer I gave to the member for Riverdale. I suppose it is fair to say that almost everyone of middle age or thereabouts has some defect. They are not 100 per cent physical specimens and not all free of some ailment.

A great many persons do not have perfect vision, not all have the same strength, and many suffer from pains and aches, arthritic or rheumatic or one thing or another. But these things would not be brought into play as a cause of an automobile accident.

**Mr. P. D. Lawlor** (Lakeshore): I just want to add a word to this. I do have serious misgivings along the lines of the member for Riverdale on that wording, "who sustains bodily injury or death directly and independently of all other causes."

I predict that the legal profession will find a goodly source of litigation, that they will say that the cross-casualty, or what we in law call novus actus interveniens, and a number of other legal doctrines will arise. And when you use the words "independently of all other causes," they will say that there was operative other causal features—and it is not to fall wholly and entirely within the use and operation of a motor vehicle—therefore, they have no liability whatsoever in the circumstances.

I wonder where the minister got the particular wording and whether the minister would not very well consider, before we are finished with this legislation, taking a real hard look at that rewording again with the view to making it explicitly clear that we do not mean that if any other causal factor, however negligible, is operative in bringing about the injury, either by pre-existing condition or because of causal features coming from some other source apart from the automobile itself, that will not cancel out and render any claim for injury impossible in the circumstances.

**Hon. Mr. Wishart:** I certainly am prepared to take a good hard look at it, Mr. Chairman. I was just looking at the present Insurance Act, and as I say that was one reason I did not hear the previous member. I was looking to see if language of that sort was used. I am certainly interested in looking at it, but at the moment I do not think it can be interpreted to any extent or very strongly or very dangerously against the insured, but I am very anxious to make sure that, in my opinion, is so, and I shall follow it up.

**Mr. G. Ben** (Humber): Mr. Chairman, for the benefit of the minister I should just like to add this: We are passing legislation here which we are leading the public to believe is for their benefit, or it is going to inure to their benefit.

It is obvious from the statements that have been made to the present that great doubt is going to be cast on the interpretation of this section.

**Hon. Mr. Wishart:** No.

**Mr. Ben:** If doubt is going to be cast on this interpretation with the possibility that such doubt is going to be resolved to the benefit of the insurers and against the benefit of the insured, then it is my submission, Mr. Chairman, that the minister ought to strike the offensive words or the disputed words out of this clause. And if the hon. member who brought it to the attention of the House so moves, we would certainly support the deletion of the words, "directly and independently of all other causes."

We are going to have the possibility that the insurers are going to attribute to such diseases or illnesses as epilepsy or diabetes the accidents that were caused, and who is a dead man going to be proving otherwise, for example. It is one thing if an injury results; he is still around, God willing, to put forth his position in a court of law.

But let us say that somebody who has had a record or history of epilepsy should be killed in an automobile accident. An insurer, armed with that knowledge, could very well argue that the death of the motorist was not

the direct and independent result of this accident, but rather that an epilepic fit may have intervened, causing the motorist to have lost control of his own motor vehicle and thus causing the accident, resulting in his own death.

The very same argument could be advanced in the case of diabetes, where a person may be taking a—well, I do not think they call it a stroke, but may be suffering from the ill effects of diabetes because he did not take his insulin shots. Again the insurers could raise these objections.

I say, Mr. Chairman that we ought to give these motorists the benefit of the doubt, especially in instances where he is not around to defend himself, and although I am quite prepared to move that these words be struck out, inasmuch as it was the hon. member for Riverdale who did bring this to our notice, I am asking that he so move and we will support it.

**Hon. Mr. Wishart:** Mr. Chairman, I would just like to say that I am advised that these words are standard in present standard form of present contract. I do want to check it very thoroughly, but I do not think the danger exists, as I have stated twice or three times now.

**Mr. J. Renwick:** Mr. Chairman, in order that it will be on the record, I would like to move that the introductory sentence of Schedule E as enacted by section 26 be amended by the deletion in the second and third lines of the words "directly and independently of all other causes." I know the minister and the members of the opposition realize I have just scribbled it out. I do not have a copy but we know what is the point.

**Mr. Chairman:** Mr. J. Renwick moves that the introductory section of Schedule E, as found in section 26 of the bill be amended by the deletion in the second and third lines, of the words "directly and independently of all other causes."

Those in favour of Mr. Renwick's motion will please say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

Shall we stack this one along with the others?

**Mr. J. Renwick:** Mr. Chairman, if I could move to the amendment in subsection 1; it brings, I think, directly into focus the discussion we had a few minutes ago with respect to the Ontario Hospital Services Commission plan and with respect to the OHSIP and with respect to other plans under which persons might have the benefit of medical expenses coverage. I would like to move and then comment briefly on the amendment, that the unnumbered paragraph in subsection 1 of the accident benefits section of Schedule E, commencing "The insurer shall not be liable under this subsection," be deleted.

**Mr. Chairman:** Mr. J. Renwick moves that the unnumbered paragraph in subsection 1 of the accident benefits section of Schedule E, commencing: "The insurer shall not be liable under this subsection," be deleted.

**Mr J. Renwick:** Mr. Chairman, the—

**Hon. Mr. Wishart:** Mr. Chairman, I wonder if the hon. member would allow me to interject? I am going to the Speaker's office where I can hear his comment. I think we have had a good deal of comment at this point, and I will be back very shortly.

**Mr. J. Renwick:** Do you want me to talk to your colleague, the Provincial Secretary?

**Hon. Mr. Wishart:** If you would.

**Mr. J. Renwick:** I will address my remarks to him.

**Hon. J. Yaremko** (Provincial Secretary): I shall pay avid attention.

**Mr. J. Renwick:** Will you? Fine.

I just want to say that this is an extremely important point and I am not satisfied with the discussion we have had on it to date. Subsection 1 provides for the medical and rehabilitation benefits. I am going to refer to them as the medical expense coverage. The medical expense coverage section states that you will be insured for

> All reasonable expenses incurred within four years from the date of the accident as a result of such injury for necessary medical, surgical, dental, hospital, professional nursing and ambulance service.

I am not going to read the rest of it. It talks about other services and supplies and it is all inclusive up to the limit within four years of $5,000 per person.

Then we have this clause, and I am referring particularly to the fact that the insuring clause talks about necessary medical, surgical, dental, hospital services. The clause which I want stricken from the bill is the unnumbered paragraph beginning with the

italicized words, "The insurer shall not be liable under this subsection." That paragraph says:

> The insurer shall not be liable under this subsection for those portions of such expenses payable or recoverable under any medical, surgical, dental, or hospitalization plan or law.

I take that—and maybe I am overly dense about it—I take that to mean that the automobile insurance company issuing this policy is not going to be required to pay me, the insured person, any funds with respect to hospitalization or other plans.

Now the question to which I ask an answer is does that then mean that if I am injured and the Ontario Hospital Services plans covers my expenses, if the OHSIP plan covers my doctors' bills—and the public purse bears that cost through the premiums that are paid by persons who are insured under those two plans of the government—does that then mean that the Hospital Services Commission and the Ontario Health Services Insurance Plan cannot recover from the insured? Because I take this to mean that, since the insurer disclaims insuring for those particular expenses which I have incurred, it would appear to me to be clear that in no way could the Ontario Hospital Services Commission or the Ontario Health Services Insurance Plan recover those moneys paid for my care as the result of that accident. In no way could they recover them from the automobile insurance company.

As I say, I may not be perfectly clear. I understood the minister to say clearly, in response to the comments of the member for Brantford and the comments by the member for Oshawa, that in fact yes, those moneys paid could be recovered from the insurance company. It seems to me that this clause very clearly states that, since the insurance company is not liable in the first instance, it cannot possibly have claims made over against it for moneys for which it is not in the first instance liable. I think that so far as this no-fault insurance, so far as that exclusionary clause with respect to the extent of the liability is included in the policy, then it would appear to me, as my colleague, the member for Oshawa has said, that this is another area in which the cost of the automobile insurance is being shifted to the extent of the OHSC coverage and to the extent of the OHSIP coverage, and perhaps other coverages to other agencies and away from the prima obligor, the automobile insurance company.

As I say, there may be some explanation but I fail to see it at the moment.

**Mr. Chairman:** The member for Humber.

**Mr. Ben:** Mr. Minister, this clause was discussed by us during the second reading of the bill and it is a special principle. I understand what the hon. member for Riverdale is saying. I think he finds it offensive that the insurers shall escape paying out for hospitalization and medical expenses because the insured would have been covered by an insurance contract or policy with OHSIP or Ontario Hospital Service Commission.

**Mr. J. Renwick:** As it relates to that first clause.

**Mr. Ben:** Yes, I appreciate that, and that is so according to my interpretation of this particular section. However, I cannot find it as offensive, as the hon. member for Riverdale does, because I fear that otherwise we would be getting away from the compensation-without-fault concept. That is, if the insurer would be liable to compensate OHSC, or the moneys expended by them, i.e., Ontario Hospital Services and OHSIP retain their obligation, we might find ourselves litigating to determine where the liability lays.

As I understand it, under these circumstances—

**An hon. member:** No, you would not.

**Mr. Ben:** —there would be litigation to determine liability, there would not be payment, forthwith, and—

**Mr. Makarchuk:** The minister says the OHSC can still sue the insured—

**Mr. Ben:** Excuse me. The hon. member for Brantford has interjected that according to the statement of the minister, OHSC and OHSIP can still sue the insurer. Then, that makes—

**An hon. members:** It is not a very sensible interjection.

**Mr. Ben:** The insured or the insurer?

**Mr. Makarchuk:** The insured, who is liable.

**Mr. Ben:** The insured is the person who is injured. The member is suggesting that OHSIP or OHSC is going to sue the insured,

i.e., the victim, for the moneys they expended by way of payments for services.

**Mr. G. Demers** (Nickel Belt): Ignore him!

**Mr. Burr:** The insurer through the insured.

**Mr. Ben:** I would rather accept what the hon. member for Riverdale is trying to raise. But his concern is, with reference to this particular clause, that an insurance company will not have to pay back to OHSIP or to OHSC, or to any other insurer of the victim, the moneys expended by the insurers of that victim as to hospitalization or medical services because of this particular section. I do not find that offensive. I think we are striving toward a no-fault scheme and this is the purpose of it.

Eventually, if the hon. member for Riverdale and his party want their way, and the government will be selling all the insurance with reference to automobiles, then surely you would want it to remain in this particular form.

I cannot see the member's concern. Perhaps he could enlighten me further. Perhaps the hon. member for Sudbury has something to say.

**Mr. E. W. Sopha** (Sudbury): One is imprisoned by one's experience here.

Let us remember that what we are talking about here, Mr. Chairman, really is the culpable motorist. We have no problem at all with the non-culpable, the innocent party, the good guy, the fellow that is in the right. We have no trouble with him at all because if he is injured, suffers pecuniary loss, and his pain and suffering and all the other incidents of what happens to him in a motor vehicle accident is in excess of $5,000, then that person is going to go to the courts in order to obtain redress. So bearing in mind that the government, in a very misleading way, gives to the people of Ontario the sum of $5,000, coverage is directed to the culpable motorist. That is the one we are talking about.

The government is ordaining, by law, that everybody, regardless of fault, injured and suffering loss in a motor vehicle accident is going to get a maximum of $5,000. All right.

Now when you are speaking about the non-culpable, there is no problem with OHSIP and OHSC. Let me say in the record here that lawyers practising in the motor vehicle field, before instituting an action, when the client first comes in, they would be advised on the first interview to get from him his OHSC and his OHSIP number. They usually carry it; the woman carries it in her purse, in a little wallet, and sometimes the man has it. If they have not got it, tell them to phone it in. And you write to each of them, write to both of them and alert them that an action is going to be instituted or a claim is going to be asserted for damage. That protects their subrogated rights. By statute, unquestionably when you are dealing with a third party in the case of the non-culpable motorist, OHSC and OHSIP have the right of statutory subrogation. There is no doubt about that at all.

**Hon. Mr. Wishart:** Right!

**Mr. Sopha:** They become clients as well as that fellow sitting across the desk is your client when he comes in to retain you. So those two institutions OHSC and OHSIP are your clients. One could only wish OHSIP was as efficient as OHSC. They are not. OHSIP has not got the experience of OHSC.

All right. Now we are dealing here with the culpable motorist, and the language used in this unnumbered paragraph leads one into some doubt whether the draftsman of schedule E called up T. Noel Armstrong and the third-party liability section of OHSC before they put it into statutory language. Had they called up Mr. Armstrong, they would have addressed to him the simple question: "What do you do? What is your practice? What do you require from us? Do you want a subrogated right in respect of this gratuitous payment to the culpable motorist? Do you expect to recover?" And if he answered in the affimative and said of the $5,000: "We want to be paid our piece of the action, the expenditure we have made," then the language would not be as obsure as it is. And it would spell it out, that from the $5,000 OHSC and OHSIP would be entitled to be paid off the top. It is as simple as that.

After all, the culpable motorist with whom we are dealing has paid the premiums, but the expenditure has been made by these statutory agencies. One would think that they are entitled to recover. Well, the unnumbered paragraph does not say that; it says the opposite.

**Hon. Mr. Wishart:** No it does not.

**Mr. Sopha:** It says the opposite.

**Hon. Mr. Wishart:** It says it very clearly.

**Mr. Sopha:** Let us look at it. "The insurer shall not be liable—"

**Hon. Mr. Wishart:** Right.

**Mr. Sopha:** —"shall not be liable for those portions of such expenses payable or recoverable under any hospitalization plan—"

**Hon. Mr. Wishart:** Except!

**Mr. Sopha:** —"except for similar insurance provided under another automobile insurance contract".

**Hon. Mr. Wishart:** Right.

**Mr. Sopha:** Well, we are not talking in terms of OHSCs expenditure of another automobile insurance contract. We are talking about the culpable motorist.

**Hon. Mr. Wishart:** Right. If he is insured.

**Mr. Sopha:** This is the fellow, mark you, with no other car involved, that has fallen asleep and has hit the rock cut.

**Hon. Mr. Wishart:** If he is insured.

**Mr. Sopha:** He has hit the rock cut.

**Hon. Mr. Wishart:** If the other fellow was insured under a contract—

**Mr. Sopha:** It is not the other fellow.

**Hon. Mr. Wishart:** It is the culpable man you are talking about.

**Mr. Sopha:** It is the culpable man who fell asleep, and he wandered off the road when he fell asleep and he ran into the Laurentian shield at 2 a.m. Now the only recovery he has got is the $5,000 provided by this legislation, so he is in the hospital in Sturgeon Falls, and why should not OHSC be entitled to recover that portion of the medical and hospital expenses off the top? Why should they not have the right? They paid out the money, it is public money. He paid the premiums which are a small proportion of the amount—$45 or $50 a day—that they had to pay out.

Well, I say they simply did not communicate with the third party sections of the two institutions to find out what the practice is, and surely we have an obligation to rationalize it and determine whether, from this obligation of insurers to pay, they are going to have to pay OHSIP and OHSC. It is as simple as that.

Let us not waste a lot of time on it, and let the minister decide what he is going to do, but this language you use in the unnumbered paragraph—unless you can persuade me—this language is not only totally inadequate but it is confusing as to what you mean. Tidy it up once and for all and decide about the subrogation right of OHSIP and OHSC.

**Mr. J. Renwick:** Mr. Chairman, the member for Sudbury puts the point very clearly with respect to the culpable motorist and the problem that his language raised. I was also thinking of it in terms of the non-culpable person.

Let me say, Mr. Minister, that you are the non-culpable person, you are walking down the street. The only insurance coverage that you have is a card which says OHSC coverage and another card which says OHSIP coverage. You do not have any other insurance coverage of any kind and I am driving my car negligently and I strike you and you are injured and I take you to a hospital. The Ontario Hospital Services Commission provides the coverage for your hospital expenses, your OHSIP card covers the medical expenses. The public purse of those two plans is out that number of dollars.

They turn around to my insurer, and I am carrying this policy which says that my insurer is going to have to pay all of these reasonable expenses for surgical, medical, dental, hospital and so on. But then it goes on to say that my insurer shall not be liable under this section for those portions of such expenses payable or recoverable under any medical, surgical, dental or hospitalization plan, or law.

**Mr. Sopha:** In your example, who was the culpable motorist?

**Mr. J. Renwick:** Me, I am the cupable motorist. He is the non-culpable pedestrian whom I have negligently killed, or injured at least. Now, in that situation—

**Mr. Sopha:** No problem. He sues you under section (c)—third party liability. No problem.

**Mr. J. Renwick:** Well, what I am saying is that to the extent that these medical expenses are covered under this Schedule E . . . If what the member for Sudbury is saying is that the Ontario Hospital Services Commission can sue me and I will be covered—under what?

**Mr. Sopha:** Under (e). No, you are covered under (c)—third party liability.

**Mr. J. Renwick:** In other words the insurer will say what? The insurer will say that as insurer, I am not liable under Schedule—

**Mr. Sopha:** That is right.

**Mr. J. Renwick:** —but that I am liable to make the payments under—

**Mr. Sopha:** Under what they call—

**Mr. J. Renwick:** —insurance agreement C on the front of the policy.

**Mr. Sopha:** That is right.

**Mr. J. Renwick:** Then what is the minister's statement in response to the problem raised by the member for Sudbury about the culpable motorist?

**Hon. Mr. Wishart:** I came in the midst of his comment and I thought at first he was talking about where there was another motorist involved who was culpable. There is no question that he could be followed by OHSC or whoever. I had not thought of the case where the motorist himself, the insured, falling asleep or something, runs off the road and injures himself and so on.

I must confess the language might leave some doubt there and I would certainly want to look at it. That problem did not come to my attention. Perhaps I might have a moment to get such advice as I can here and if I cannot satisfy myself, I may consider some way of making it more clear because I think there is a problem there. I am not prepared to deal with it just at the moment until I examine it.

But in the case that the member for Riverdale raises, there is no question whatever that where another motorist is involved he can be pursued and the hospital expenses and the medical expenses can be recovered by his family. That is right, yes.

I am not sure about the case we have talked about, the motorist himself, call him culpable if you like, who, careless or sleepy or whatever, runs off the road and injures himself. I think he is covered, but I am not sure. I am going to check it out.

**Mr. Sopha:** He is covered, but he is covered with the—

**Hon. Mr. Wishart:** The question is, can the hospital insurance pursue the insurance company?

**Mr. Ben:** Can we go on to section B while we wait for the minister?

**Mr. Chairman:** Yes, I think we should defer the decision on this amendment for a moment.

**Mr. Ben:** We will go to section 2.

**Mr. Chairman:** Is that subsection 2?

**Mr. Ben:** Yes, while we are waiting.

**Mr. Chairman:** Is that agreeable?

**Hon. Mr. Wishart:** Yes, move on.

**Mr. Ben:** All right, I have an amendment to clause B of Part 3. I move that—

**Mr. J. Renwick:** Mr. Chairman, I have one to section A of that part. If there is any merit in taking them in order, I do not know.

**Mr. Chairman:** I think we should take section A first.

**Mr. J. Renwick:** Mr. Chairman, I have an amendment for section A which I believe is self-explanatory in the items which I have used. Most of them are items covered in the recent amendment during the course of the second reading.

The amendment that I would like to move is that section A of Part 1 of subsection 2 of the accident benefit section of Schedule E be amended by deleting the word "total" in the third line, by changing the figures in column 2 under the heading "status of deceased" to $5,000, by adding the figure $1,000 in column 3 under the heading of "status of deceased" and that section B of part 1 of subsection 2 of the accident benefit section of Schedule E be amended by adding the words, "parents-in-law" after the word "parents" in line 1 of subclause 2, and by adding the words, "Or is in full-time attendance at an approved educational institution and is wholly or substantially dependent upon the head of the household for financial support," at the end of item (b) of subclause 3, and by deleting the words "were residing in the same dwelling premises as the deceased person" in subclause 2. I so move, Mr. Chairman.

**Mr. Chairman:** Will these be two separate amendments?

**Mr. J. Renwick:** All right. I want to deal with them quickly.

**Mr. Chairman:** We will take the first one first.

**Mr. Ben:** Mr. Chairman, the hon. member said he had an amendment to clause A and now he is amending clause B.

**Mr. Chairman:** Yes. We have just clarified that.

**Mr. J. Renwick:** That is what the chairman said; he will deal with the clause A part.

**Mr. Chairman:** Mr. Renwick moves then first of all that section A of part 1 of subsection 2 of the accident benefits section of Schedule E be amended by deleting the word "total" in the third line; by changing the figures in column 2 under the heading status of deceased to $5,000; and by adding the figure $1,000 in column 3 under the heading status of deceased. That is the end of the first one.

**Mr. J. Renwick:** My comments, Mr. Chairman, can be quite brief. We dealt with them at the time of the second reading of the bill. The first item, that is the deletion of the word "total," is to make certain that partial disability would be covered as well as total disability because of the restricted nature of the coverage here which is limited to continuous total disability. We want to delete the word "total" so that it is disability and there is some flexibility with respect to partial disability as well as total disability.

We want to provide under the heading, Spouse in a two-parent household, that in the event of the death of either person in a two-person household there be no discrimination between the amounts which were paid so that they each would get $5,000. The provision as presently drafted provides that where two spouses in a two-family household are employed, for the one who is earning more money, in the event of that death, the benefit is $5,000; for the one who is earning less money, in the event of death, it is $2,500.

We believe that it is an unnecessary discrimination and that the items should each be $5,000.

We have added in the third column about dependant children and opposite the phrase, 21 years and over, an item of $1,000. Later on, in subsection 2 in section B of the amendment—which may be considered later on—we have clarified that by pointing out that what we want to cover by placing that $1,000 for 21 years and over dependants, is to provide for the dependant child over 21 years of age who is wholly or substantially dependant upon the head of the household for financial support and is in full-time attendance at an approved educational institution.

There is no great merit in the language. It is language that already appears in The Income Tax of Canada and it is designed to provide for funds being payable in the case of a person continuing his education at a secondary school educational institution in the province.

**Hon. Mr. Wishart:** Mr. Chairman, I have already spoken about this in the earlier comments on this legislation. As I pointed out, this is an increase in monetary benefits and while it may have merit and may be a good approach, it is something that would have to be worked out. I cannot, if I am to get this legislation effective, provide these benefits.

I cannot accept the amendment. I would be glad to have it. I want to take it to my committee and see if, at some stage or other soon, we may be able to go that way and increase the coverage as suggested in this amendment. I cannot accept it here and I presume it will be dealt with as the other amendments you have before you.

While I am speaking, I would like to return now to the question—

**Mr. Chairman:** Shall we just clear this first of all then, this particular amendment? Those in favour of Mr. Renwick's amendment will please say "aye."

**Mr. Ben:** That is the amendment only as far as it pertains to A?

**Mr. Chairman:** Yes, just this first part.

**Mr. Ben:** Because I have an amendment and I have been trying to get the floor and I do not—

**Mr. Nixon:** It only pertains to A.

**Mr. Chairman:** It only pertains to A.

Those in favour of Mr. Renwick's motion will please say "aye."

Those opposed will please say "nay."

In my opinion the nays have it.

Shall we stack this?

**Mr. J. Renwick:** Yes, Mr. Chairman.

**Mr. Chairman:** The member for Humber.

**Mr. Ben:** Mr. Chairman—

**Mr. Chairman:** Order, please. Just before we go on with that amendment, the minister will clarify the principle.

**Hon. Mr. Wishart:** Mr. Chairman, I would like to return to the example or the case which the hon. member for Sudbury was posing. I thought that we had had something similar earlier in the discussion today; I think we did and I responded then.

That comes down to this, in my view. One cannot buy insurance anywhere; it is contrary to the law to provide additional hospital insurance. I am not suggesting this would be a subterfuge, but if we were to say that the insurer could pay that hospital bill, it would be against the law. We cannot do it. The insurance companies have been put out of that business. So if a man who drives off the road, he cannot call upon his automobile insurance company to pay his hospitalization because he cannot buy that kind of insurance.

**Mr. J. Renwick:** One can buy extra medical.

**Hon. Mr. Wishart:** One can buy extra medical, yes.

**Mr. Sopha:** Do we not call it a medical or hospital plan?

**Hon. Mr. Wishart:** Yes.

**Mr. Sopha:** Is it not called a plan?

**Hon. Mr. Wishart:** One cannot go out and buy the basic coverage—one can buy extra.

**Mr. Sopha:** Well, let me ask this question. Under this compulsory feature is the minister satisfied that OHSIP and OHSC are going to recover their expenditures? Is he satisfied?

**Hon. Mr. Wishart:** I am.

**Mr. Sopha:** They are going to? Well, I am glad—

**Hon. Mr. Wishart:** There is no change.

**Mr. Sopha:** —because the wording says:

"The insurer shall not be liable for those portions of such expenses payable or recoverable under any medical or hospitalization plan."

**Hon. Mr. Wishart:** Except—

**Mr. Sopha:** Except?

**Hon. Mr. Wishart:** —under another policy.

**Mr. Sopha:** No. That does not help you.

**Hon. Mr. Wishart:** That does not help the man who runs off and injures himself, but it does if he is injured by a third party. There is no question.

**Mr. Sopha:** Well rule out the third party; let us forget him. We are talking about the culpable motorist. Does the minister give us the assurance that in the case of the totally, solely culpable motorist, where OHSC and OHSIP have paid out moneys, they are going to recover their expenditures from the $5,000 that this bill is providing. Is the minister satisfied with that?

**Hon. Mr. Wishart:** No.

**Mr. Sopha:** Well why should they not?

**Hon. Mr. Wishart:** Because the law says one cannot buy that kind of insurance.

**Mr. Sopha:** Well, what does it matter? The medical payments made under the feature the minister is now bringing into law in Ontario—

**Hon. Mr. Wishart:** No, I am not bringing it in.

**Mr. Sopha:** Why should they not get it? Why should they not be repaid, those two public institutions paying out public money?

**Hon. Mr. Wishart:** Mr. Chairman, I thought it was clear when we brought in hospitalization in this province that we took out the opportunity, the option, the possibility of buying additional hospital coverage beyond the basic coverage of the plan.

**Mr. Sopha:** Right. I am with you.

**Hon. Mr. Wishart:** So if a motor vehicle driver can say that "I am going to write it into my insurance policy, and if I get injured," the same thing as if he gets sick "I can go to the hospital and I have got extra money from my insurance." This is forbidden.

**Mr. Sopha:** All right, all right! I begin to see. This is how you keep the premium from being increased.

**Mr. Lawlor:** That is right. That is the way they do it!

**Hon. Mr. Wishart:** Well, it is against the law to do it.

**Mr. Sopha:** That is how you do it.

**Hon. Mr. Wishart:** No, no. What we have kept is the basic premium, and I acknowledge that if you look at the other side of the ledger, the balance sheet, you will see the interest benefits. I am glad we keep the premiums from being increased, but we cannot very well fly in the face of the present law of this province.

**Mr. Sopha:** All right. That leaves outstanding this one area, which may or may

not be important. In dealing with a non-culpable motorist, his injuries might be so slight that he does not want to go to the courts. Are you with me?

**Hon. Mr. Wishart:** Yes.

**Mr. Sopha:** He does not want to go to the courts, but he assesses in his own mind his damages as not exceeding $5,000; so to relieve himelf of the inconvenience of going to the courts, he is content to accept the payments under this feature. In such case where no claim is asserted against the culpable third party, then OHSC and OHSIP are left holding the bag. They get nothing.

**Hon. Mr. Wishart:** Well, what is the difference between the case which the hon. member for Sudbury put about the motorist running into the rock wall, than if he fell off a ladder painting a house, what is the difference?

**Mr. Sopha:** Right. Well, the difference is that without your $5,000 insurance, he would be forced to go to the courts to assert a claim, and when he was OHSC and OHSIP would be paid. They would be paid.

**Hon. Mr. Wishart:** If he is insured! But I think the hon. member will admit he cannot buy under an accident policy—

**Mr. Sopha:** That does not matter to me.

**Hon. Mr. Wishart:** He cannot buy hospitalization coverage, can he, if he falls off the ladder? He cannot buy a policy which will pay his hospital bill. That is against the rules.

**Mr. Sopha:** All right, let me sum it up this way.

**Hon. Mr. Wishart:** What is the difference?

**Mr. Sopha:** Let me sum it up this way.

You balance the hon. minister's assertion, that he has made at least 34 times during the course of the debate, that we are going to give this additional coverage without increasing payment. All right. That is fine. That is one side of the ledger.

**Hon. Mr. Wishart:** That is right.

**Mr. Sopha:** And against that you balance the deprivation of OHSC and OHSIP of moneys that they might otherwise recover.

**Hon. Mr. Wishart:** I think not.

**Mr. Sopha:** Oh yes, because when he does not pursue the culpable motorist he is content to take this coverage. They are not in the act; they do not get paid; they are simply not in. They do not institute actions on their own initiative. They wait for the innocent party to assert this claim against the culpable motorist.

Now, that is a matter of social balancing. It is all right with me. If you feel today that it is better in the interests of society not to increase the premium, as against the deprivation of these two institutions paying out public moneys, then that is a matter of social choice. It is all right with me and I make no complaints.

**Mr. Chairman:** Does the member for Riverdale then wish to withdraw this amendment?

**Mr. J. Renwick:** Yes. It has not been put.

**Mr. Chairman:** Yes, I put it.

**Mr. J. Renwick:** Oh, you put the brief one on number 1?

**Mr. Chairman:** Yes.

**Mr. J. Renwick:** Yes, I am content to withdraw that one.

**Mr. Chairman:** Is it withdrawn then?

**Mr. J. Renwick:** It is the unnumbered paragraph in subsection 1, and so on, commencing so-and-so, be withdrawn.

**Mr. Chairman:** Yes. Withdrawn. Does the member for Humber then wish to place an amendment?

**Mr. Ben:** Yes sir, I have two amendments to clause B. They are similar in nature to the one that the hon. member for Riverdale had in mind, except I would not concur in that "parent-in-law" amendment of his, although if the hon. member is willing just to put the second part of it I am willing to let it go that way, otherwise I would move an amendment to clause B. What is his feeling on that?

**Mr. J. Renwick:** Yes I would certainly like to comment on the "parent-in-law" and the restrictive nature of that kind of coverage.

**Mr. Ben:** Because I cannot agree with the "parent-in-law"—

**Mr. J. Renwick:** Well, put your amendment and stack it.

**Mr. Ben:** All right, I move that clause 3B schedule D, as proposed by section 26 of Bill 81, be amended by adding after the word "infirmity" in the second line, the words, "A full time attendance in an educational institute in the Province of Ontario," so that the said clause shall read as follows:

> B. 21 years of age or over who, because of mental or physical infirmity, or full time attendance at an educational institution within the Province of Ontario, is wholly dependant upon the head of household for financial support,

and Part II of clause B, be amended by deleting from the title of Part II, the word "total", so that the title shall read, "Part II, disability",

Deleting from the first sentence the words "wholly and" so that it shall read:

> a weekly benefit for the period during which the injury shall continuously disable such insured person provided—

(c) Deleting from the third line of clause C the words "permanently and totally", so that the clause shall read:

> (c) No benefits shall be payable for any period in excess of 104 weeks except that if at the end of a 104-week period it has been established that such injury disabled such person from engaging in any occupation or employment for which he is reasonably suited by education, training or experience, to ensure at least the basic weekly benefit for the duration of such disability.

**Mr. J. Renwick:** That is all in—Mr. Chairman, am I clear that those are all amendments to part B or part 1, of subsection 2?

**Mr. Ben:** Part B of part 1.

**Mr. J. Renwick:** Which does not touch part 2 at all.

**Mr. Chairman:** I will just read what I have here.

**Mr. Ben:** Yes—

**Mr. Chairman:** Mr. Ben moves that clause B, 3 *(b)* of Schedule E—am I on the right one?

**Mr. Ben:** Yes.

**Mr. Chairman:** As proposed by section 26 of Bill 81 be amended by adding after the word "infirmity" in the second line—

**Mr. J. Renwick:** Where is it?

**Mr. Ben:** It is at the top of page 11.

**Mr. Chairman:** —the words "or full-time attendance at an educational institution within the Province of Ontario" so that the said clause shall read as follows:

> *(b)* 21 years of age or over who, because of mental or physical infirmity or full-time attendance at an educational institution within the Province of Ontario, is wholly dependant upon the head of the household for financial support—

And that part 2—the hon. member's second amendment should wait because we are dealing with part 1 at the moment.

**Mr. Ben:** Part 1 of B?

**Mr. Chairman:** Yes.

**Mr. Ben:** Thank you.

**Mr. Chairman:** This other has to do with part 2 of the schedule. Any comment on this first amendment? The member for Riverdale.

**Mr. J. Renwick:** Mr. Chairman, we would support that amendment. That is incorporated in what I had originally put in the motion which was divided into the two parts. We think the definition of dependant should be extended to cover persons 21 years of age or over in full-time attendance at an approved educational institution and who are wholly or substantially dependant upon the head of the household for financial support.

I would like to make this second comment which I think is appropriate, under that amendment. I would ask the minister if he would comment about the words "under the age of 21 years, for whose support the head of the household is legally liable." I would like to have his statement as to what is the extent of the legal liability of the head of a household for children 16 years of age and over, and under 21 years of age, under the law of the Province of Ontario.

My understanding is that The Child Welfare Act, or one of the Acts relating to the status of children, states that there is no legal liability upon the parents of children after they have obtained the age of 16—for necessities at all—and it is a point that I would just like to have clarified.

That is my understanding of what the law presently is. If that is so then under the age of 21 years for whose support the head of the household is legally liable is a very restrictive insuring clause. I do not think, in law, that there is any obligation on the head of a

household to support children, for example, who are 20 years of age or 19 years of age.

I would like also, if the minister is making that comment, to know what he proposes to do in the light of the bill which is presently before us on the order paper, with respect to the age of majority. Whether or not this 21 years, from a point of view of consistency or substance should be 18? Because if it should be 18, then there is all the more reason for extending the definition to include a person 18 years of age or over in attendance at an approved educational institution.

**Hon. Mr. Wishart:** Mr. Chairman, there is no thought, certainly at present in my mind—and I think in the minds of my colleagues—to change the age used in this legislation, reduce it, on account of the lowered age of majority set forth in the legislation presently before the House, even if that were to become law, which I would anticipate it will.

We would leave it 21 or under as presently here, certainly for the present. I do know that I can answer very capably the question that the member for Riverdale poses as to the legal liability of parents for a child over 16, between the ages of 16 and 21.

I think if they are self-employed, if they are independent, there is no liability. I am not sure they need to be employed, but I think if they are at home and being maintained by the head of the household—I do not know whether it comes under the definition of legal liability or not.

Interjections by hon. members.

**Mr. Chairman:** It is under 26.

**Mr. J. Renwick:** Let me just interject. There are two things that have got to be established. One is the legal liability of the head of the household and the second thing is that the person be dependant upon that head of the household. One without the other would mean that the dependant child was not included in the coverage. I think it is worth checking because I think that the statutory requirement in this province is that the obligation of a parent ceases at age 16 in strict law.

**Hon. Mr. Wishart:** I am glad it was brought to my attention.

**An hon. member:** The free age is actually 16 or 18 is it not? I am all mixed up.

**Hon. Mr. Wishart:** We certainly would not want them to become dependent, but I will check very carefully the question of legal liability. It may be that it does not mean very much in the way of obligation to an insurer, but I cannot say exactly what the term means at this moment.

**Mr. Ben:** Perhaps the minister would take it under consideration?

**Hon. Mr. Wishart:** I will take it up.

**Mr. Chairman:** All those in favour of Mr. Ben's motion will please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

**Mr. Ben:** The minister did not say nay!

**Hon. Mr. Wishart:** I said nay a long time ago.

**Mr. Chairman:** Shall I stack this with the others?

Now Mr. Ben has placed an amendment to part II. But is there anything further in part I?

**Mr. J. Renwick:** Yes, Mr. Chairman. I want to place the amendment with respect to those portions not covered by the last amendment, which is on the sheet in front of you. You recall, Mr. Chairman, the one that had the two parts?

**Mr. Chairman:** I have the two parts.

**Mr. J. Renwick:** Well if you will look at the portion beginning: That section B of part I, subsection 2 of the accident benefits section of Schedule E be amended by adding the words "parents-in-law" after the word "parents" in line 1 of subclause (2).

Then, Mr. Chairman, if you would skip down to the second last line: And by deleting the words "were residing in the same dwelling premises as the deceased person" in subclause (2). Because those are the related parts.

**Mr. Chairman:** Yes, I think we can place that. Mr. Renwick moves:

> That section B of part I, subsection 2 of the accident benefits section of Schedule E be amended by adding the words "parents-in-law" after the word "parents" in line 1 of subclause (2) and by deleting the words "were residing in the same dwelling premises as the deceased person" in subclause (2).

Right?

**Mr. J. Renwick:** Yes. the point I think, Mr. Chairman, as I am sure the minister understands, is quite simple.

You may have in a two-spouse household, the parents of one or other of the spouses being the parents who are dependent, then the question of whether any payment is made would depend on the happenstance of which spouse was the one who was killed. You would have to be in the direct relation of parent to child in order that the parent would be covered. Yet at the same time, in a two-spouse household where in-laws happen to be living in the house—that is in-laws of the person who is killed—that family is not entitled to get the benefits.

The second part of it is I question very much whether or not the criterion should be necessarily "residing in the same dwelling premises." Perhaps the criterion of dependency is really the basic test. But I would hope that the minister would see his way clear to accept the view that in a two-spouse household it should not be material as to whether or not it is the parents or parents-in-law of the particular spouse who is killed for which a payment should be made. Looked at from a household point of view and the obligations of that household, it is irrelevant as to whether they are the parents or the parents-in-law.

**Mr. Ben:** I cannot see this arising, with all due respect to the member for Riverdale who has been of great assistance to this House and to the minister in particular. Because the section reads "to a deceased person whose only surviving dependants" which obviates the possibility of there being a two-spouse household. And if in fact there is a two-spouse household and both spouses are killed, then each spouse would be in a situation where the parent would be covered.

But since it says "a deceased person whose only surviving dependants are parents" means that you cannot have a two-spouse household as the hon. member is describing or else there will be another dependant, that is, the surviving spouse.

Does the hon. member follow what I am saying?

**Mr. J. Renwick:** Well my comment simply is that word "dependant" as I understand it refers to—

**Mr. Ben:** It says only a surviving dependant and it cannot be another spouse, it must be the parents, and if both spouses are killed then they will each leave surviving parents and the words "parents-in-law" are redundant.

**Hon. Mr. Wishart:** Mr. Chairman, I have spoken generally about the whole question of amendments which seek to increase the amounts of benefits, and made my very full comments earlier in the legislation. I will not repeat them; that would only be repetition. In this amendment offered by the member for Riverdale, the question of parents-in-law, I think, is a very good point to raise, and while I cannot very well segregate it out of this amendment. I would be glad to take it under consideration. I think we could work it in.

**Mr. Chairman:** Shall we place this amendment? Does the member for Sudbury wish to discuss it.

**Mr. Sopha:** Yes. The problem here is, as I see it—and upon reflection I am far from satisfied about the earlier resolution of that problem, but I will leave it—the problem is, that I have more than a faint suspicion that this legislation was hastily drafted and these matters were not thought through.

What we are dealing with here is basically life insurance, and if you were in the realm of life insurance there is no problem at all, because once a person's life is insured the company has to pay someone. If you have difficulty in determining who the beneficiary is, then a court will assist you to find out who should get the money.

These coverages have been in policies for the last three or four years. They have been sold as an additional feature. Previous to that, they used to have a $1,000 coverage for medical benefits and disabilities, and, as I pointed out during second reading, the injured person, the passenger in the motor vehicle, had no right of action. He or she simply could not recover unless the insured himself through charitable motivation went after the company to pay that passenger.

My friend from Riverdale is properly anxious about the inclusion of these other categories of people who should have the benefit of this coverage. The way it should read, for simplicity, is I suppose, that if the person legally entitled has a lawfully wedded wife she has the right to get the money, if he has a so-called common-law wife, she has the right to get the money, or if there is a boy, then the heirs-at-law, the next-of-kin—those entitled to recover under The Devolution of Estates Act—they have the right to recover.

But what I fail to understand is that desire of the department to categorize the people who should get the benefit of the coverage. The company should have to pay automatically. They should have to pay someone and you can sort out the person entitled to recover under it.

But, I come back to what I said in the beginning, that I fear that on the eve of an election, and the government wanting to give the impression that they were introducing some form of no-fault insurance, the whole thing was very hastily drafted, put into a grab bag, deposited on the table here, and before the deadline—whatever it is, it changes from day to day does it not?—

**Mr. Nixon:** No way of knowing.

**Hon. W. G. Davis** (Prime Minister): What does?

**Mr. Sopha:** —of the recess of this House. It changes according to the behest of the—

**Mr. Nixon:** What the Premier calls summer holidays.

**Mr. Sopha:** Summer recess, is his phrase.

**Hon. Mr. Yaremko:** Well deserved.

**Mr. Sopha:** I think he is taking advice from astrologers, I really do. He changes his mind from day to day.

**Mr. Makarchuk:** Are the astrologers paid from public funds?

**Hon. Mr. Davis:** Yes.

**Mr. Sopha:** The point is, that this misleading piece of legislation is nothing more or less than election bait, that we are left with all these nice questions—which attract themselves to the lawyers—of trying to determine how it is going to work out. I venture to predict, if this goes into law, that next fall you will have all sorts of lawyers downtown who will be trying to analyse it and determine just what the Legislature, what we, meant, and then finally they will throw up their hands in horror—

**An hon. member:** This is terrible.

**Mr. Sopha:** —and call us a bunch of idiots up here and that we were not precise and definite and accurate.

**Mr. Chairman:** Well, do I understand then that the member for Riverdale will agree to the withdrawal of this particular amendment as well?

**Mr. J. Renwick:** Oh, I would like the amendment put. The minister said he would take it under consideration. It will not hurt to put it so that it will be clear on the record.

**Mr. Chairman:** Those in favour of Mr. Renwick's motion then will please say "aye". Those opposed will please say "nay." In my opinion the "nays" have it.

**Mr. A. F. Lawrence** (Minister of Justice) Getting all stacked over there!

**Mr. Chairman:** Any further comment on part 1 of subsection 2? Then it will stand.

**Mr. J. Renwick:** An amendment for Part II, Mr. Chairman.

**Mr. Ben:** I have an amendment in there too.

**Mr. Chairman:** I already have an amendment here in part II.

**Mr. J. Renwick:** He slipped it in unlawfully, did he not?

**Mr. Chairman:** Mr. Ben moves that part II, entitled "total disability," of Schedule E, as proposed by section 26 of Bill 81, be amended by:

(a) Deleting from the title of Part II the word "total" so that the title shall read "Part II—Disability," and

(b) Deleting from the first sentence the words "wholly and" so that it shall read, "A weekly benefit for the period during which the injury shall continuously disable such insured person; provided," and

(c) Deleting from the third line of clause (c) the words "permanently and totally" so that the clause shall read:

(c) No benefit shall be payable for any period in excess of 104 weeks, except that if, at the end of 104-week period, it has been established that such injury disabled such person from engaging in any occupation or employment for which he is reasonably suited by education, training or experience, the insurer agrees to pay such weekly benefit for the duration of such disability.

Is there any discussion on this?

**Hon. Mr. Wishart:** I have nothing to say, Mr. Chairman, other than what I have said here before on this type of amendment.

**Mr. Chairman:** Shall I press the motion then?

The member for Lakeshore.

**Mr. Lawlor:** Well, just one word. These are weasel words inserted by the insurance industry. We see them all through this. We just took exception to "directly and independently" and now we are into "permanently and totally."

**Mr. J. Renwick:** And wholly and continuously.

**Mr. Lawlor:** Notice how categorical, how all-inclusive and all-exclusive this kind of language is.

**Mr. Sopha:** Well, those are insurance words.

**Mr. Chairman:** I will place the motion. Those in favour of Mr. Ben's motion will say "aye." Those opposed will please say "nay." In my opinion the "nays' have it. Shall we stack this along with the rest?

**Mr. J. Renwick:** Since we are stacking this, Mr. Chairman, I am sure, with respect, that I may place my amendment to Part 2, because it covers different grounds.

**Mr. Chairman:** Does it cover different sections?

**Mr. J. Renwick:** Yes, points. I may need your help in order to fit it into this orderly scheme of things that the minister is putting forward.

Mr. Chairman, the motion I would like to move is that the whole of Part II, of subsection 2 of the accident benefits section of Schedule E be deleted and the following substituted therefor:

> A weekly benefit for the period during which the injury shall disable such insured person, subject to a maximum of $70 per week, the amount of such benefit to be determined by calculating the money value of the time of the insured person and the extent of the disability.

Then I would like to speak briefly to it, Mr. Chairman.

**Mr. Chairman:** Moved by Mr. J. Renwick that the whole of Part II of subsection 2 of the accident benefits section of Schedule E be deleted and the following substituted therefor:

> A weekly benefit for the period during which the injury shall disable such insured person, subject to a maximum of $70 per week, the amount of such benefit to be determined by calculating the money value of the time of the insured person and the extent of the disability.

**Mr. J. Renwick:** Mr. Chairman, my comments about this are—I tried to do it in this simple way but I want to make three of four or five points about it. The points that I want to make are ones that were made mainly on second reading of the bill.

We do not think that the entitlement should be tied to employment; we do not think that there should be these weasel words—as my colleague, the member for Lakeshore, referred to them—such as wholly and continuously and permanently and totally and so on.

**Mr. Lawlor:** Absolutely and unconditionally—all terms that are used of God.

**Mr. J. Renwick:** We do not believe that it should affect payments being made under the old age pension plan or any retirement plan under the Canada Pension Plan. We think that the criteria should be twofold in this case. That is, that everybody should be covered whether employed or not—

**Mr. Chairman:** May I just point out—order please!

**Mr. J. Renwick:** I am just about finished, just give me one sentence before you rule me out of order, will you? I know you have been talking and so on—I have seen the Clerks intervene—and I was very upset that I would not be able to get it out before you settled it, but I have only got one more sentence.

I want very much to make certain that the provisions with respect to the principal unpaid housekeeper—that wrong discrimination which is presently included in the legislation—be removed, and that we get to, as the member for Sudbury so kindly said, some simple statement of what the extent of the payments will be.

We hold no particular brief for the $70 figure but in order to make a point we left the dollar amount included as stated.

**Mr. Chairman:** I was just going to pass the comment that I believe your amendment would not be in order because of the previous amendment. If it did not carry—if it were lost, in other words—this section would carry. Your amendment would therefore be sort of superfluous.

**Mr. J. Renwick:** I agree. That is correct but I think perhaps we should put the question and stack it at the end; then we can tell. It may be that the simplest thing is to vote on it in any event.

**Mr. Chairman:** It is very hard to stack nothing! I think I will withdraw it.

**Mr. Pilkey:** The Tories have been doing it for years. Successfully!

**Mr. Chairman:** Anything further on section 26 of this bill?

**Mr. J. Renwick:** Thank you, Mr. Chairman, for allowing me to get those points on the record despite the technicality of whether or not it is covered.

**Mr. Nixon:** That will be the road used by a lot of people.

**Mr. J. Renwick:** I only have one further—

**Hon. Mr. Grossman:** The hon. member is talking to himself and kibitzing himself!

**Mr. J. Renwick:** Yes.

**An hon. member:** He could not be talking to a better fellow.

**Mr. J. Renwick:** I have some question and an amendment on subsection 3 which is headed special provisions, definition, and exclusions of this section. I have some questions and one amendment.

**Mr. Chairman:** Can we consider subsection 2 then carried?

Carried.

**Mr. J. Renwick:** Mr. Chairman, perhaps the simplest way is for me to put the amendment, provided the Chairman will not restrict me from making other comments about the whole of the subsection so that I could get some answers?

**Mr. Lawlor:** My colleague is wiping out the whole item.

**Mr. J. Renwick:** The amendment that I propose is that subsection 3 of the accident benefits section of Schedule E be amended by deleting item (ii) of subclause (2).

**Mr. Chairman:** Mr. Renwick moves that subsection 3 of the accident benefits section of Schedule E be amended by deleting item (ii) of subclause (2).

**Mr. Ben:** Is that exclusions?

**Mr. J. Renwick:** I am always concerned about these exclusions in insurance policies. I want the minister, if he would be good enough, to comment upon three or four points in connection with the exclusions. May I give them to him all at once?

**Mr. Nixon:** This should all be done by regulations.

**Hon. A. Grossman** (Minister of Trade and Development): Give it to him!

**Mr. J. Renwick:** May I give it to the minister all at once? I have got four points with respect to the exclusions.

**Hon. Mr. Grossman:** Put it on the record!

**Mr. J. Renwick:** It seems to me that to restrict a person as an insured person to whether or not he is residing in the same dwelling is a little bit too restrictive because of the very technical meaning of the word "resident" as was pointed out by the Minister of Trade and Development in the House just a few days ago.

Therefore I think you should use the words, "ordinarily resident" in item (b) so that it would read, "the insured and, if residing or ordinarily residing," so that you cover the situation of a child who is away at the university for the greater part of the time.

I think that I do not understand the other exclusions in item (b) of the definition of insured person. That is, that such persons are "not engaged in the business of selling, repairing, maintaining" and so on, of automobiles.

Then I come to my specific amendment and I do not understand why the insurer is not liable under this section, "for bodily injury to or death of any person who is entitled to receive the benefits of any workmen's compensation law or plan." Perhaps it is the same argument all over again, but apparently the Workmen's Compensation Board's right of subrogation is excluded and I do not think that in this instance Part C of the standard automobile policy coverage would assist.

I would like the minister to tell me why it is necessary that the Workmen's Compensation Board have no rights of subrogation and I continue to be concerned about a number of the other exclusions.

**Hon. Mr. Wishart:** Mr. Chairman, the exclusion of the Workmen's Compensation Board, to come to that first, is standard in this type of benefit clause and has been for years. I am not certain that they do not have a right of subrogation. I will check that. But the point which must be immediately apparent that very few persons injured in automobile accidents would have claims under The Workmen's Compensation Act, unless they were drivers of an employer in the course of their employment.

Most of those industrial accidents which qualify for workmen's compensation would not be accidents resulting in injuries where the persons were entitled to workmen's compensation. It would only be the driver in the course of his employment. I have a feeling that the Workmen's Compensation Board, in that case, may have the right of subrogation. I will have to check. I was under the impression that they did, but their cases were few and far between. That is all I can answer on that.

**Mr. Chairman:** All those—Yes?

**Mr. D. M. De Monte** (Dovercourt): I just wanted to ask a question. It is not destroying the rights the board has now, is it, Mr. Chairman?

**Hon. Mr. Wishart:** No.

**Mr. De Monte:** The right the board has now is that if the worker elects under the Act and its right, then the worker's rights are subrogated to the board. That is how I understand it. Does it change that position, Mr. Chairman?

**Hon. Mr. Wishart:** No, there is no change. I started off by saying that this makes no change in the—

**Mr. De Monte:** In the present law.

**Hon. Mr. Wishart:** In the form of the statutory conditions—that is the word I was looking for—for the benefit clauses which are in the policy now there is no change in the status of the Workmen's Compensation Board. I am informed that the Workmen's Compensation Board does have the right of subrogation.

**Mr. De Monte:** That is right.

**Mr. Chairman:** Ready for the question?

**Mr. J. Renwick:** Mr. Chairman, I have just one further comment. Will the minister look at the very restrictive wording of the provision which states that no person shall bring an action to recover the amount of a claim under this section unless the requirements of provisions 3 and 4 are complied with, nor until the amount of the loss has been ascertained? Will the minister determine whether or not he cannot introduce some relieving provision against the strictness of those conditions by, for example providing the superintendent of insurance with some discretion to relieve against them? They are time requirements and it may well be for bona fide reasons, the superintendent of insurance should be able to relieve against the strict time requirements that are established in the provisions of 3 and 4 of that subsection.

**Hon. Mr. Wishart:** Yes, I would be glad to look at that and possibly give some discretion there. I think these are the sort of standard provisions that perhaps could be enlarged to give some relief on the question, particularly of time and notice, filing claim, and so on. I would be glad to do that.

**Mr. Chairman:** The member for Sandwich-Riverside.

**Mr. Burr:** Mr. Chairman, I would like the minister to explain a point to me. Subsection 3, section 1, says: "An insured person means any person while an occupant of the described automobile."

Is this word, "occupant", to be taken quite literally? For example, if a motorist who is travelling along Highway 401, has a flat tire gets out to change the tire and while he is there, some other car, perhaps an unidentified car, crashes into his car and he is injured, is he considered to be an occupant of the car or is it taken very literally?

**Hon. Mr. Wishart:** What section is the hon. member referring to?

**Mr. Burr:** The first section of subsection 3 in the definition: "An insured person means any person while an occupant of the described automobile." Is it a person who is traveling in the automobile or must he be literally inside the car?

**Mr. W. Ferrier** (Cochrane South): It is a good point.

**Mr. J. B. Trotter** (Parkdale): The member for Sudbury was right when he said the legislation was hastily drawn.

**Hon. Mr. Davis:** The member for Sudbury is quite often right, but not in this instance.

**Mr. Trotter:** Most of the time.

**Hon. Mr. Davis:** When he is talking on subjects other than political.

**Hon. Mr. Wishart:** I can only say I think that the "occupant" would cover that. He would be regarded as the "occupant" of the automobile in the example the hon. member gave. I made a note. I shall check it and see if that is made clear necessarily by definition.

**Mr. Chairman:** Ready for the question. Those in favour of Mr. Renwick's motion will please say "aye." Those opposed will please say "nay."

In my opinion the "nays" have it.

Shall we stack this one along with the rest?

Any other comments, questions or amendments to any other section of this bill?

Then we have several motions stacked here.

Call in the members.

**Mr. D. C. MacDonald** (York South): I have a feeling they are all going to suffer the same fate.

**Mr Chairman:** Those in favour of these amendments will please rise.

Those opposed will please rise.

**Clerk of the House:** Mr. Chairman, the "ayes" are 37, the "nays" 47.

**Mr. Chairman:** Shall the bill be reported?

Bill 81 reported.

**Mr. S. Lewis** (Scarborough West): Now, let us hear about the poll clerks.

**Mr. Sopha:** Is the Minister of Trade and Development's tie battery-operated?

**Hon. Mr. Grossman:** That is not the tie! It is my tongue.

Hon. Mr. Wishart moves that the committee rise and report.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. R. F. Nixon** (Leader of the Opposition): Back to second readings.

**Mr. Chairman:** Mr. Speaker, the Committee of the Whole House begs to report two bills without amendment and asks for leave to sit again.

Report agreed to.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, before moving that the House adjourn, I would move that despite the previous order, this House will sit at 2 p.m. on Monday next.

**Mr. D. C. MacDonald** (York South): The government has difficulty keeping it up itself.

Hon. Mr. Wishart moves that despite the previous order this House will sit at 2 p.m. on Monday next.

Motion agreed to.

**Hon. Mr. Wishart:** Mr. Speaker, I would like to table today the answers to the following questions standing on the order paper, questions No. 21, 23, 35 and 36. [See Appendix page 4739]

**Hon. W. G. Davis** (Prime Minister): Mr. Speaker, with the concurrence of hon. members of the House I have a very short statement to read that will perhaps have bearing on our deliberations, or the length of the deliberations, next week.

Mr. Speaker, I wish to inform the House of the government's intentions with regard to Bill 125 which is now before the hon. members and awaits their approval. To facilitate this, I am happy to report our decision to withdraw from the bill its most politically controversial section—specifically, section 7—which would in effect have restored the requirements as they apply to poll supervision and to the conditions of longstanding practice and tradition.

As a result of this deletion of section 7 in its entirety, we will revert to the innovation found in The Election Act, 1968-1969, whereby the returning officer shall appoint for each poll a deputy returning officer and a poll clerk so as to represent opposing political interests.

I would say, Mr. Speaker, that I am prepared to apply this procedure, with the consent of the Legislature, in the forthcoming general election, whenever that may be.

It will be, so to speak, a trial measure and if, as some have suspected, it will make less efficient and orderly the discharge of the essential duties and services to the voting public, and if, as some have reasonably argued, it will introduce a partisan or adversary relationship within the poll, we shall certainly give every consideration to amending the Act again and restoring the previous practice.

Interjections by hon. members.

**Hon. Mr. Davis:** May I say, sir, that the government is withdrawing section 7—

**Mr. J. E. Stokes** (Thunder Bay): He has got to be kidding.

**Hon. Mr. Davis:** —for the good and sufficient reason that a number of its supporters on this side of the House who had previously argued strongly for the original amendment have since indicated to the government their willingness to agree to this new procedure rather than have it be a matter of controversy and misunderstanding.

**Mr. S. Lewis** (Scarborough West): Not to mention the 150 editorials of one kind or another.

**Hon. Mr. Davis:** I think, Mr. Speaker, that no member of the House, whatever his opinion as to the controversy, would want in any way to detract from the stewardship and the diligence of the chairman of the committee which studied these matters pertaining to this bill, and which committee was responsible for the recommendations which the government accepted. I refer, of course, to one of the most respected and admired members of this Legislature, the Minister without Portfolio, the hon. member for York-Forest Hill (Mr. Dunlop).

**Mr. Nixon:** The Premier owes him even more than an apology.

**Hon. Mr. Davis:** Nothing could be more distant from the truth than that my hon. friend and colleague would at any time—much less this time, on the eve of his retirement from the public service—seek to restore, as some have charged, the influence of patronage to the democratic process of voting.

It needs to be said that to proceed in this way—as we intend to do in regard to re-establishing the as yet untried procedures—is quite unique in Canada. It is interesting that hon. members opposite who also have influence in their respective parties in the federal sphere have not urged upon their associates elsewhere similar practices.

**Mr. Lewis:** Oh, come off it.

Interjections by hon. members.

**Mr. MacDonald:** Obviously the Premier has done this in spite of himself.

**Hon. Mr. Davis:** Not in spite, not at all.

**Mr. J. Renwick** (Riverdale): What would the Earl of Birkenhead have said?

**Mr. Lewis:** Does the Premier have a quote from Gladstone in there?

**Hon. Mr. Davis:** Not at all. Indeed, Mr. Speaker, the Parliament of Canada has only recently amended the federal Elections Act and I cannot recall a proposal by any of them advocating a similar principle. Perhaps now that hon. members on this side of the House have obliged them on their anxiety and concern in this matter they will now devote some of their energies—

**Mr. MacDonald:** The federal government at least does not give enumeration rights to its friends even when they have polled the lowest vote.

**Hon. Mr. Davis:** —to removing any vestige of patronage, or mere possibility of patronage, from the federal field.

**Hon. A. F. Lawrence** (Minister of Justice): Manitoba has not done it either.

**Mr. Nixon:** How about the licensing issuing officers? All political appointments.

**Hon. Mr. Davis:** Mr. Speaker, all of us here —with the possible exception of one or two—learn by experience, thus we learn by trial and error.

**An. hon. member:** You people have not.

Interjections by hon. members.

**Mr. MacDonald:** Confession is good for the soul.

**Hon. Mr. Davis:** The hon. member should try it from time to time.

Interjections by hon. members.

**Hon. Mr. Davis:** I am therefore, Mr. Speaker, on behalf of the government and our supporters, willing to give this measure a fair trail, but just as willing, Mr. Speaker, to abandon it on any future occasion if and when it proves to have been in error.

**An hon. member:** I expect the federal Act will be amended tomorrow.

**Mr. MacDonald:** If the Premier wants to keep ahead of the federal government why does he not take away from the Tories the right to enumeration even when they run last.

**Mr. Lewis:** Announced ignominiously. Not even a vestige of an orderly retreat.

Interjections by hon. members.

**Mr. Lewis:** He handles every retreat with even more grace.

**Hon. Mr. Davis:** I thought it was very well done.

Interjections by hon. members.

**Hon. Mr. Wishart:** Mr. Speaker, on Monday we will return to the order paper. I would like to clear up those items which are on the order paper under Committee of the Whole and then those second readings, insofar as we can achieve them, which are outstanding.

**Mr. Nixon:** Any particular order or all of them?

**Hon. A. F. Lawrence:** All of them!

**Hon. Mr. Wishart:** I think we should be prepared for those few that are left.

**Mr. MacDonald:** Do not mislead us by telling us what is going to come.

**Hon. W. D. McKeough** (Treasurer): Be prepared for anything.

**Hon. Mr. Davis:** It is the only way to be.

Hon Mr. Wishart moves the adjournment of the House.

Motion agreed to.

The House adjourned at 3:40 o'clock, p.m.

APPENDIX

(see page 4736)

21. *Mr. Makarchuk*—Inquiry of the ministry:

Will the ministry list the contracts over $100,000 for construction, exhibits and films at Ontario Place (*a*) awarded by tender; and (*b*) not tendered, showing name of contractor and value of contract?

Answer by the Minister of Trade and Development:

(a)

| Description | Contractor | Contract Amount |
|---|---|---|
| Caissons | Franki (Canada) Limited | $ 163,900.00 |
| Caisson caps | Ruliff Grass Limited | 130,000.00 |
| Structural steel work | Frankie Steel Construction Company Limited | 1,426,000.00 |
| Steel deck | Westeel-Rosco Limited | 116,100.00 |
| Aluminum siding | Westeel-Rosco Limited | 115,000.00 |
| Aluminum windows | Canadian Pittsburgh Industries Limited | 206,932.00 |
| Steel stairs | Dundas Iron and Steel Limited | 130,000.00 |
| Roof waterproofing | Dean-Chandler Waterproofing Limited | 157,555.00 |
| Drywall and plaster | Northdown Drywall and Construction Limited | 180,840.00 |
| Boutique roof structures | Engineered Timber Products | 197,594.00 |
| Carpets | Berkley Contracting Limited | 136,352.00 |
| Sound equipment | General Sound and Theatre Equipment Limited | 155,843.00 |
| Floating docks | Dominion Aluminum Fabricating | 162,960.00 |
| Theatre superstructure formwork and concrete placing | Plyform Construction Limited | 135,000.00 |
| Mechanical trades | S. I. Guttman Limited | 891,600.00 |
| Mechanical services and systems for east and west island building | S. I. Guttman Limited | 284,098.00 |
| Mechanical services—east island | Charles Cairney Mechanical and Electrical Limited | 243,838.00 |
| Mechanical site services for west island and marina | Watts and Henderson Limited | 181,086.00 |
| Electrical systems | Ainsworth Electric Company Limited | 773,189.00 |
| Electrical site services for east island | State Electric Company Limited | 135,986.00 |
| Bridge and landscaping lighting | State Electric Company Limited | 282,800.00 |
| Electrical site services for west island and marina | State Electric Company Limited | 299,953.00 |
| West island site development | Bruce S. Evans Limited | 430,375.70 |
| East island landscaping | Bruce S. Evans Limited | 402,971.40 |
| Mainland site development | Leslie L. Solty and Sons Limited | 166,802.00 |
| East island edges | Disher-Farrand Limited | 183,900.00 |
| Preparation and placing ships | Canadian Dredge and Dock Limited | 555,193.76 |
| Sheet steel piling for marina edge and east island entrance | Ruliff Grass Limited | 187,599.71 |
| Promenade on ships | Mollenhauer Contracting Company | 279,755.00 |
| West island shore protection | Ruliff Grass Limited | 117,227.02 |
| East island shore protection | Alcan-Colony Contracting | 146,508.00 |
| West island canal and interior edges | Ruliff Grass Limited | 118,478.60 |
| Audio-visual equipment for exhibits | Atlantic Audio-Visual Company Limited | 678,608.48 |

Answer (b):

| Description | Contractor | Contract Amount |
|---|---|---|
| Theatre dome | F. Fentiman & Sons Limited | $ 501,920.00 |

Various framing systems were considered for the theatre dome. The most economical system was found to be a tubular aluminum structure as designed and constructed by F. Fentiman and Sons Limited and on which that firm held the patent. Other firms were approached but none was interested in tendering.

| | | |
|---|---|---|
| Forum roof structure | F. Fentiman & Sons Limited | $ 230,441.00 |

Engineering studies considered several systems for this structure and the most economic permanent structural system included a triodetic tubular aluminum network as designed and constructed by F. Fentiman & Sons Ltd.

| | | |
|---|---|---|
| Purchase of three ships for breakwater | Upper Lakes Shipping Limited | $ 145,000.00 |

The Toronto Harbour Commissioners conducted a study as to the availability, size and type of ships which would be most suitable for the breakwater. On the basis of this study, the commissioners recommended the purchase of three ships offered for sale at scrap prices by Upper Lakes Shipping Limited.

| | | |
|---|---|---|
| Fabrication and erection of the welcome wall | Dacor Limited | $ 137,700.00 |

The unique nature of this installation precluded the calling of tenders. The contract was awarded to this firm on recommendation from the design consultants, after cost determinations had been mutually agreed upon.

| | | |
|---|---|---|
| Film: "Seasons in the Mind" | Milne-Pearson Productions Ltd. | $ 275,000.00 |

This firm was chosen for the artistic capabilities and experience of the two principals.

| | | |
|---|---|---|
| Film: "North of Superior" | Multiscreen Corporation Limited | $ 265,500.00 |

This firm was chosen for the artistic capabilities and experience of the staff. The firm has also pioneered the development of the 70-millimeter Imax photographing and projection system which has achieved great public acceptance in Cinesphere.

23. *Mr. Peacock*—Inquiry of the ministry:

How many Ontario Housing applicants are receiving subsidized rent assistance? What types of units are they? Where are they located? What are the terms of the leases? To what amount per unit are they being subsidized?

Answer by the Minister of Trade and Development:

The answer to this question is not known. Applicants are not asked if their rents are being subsidized from any source.

35. *Mr. Paterson*—Inquiry of the ministry:

What was the amount of the EIO loan granted to Freedland Industries of Kingsville and how much is the forgiveness portion? Has this company lived up to the agreement or contract as of June 30, 1971? How many men were to be employed? How many women were to be employed? What were the hourly rates of pay to be?

Answer by the Minister of Trade and Development:

The amount of the EIO loan granted to Freedland Industries of Kingsville is $250,000.

The total amount of the loan will be forgiven over a period of six years if the company performs according to the requirements of the loan agreement.

The order-in-council approving the loan was dated February 12, 1970. The first disbursement was made on September 2, 1970 and the final disbursement of funds was made on March 12, 1971. The company will not be considered for any forgiveness until the beginning of April, 1972.

Under the terms of the loan, the company is to provide 105 new jobs, 87 male and 18 female, in the first year following final disbursements and a further 30 jobs, 28 male and 2 female, by the end of five years.

On June 30, 1971, at the end of 3½ months, the company was employing 75 people, 73 men and two women. Therefore, the company has now provided 73 per cent of the jobs promised by the beginning of April 1971.

The hourly rates of pay set out in the loan agreement vary from $1.90 for janitors to $2.50 for chrome buffers.

Breakdown of hourly rates of pay under loan agreements:

| | |
|---|---|
| Machine operators—polishers | $2.40 |
| Platers | 2.40 |
| Polishing inspectors | 2.30 |
| Plating inspectors (female) | 2.20 |
| Buffers—chrome | 2.50 |
| Packers—(female) | 2.10 |
| Janitors | 1.90 |

36. *Mr. Peacock*—Inquiry of the ministry:

What were the amounts, dates of approval and terms of repayment of conventional or performance loans made to the following companies: Dominion Magnesium Limited, Haley; Inter-Royal Corporation, Smiths Falls; Magline of Canada Limited, Renfrew; Polyfiber Limited, Renfrew; Steel Equipment (Division of Eddy Match Co.), Pembroke; Stewart Hartshorn Limited, Renfrew; Superior Electrics Limited, Pembroke; Renfrew Aircraft and Engineering Company, Limited, Renfrew?

Answer by Department of Trade and Development:

On August 21, 1969, a performance loan of $129,833 was granted to Royalite Metal Furniture Company Limited, Smiths Falls. On September 24, 1970, the name of the company was changed to Inter-Royal Corporation.

On April 17, 1969, a performance loan of $142,238 was granted to Superior Electrics Limited, Pembroke.

Performance loans are interest-free over a term of six years. Provided that the business performs substantially on the basis for which the loan was approved, repayment of principal is progressively waived at the rate of 10 per cent at the end of each of the first five years and 50 per cent at the end of the sixth year following final disbursements of funds.

There have been no Ontario Development Corporation term or performance loans made to companies named in the member's inquiry other than the two loans as stated above.

# CONTENTS

**Friday, July 23, 1971**


**Salary revisions for employees in operational services of Ontario Public Service,** statement by Mr. McKeough ..... 4675

**Farm problems of pressing nature, questions to Mr. McKeough,** Mr. Nixon ..... 4675

**Energy Board decision re application by Northern and Central Gas for rate increase, questions to Mr. Kerr,** Mr. Nixon ..... 4675

**Agenda for Premiers' conference in Victoria, question to Mr. Davis,** Mr. Lewis ..... 4676

**Effect of Milk Marketing Commission hearing on Plum Hollow cheese factory, questions to Mr. Auld,** Mr. Lewis, Mr. Bolton ..... 4676

**Ordering inquiry into affairs at Sweet's Corners, questions to Mr. Welch,** Mr. Lewis .... 4676

**Spending $18 million on Sauble Beach, questions to Mr. Davis,** Mr. Sargent ..... 4677

**Deadline for use of detergents with phosphate content over 10 per cent, questions to Mr. Kerr,** Mr. Burr ..... 4677

**ODC and financial assistance to small book publishing firms, questions to Mr. Grossman,** Mr. T. Reid, Mr. Deacon ..... 4677

**Disastrous results to Niagara farm community from prolonged glass industry strike, questions to Mr. Carton,** Mr. Deans ..... 4678

**Alleged strikebreaking activities of Canadian Driver Pool, question to Mr. Carton,** Mr. T. Reid ..... 4679

**Provincial police vehicles stationed at Petrolia detachment, question to Mr. A. F. Lawrence,** Mr. Bullbrook ..... 4680

**Disposal of OPP motorcycle sidecars, question to Mr. A. F. Lawrence,** Mr. Paterson .... 4680

**Limited success of incentive plan for doctors and dentists in northern Ontario, question to Mr. Davis,** Mr. T. P. Reid ..... 4680

**Phasing out of 20 employees of Provincial Auditor, question to Mr. McKeough,** Mr. MacDonald ..... 4680

**Cancellation of Toronto Symphony Orchestra tour of northern Ontario, questions to Mr. Welch,** Mr. Sopha ..... 4681

**Texpack hiring permanent personnel in strike situation, questions to Mr. Carton,** Mr. Makarchuk ..... 4681

**Alleged destruction of Quinte sand dunes, questions to Mr. Bernier,** Mr. Lewis ..... 4682

**Arbitrator for negotiations between Windsor Police Commission and Police Association, questions to Mr. A. F. Lawrence,** Mr. B. Newman ..... 4682

**False advertising of sterile bandages for sale to industrial establishments, question to Mr. Wishart,** Mr. Makarchuk ..... 4682

**OPP authority to patrol Thames River, question to Mr. A. F. Lawrence,** Mr. Ruston .... 4682

**Arbitration award recommending changes in working conditions of psychiatric hospital employees, question to Mr. McKeough,** Mr. Deans ..... 4683

**Request for grant from Credit Counselling Service of metro Windsor, question to Mr. Wells,** Mr. B. Newman ..... 4683

**Some counties subtracting drug costs from comfort allowance of patients in institutions, questions to Mr. Wells,** Mr. Shulman ..... 4683

**Reply from CTV network re showing film about Indians, questions to Mr. Yaremko,** Mr. T. Reid ..... 4684

**Decision to upgrade condition of road between Timmins and Textmont Mine, questions to Mr. Bernier,** Mr. Ferrier ..... 4684

**Projection for $415 million deficit, questions to Mr. McKeough,** Mr. Sargent, Mr. MacDonald ..... 4684

**Alleged attack on woman by management employee at Texpack, questions to Mr. A. F. Lawrence,** Mr. Makarchuk ..... 4685

**Fruit and vegetable stands to promote agricultural products, question to Mr. McKeough,** Mr. Spence ..... 4685

**Ruling 13(a) of retail sales tax, questions to Mr. Winkler,** Mr. Shulman ..... 4686

**Legislation on Bill 94, questions to Mr. Kerr,** Mr. T. P. Reid ..... 4686

**Re report, standing committee on public accounts,** Mr. Breithaupt ..... 4686

**Presenting report, standing human resources committee,** Mr. Villeneuve ..... 4689

**Change of Name Act,** bill to amend, Mr. A. F. Lawrence, first reading ..... 4691

**Bills of Sale and Chattel Mortgages Act,** bill to amend, Mr. A. F. Lawrence, first reading 4691

**Conditional Sales Act, bill to amend, Mr. A. F. Lawrence,** first reading ..... ..... 4691

**Third readings** ..... 4692

**Extending sympathy on death of former Premier Thatcher of Saskatchewan,** Mr. Davis, Mr. Nixon, Mr. Lewis ..... 4692

**Third Readings,** continued ..... 4692

**Northern Ontario Development Corporation Act, 1970,** bill to amend, reported ..... 4695

**Insurance Act,** bill to amend, in committee ..... 4696

**Dofasco takeover of Adams Iron Ore Mine in Kirkland Lake,** statement by Mr. Davis .. 4701

**Royal assent to certain bills,** the honourable the Lieutenant Governor ..... 4702

**Presenting report, standing committee on public accounts,** Mr. Breithaupt ..... 4703

**Insurance Act,** bill to amend, reported ..... 4703

**Tabling answers to questions on the order paper,** Mr. Wishart (see appendix) ..... 4736

**Motion to adjourn,** Mr. Wishart, agreed to ..... 4738

**Appendix,** answers to questions Nos. 21, 23, 35 and 36 on the order paper ..... 4739

No. 114

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Monday, July 26, 1971

**Afternoon Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

5

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, JULY 26, 1971

The House met at 2 o'clock, p.m.

Prayers.

**Mr. Speaker:** Today we are to have visitors, being the Young Voyaguer Programme, students from Brantford, Ontario, who are hosting students from Saskatchewan. My book says they are in the gallery but I doubt very much if they are.

**Mr. R. F. Nixon** (Leader of the Opposition): At 2:30.

**Mr. Speaker:** My book says 2 p.m. Well, then, the hon. Leader of the Opposition knows and perhaps if he wishes to draw attention to them, we will be glad to welcome them.

Statements by the ministry.

Oral questions.

## FARM MARKETING LEGISLATION

**Mr. Nixon:** Mr. Speaker, I expected the Minister of Agriculture might have a statement to make to the House following the conference. Lacking a statement, I wonder if he would report what progress he has made in bringing Ontario's regulations and legislation into line with a programme which will ease the problems faced by the egg marketing farmers particularly?

**Hon. W. A. Stewart** (Minister of Agriculture and Food): Mr. Speaker, I assume the hon. Leader of the Opposition is referring to consideration of the topics at the ministers' and deputy ministers' conference in Edmonton last week.

Representatives of each of the egg-producing provinces and the marketing officials of each of the provinces met in Ottawa, and worked out an agreement based on a formula. This formula takes into consideration the average production as recorded through the Dominion Bureau of Statistics over the years 1968, 1969 and 1970, which would take into consideration, not only production in the respective provinces, but the movement out of the provinces into other areas of Canada. Based on that formula, they have agreed to co-ordinate their production throughout Canada in their respective provinces, which appears to us as though it would resolve the problem.

The matter has been given general approval by the federal agriculture minister and his officials, as well as by the provincial ministers and it awaits now the drafting of a legal form in which the respective marketing agencies may sign throughout Canada.

**Mr. Nixon:** Supplementary: Will the Ontario share of the bargain require a vote of the egg producers, invoking agency or production controls, or is the minister contemplating an order-in-council establishing such controls?

**Hon. Mr. Stewart:** No, I would think that there should be a vote of the producers in Ontario to determine that. Now that the matter has been clarified and the formula has been established, I should think now that the egg producers would be in a much better position to know what the terms of the agreement are going to be and they would have some knowledge of what is ahead of them. I would hope that as soon as this agreement is developed by the legal officials of The Department of Agriculture at Ottawa that it could then be presented to the egg producers. They would have it available so they would know exactly what was contained in provincial quotas.

**Mr. Nixon:** Supplementary, is the minister prepared to approve a vote that will exclude those farmers having less than 500 hens?

**Hon. Mr. Stewart:** This is a matter, Mr. Speaker, that will have to be given consideration by the egg producers board themselves and the Farm Products Marketing Board. I have only just returned and I have not had any chance to discuss this.

**Mr. Nixon:** Supplementary, If you will permit, Mr. Speaker: Has the minister a plan for what might be called the education of the egg-producing community as to what

would be at stake in such a vote—that is involving production controls, correlating the provinces across Canada, in sort of an integrated market?

**Hon. Mr. Stewart:** I do not suppose we have any particular educational programme other than that that is carried on by the egg producers with the marketing board themselves—that is the Egg and Fowl Board—and their respective county committees across the province.

They will likely be holding additional information meetings, although I do not know. They had meetings prior to the decision being rendered by the Supreme Court of Canada but since this matter has been up for some type of clarification, I would assume that it would be necessary to have additional meetings but I do not know what procedure the Egg and Fowl Board intends to take.

**Mr. Nixon:** Is there a timetable on this, Mr. Speaker?

**Hon. Mr. Stewart:** No.

**Mr. Speaker:** The member for Oxford has a supplementary?

**Mr. G. W. Innes (Oxford):** Yes, by reason of the minister's statement, could I assume that there is going to be what would be termed a market sharing of the total egg production throughout the entire Dominion?

**Hon. Mr. Stewart:** Yes, Mr. Speaker.

**Mr. Innes:** Well, another supplementary: In that case, what would be the rough percentage cut that the Province of Ontario would have to undertake, as a proportion of what they are producing now?

**Hon. Mr. Stewart:** Mr. Speaker, I should think very little. I cannot give the hon. member a direct answer. I do not have the figures at my disposal, but based on the average production over the last three years, 1968, 1969 and 1970, it would appear that there would be very little cut as far as Ontario is concerned.

I am trying to remember our production. I had those figures at the Montreal meeting. We had them for the various years in exact percentage increase. It was very little in Ontario, actually, in comparison with the rest of Canada. Manitoba had increased substantially, but based on 1968 and 1969 averages, including 1970 for Manitoba, there may not be such a great change.

You see, we are really only over-producing eggs by about 15,000 a week now in Canada. Out of 195,000 cases—and that is what we can absorb easily in Canada; that is the normal amount of eggs we can take off the market at a reasonable price—15,000 cases is not a very large surplus. It just means a slight cutback, or it could mean an adjustment over a period of time—maybe two or three months—could be effective without hurting anybody very badly. We would, I think, put the producers in a position of getting a return on their investment and their labour that would be much greater than they are getting today for over-supplying the market and not beginning to meet production costs.

In some places in Canada, it is a really desperate situation—much worse than it is even in Ontario.

**Mr. Innes:** A supplementary—

**Mr. Speaker:** A further supplementary, yes.

**Mr. Innes:** I am assuming, then, that it was not Ontario that was over-producing but primarily Manitoba that was over-producing?

**Hon. Mr. Stewart:** I would not say that we were not over-producing. It is difficult to know exactly what we are saying. From week to week it may vary, but there are a great many eggs coming in here from Manitoba. Many of them are being repacked and shipped on to Quebec.

Now, are those Ontario eggs or are they Manitoba eggs? This is a good question and frankly there were a great many of them going that route. I think Manitoba is greatly concerned, but realizes that its producers are worse off than they have ever been with this over-production. I think they have come to the conclusion, based on their statements, that it would be better to try to gear supply to the known market requirements than it would be to over-produce when nobody gets anything out of it, which is really what is happening.

**Mr. Speaker:** The member for York South.

**Mr. D. C. MacDonald (York South):** A supplementary question: Can the minister indicate when the egg vote is likely to take place in Ontario?

**Hon. Mr. Stewart:** No, Mr. Stewart, I cannot.

**Mr. Speaker:** The Leader of the Opposition.

## MILK MARKETING BOARD

**Mr. Nixon:** I have another question of the same minister. Can he give assurance to the House that the fears which have been expressed by a number of milk producers in the province that a new method of electing the members of the Milk Marketing Board will not, in fact, come about without consultation with the milk producers themselves?

Secondly, can he, as I say, allay the fears that confidence in the executive of the Ontario Milk Marketing Board has been weakened because of the relationship between the chairman and the minister?

**Hon. Mr. Stewart:** I cannot speak to the last question because I did not know there was any weakening of any relationship with the chairman of the marketing board and the minister.

With regard to the first question: No, I cannot give that assurance at all.

**Mr. Nixon:** A supplementary then: Is the minister contemplating changing the method of the election of the members of the Milk Marketing Board without consulting with the milk producers?

**Hon. Mr. Stewart:** Mr. Speaker, first of all, the members of the Milk Marketing Board are not elected, and never have been. They have been appointed.

**Mr. Nixon:** That is the district representatives.

**Hon. Mr. Stewart:** That is the milk board members.

**Mr. Nixon:** The district representatives.

**Hon. Mr. Stewart:** —of the Ontario Milk Marketing Board as such. The electoral committee, which has chosen the members of the Milk Marketing Board, Mr. Speaker, has been elected. They themselves in turn have met and chosen who will represent their zones on the Milk Marketing Board.

All we have suggested through the milk commission is that the member of the Milk Marketing Board who comes up for election every four years be elected by the producers within that zone, as I explained to my friend, the member for Huron-Bruce (Mr. Gaunt) when he asked this question a few weeks ago. I outlined in detail—it is recorded in Hansard, I cannot recall the exact page number—the procedure that we would propose to follow.

I have explained that procedure to several of the milk committees which have asked to meet me expressing interest and concern regarding the change in appointment of the members of the board. And I have found when it was explained to them, and recognizing the democratic procedure and rightfulness of the way it should be handled, that their fears were allayed and I have not heard any further concern expressed in that regard from them.

**Mr. Speaker:** The hon. member for York South.

## DOFASCO PURCHASE OF ADAMS MINE

**Mr. MacDonald:** I have a question of the provincial Treasurer in the absence of the Prime Minister.

Has the government any evidence that the transaction which resulted in the Adams mine being bought out by Dofasco would not have taken place in any case without the granting of a forgiveness of the sales tax? In short, was the sales tax necessary to make that transaction possible?

**Hon. W. D. McKeough** (Treasurer): I do not suppose one could give a definitive yes or no to that. Certainly it is fair to say that we were approached early in the proceedings to see what our attitude would be, and since our attitude was favourable the negotiations proceeded, I think, on the basis that there would be an accommodation with respect to the sales tax. But whether it would have gone ahead in any case or not, I do not think I could give a definite yes or no to that. My impression is that certainly the action taken by the government facilitated the repurchase by Canadian interests.

**Mr. MacDonald:** Since the government's attitude was favourable from the very outset, has this now become a precedent for comparable kinds of takeovers? If so, is the government taking any equity or is it in effect an equivalent, or a substitute, or an alternative for forgivable loans?

**Hon. Mr. McKeough:** As the Prime Minister (Mr. Davis) indicated, there is of course a precedent for this. Practically the same thing happened in 1966 when Algoma then purchased Steep Rock from American interests. I think the Prime Minister's statement made it clear on Friday that whether he would regard this as a precedent or not, this government is most anxious to see as many of these resources in Canadian hands as can be

and certainly we will look closely at attempting to facilitate any of these deals, if I can put it that way, which may come our way. I think the budget in effect says much the same thing.

**Mr. MacDonald:** A final supplementary: Since the information appears to be that Adams mine was in serious financial difficulties and had to sell, why was the government so early in the game willing to hand them a forgiveness of sales tax since the transaction would likely have taken place anyway?

**Hon. Mr. McKeough:** Well, of course, there is the equity aspect: we have not lost any sales tax because if the deal had not gone through, there would have been nothing there to collect. I think the Prime Minister's statement made it clear that there would have been a number of ways to accomplish the same end where sales tax would not have been a factor at all. There would have been a number of ways to accomplish the same end where the five per cent tax credit would have been paid or perhaps would have been paid.

Let me put it this way: In the future we would look at any one of these deals of major proportion, or repurchases, on exactly the same basis and offer our co-operation and, where necessary, remissions as in this case to ensure that the ownership does come back into Canadian hands.

**Mr. I. Deans** (Wentworth): Could I ask a supplementary question?

**Mr. Speaker:** Yes, a supplementary

**Mr. Deans:** Was any consideration given to the purchase of equity ownership in the repurchase of the Adams mine by Dofasco in partnership with the government rather than the giving of the money by way of remission of tax?

**Hon. Mr. McKeough:** No.

## LAYOFFS AT DE HAVILLAND

**Mr. MacDonald:** My next question is of the Minister of Labour (Mr. Carton). Has the Minister of Labour clarified what role, if any, the provincial government has in the joint committee that was established between government, management and the union in the transfer of employees laid off at de Havilland?

**Hon. G. Carton** (Minister of Labour): Mr. Speaker, our role is getting the committee set up along with CMCS. Other than that I do not think we have participated; no.

**Mr. MacDonald:** What explanation is there for the fact that nobody seems to have taken any action, so that the committee has not been set up and therefore has been able to play no role at all in temporary layoffs, in bumping the people who seem to be in violation of The Employment Standards Act? Is the minister aware of what is going on in that institution; that factory?

**Hon. Mr. Carton:** Mr. Speaker, I would point out that insofar as de Havilland is concerned, our only information to date still is that they are laying off 610 people before the end of the year. Further than that, I am advised that the committee has been set up, working in conjunction with the three unions at de Havilland.

**Mr. MacDonald:** Mr. Speaker, since I can inform the minister that the head of the union—who is supposed to be on this committee—told me no later than last night that they have never had a meeting, have never been approached, and that people are being laid off continuously, using the dodge of temporary layoff or the offer of a much cheaper job and then bidding them goodbye, when is the minister going to move to see if the committee is in operation?

**Hon. Mr. Carton:** Mr. Speaker, again, I wish that the unions would notify me of these particular things. My only information comes through my department and working through CMCS. As I pointed out to the hon. member and the members of this House some time ago I personally am not happy with the situation of working through CMCS. In fact, I think we will be undertaking our own programme even though it parallels CMCS, and I think we will be able to do a lot more for the employees in that event.

**Mr. MacDonald:** The minister may rest asured they will be in touch with him within 24 hours.

## AMBULANCE SERVICE USING PRE-WORLD WAR II DRESSINGS

**Mr. MacDonald:** I have a question of the Attorney General in the absence of his namesake, because I think this issue covers both departments. In view of the fact that Metro Ambulance in Toronto is using dressings

which, believe it or not, are dated November 1938—pre-World War II—is this in violation of the law? Has any assurance been made that they are still sterile after 34 years? When is somebody going to move to do something about a public ambulance system using this kind of material?

**Mr. Deans:** Were they ever sterile?

**Hon. A. F. Lawrence** (Minister of Justice): I would be glad to take the matter as notice.

**Mr. MacDonald:** There is not much one can do with that, is there, Mr. Speaker?

**Hon. A. F. Lawrence:** I will be glad to—

**Mr. V. M. Singer** (Downsview): Notice No. 117.

**Mr. MacDonald:** My supplementary question to the minister is can we hear anything before this House recesses?

**Hon. A. F. Lawrence:** I am not too sure whether or not the member will.

**Mr. MacDonald:** I am rather surer than the minister that it will not likely be. However, we will see. We will ask the minister again tomorrow.

**Mr. M. Shulman** (High Park): May I ask a supplementary? I could not help observing the label here; for what purpose, will the minister inquire, are shell dressings used at the present time by our ambulance service?

**Mr. MacDonald:** The province is shell-shocked after 28 years of this government.

## PLUM HOLLOW CHEESE FACTORY

**Mr. MacDonald:** I have a question of the Minister of Agriculture. Since the milk quota for Plum Hollow cheese factory runs out on August 1, is the minister in a position to indicate what alternative is going to be decided by the milk commission or the Milk Marketing Board in the interval?

**Hon Mr. Stewart:** Mr. Speaker, in the first place, I do not know whether the milk quota runs out on August 1 or whether it does not; that is the first such information I have heard on the subject.

## PROVINCIAL SAVINGS BANK AND DEBENTURE GUARANTEES

**Mr. MacDonald:** A question of the Minister of Financial and Commercial Affairs: By what right does the National Trust Company decide that the provincial savings bank is not an appropriate banking institution to act as a guarantor in the transfer of securities such as, for example, debentures of a corporation?

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, I do not know. I would suspect that probably in the powers of the Province of Ontario Savings Bank there may not be capital reserve arrangements or things of that sort which would perhaps qualify them to be guarantors of the very large debenture issues. Frankly, I do not know; I would have to look into the matter and find out and give the hon. member an answer. I just do not know the answer at the moment.

**Mr. MacDonald:** By way of supplementary question: When the minister has looked into it, will he explain what a citizen who is so loyal to the provincial savings bank that he has no other bank, is going to do by way of getting his bank manager to do the necessary signing for such transfers?

**Hon. Mr. Wishart:** Yes, I certainly shall. I am interested myself, Mr. Speaker, but I think they are all aware that there are some different arrangements pertaining to the operation of provincial savings banks and to the chartered banks.

I will check these out and get an answer for the hon. member.

**Mr. Speaker:** The Minister of Justice has the answer to a question asked last week.

## DOW CHEMICAL LAWSUIT

**Hon. A. F. Lawrence:** Yes, sir. The hon. member for Downsview last week asked me a question about the present status of the Crown's action against Dow Chemical Company of Canada, and Dow Chemical, USA.

The writ and statement of claim together with the order for service outside the jurisdiction were served upon the defendants and thereupon the American defendant moved to set aside the order for service outside the jurisdiction. The defendant then cross-examined one of the deponents upon his affidavit and certain questions were not answered on the advice of counsel and certain documents were not produced for the same reason.

The defendant indicated he would move to require that answers be given and documents produced, but that motion has not yet been brought since the rather lengthy transcript

has just been produced. The filing of pleadings and other steps are naturally in abeyance pending the motion to set aside the order for service outside the jurisdiction.

**Mr. E. W. Sopha** (Sudbury): Has the interim solicitor and client bill been delivered yet?

**Hon. A. F. Lawrence:** Not yet.

**Mr. Singer:** By way of supplementary, Mr. Speaker, would the minister not agree that a statement made by one John Marshall in the Toronto Telegram on Saturday saying it was likely that this action would come on for trial this fall is perhaps overstating the present status of the action?

**Hon. A. F. Lawrence:** I did not see the article.

**Mr. Singer:** Well, does the minister think there is any possibility whatsoever of this action coming on for trial in the fall of 1971?

**Hon. A. F. Lawrence:** It could conceivably come on if, for a change, both parties cooperated, yes.

**Mr. Nixon:** If Dow wants to be sued?

**Hon. A. F. Lawrence:** I want to say I do not see any percentage in Dow delaying and stalling the matter. What percentage is there in the American defendant stalling the matter any further?

**Mr. Singer:** Mr. Speaker, could the minister tell us when it is likely the motion about the answering of questions on the cross-examination on the affidavit is likely to be heard?

**Hon. A. F. Lawrence:** As I just indicated in my statement, the rather lengthy transcript has just been produced and presumably as soon as the counsel have had a chance of perusing it then the motion will be brought.

**Mr. Singer:** Is that motion set down? And if so, for what date?

**Hon. A. F. Lawrence:** I do not think it has been set down yet, no.

**Mr. Speaker:** Supplementary? The provincial Treasurer has the answer to a question.

## PROVINCIAL AUDITOR'S STAFF

**Hon. Mr. McKeough:** The member for York South asked me a question on Friday about some supposed difficulties in the provincial auditor's office relative to the change-over from pre audit to post audit, but I am assured by the auditor this morning that no one—no one—has been told he is being laid off.

**Mr. Speaker:** The member for Windsor-Walkerville.

## DUMPING OF WASTE IN DETROIT RIVER

**Mr. B. Newman** (Windsor-Walkerville): Mr. Speaker, I have a question of the Minister of Energy and Resources Management, shortly to be Minister of the Environment: May I ask him if he has reviewed the licence of occupation, No. 3879, that gives permission to the Wyandotte Chemical Company to use Fighting Island as a place to dispose of its wastes; and if he has reviewed it, what action he plans on taking with respect to this licence of occupation; and if he will be discussing this with the Wyandotte Chemical people when he visits with them on August 10?

**Hon. G. A. Kerr** (Minister of Energy and Resources Management): Yes, Mr. Speaker, I have reviewed the licence of occupation. As the hon. member implies, we have taken no steps under that licence until we have had a chance to inspect the island and inspect that operation and generally satisfy ourselves as to certain facts and conditions, and then of course we will make any decisions if necessary.

**Mr. Speaker:** The member for High Park.

## FORMER POLICEMEN ON LCBO STAFF?

**Mr. Shulman:** A question of the Provincial Secretary, Mr. Speaker: Can the Provincial Secretary tell me how many former policemen have been hired by the liquor board since James Mackey took over? Can he also tell me if former policemen are being given precedence in employment as inspectors under Mr. Mackey, and if so, why?

**Hon. J. Yaremko** (Provincial Secretary): Mr. Speaker, the question consists of three parts.

Interjections by hon. members.

**Mr. MacDonald:** Brilliant!

**Hon. Mr. Yaremko:** I shall take notice of the first part; that is, "How many?" As for

the second part, "Is there any precedence being given?" No, not to my knowledge. The last part was—

**Mr. Shulman:** Why?

**Mr. Sopha:** Why?

**Mr. Nixon:** Why?

**Mr. Singer:** The answer to question two—

**Hon. Mr. Yaremko:** I think the third part was answered by my answer to the second part.

**Mr. Shulman:** As a supplementary—

**Mr. MacDonald:** That is really a substantive reply.

**Mr. Shulman:** As a fourth part, if I may, if no precedence is being given, can the minister explain why the two recent appointments were given to former policemen without all the persons who had applied even being interviewed or examined?

**Mr. R. F. Ruston** (Essex-Kent): Probably Tories.

**Hon. Mr. Yaremko:** Mr. Speaker, I have no knowledge, and I doubt whether the hon. member has any knowledge, of the total number of applicants or the total number of those who were interviewed.

**Mr. Deans:** I would not doubt that for one minute.

**Mr. Shulman:** As a final supplementary, if I may, Mr. Speaker—

**Mr. Speaker:** It might help the hon. member out if he would realize, as I think is correct, that the Liquor Control Board and the Liquor Licence Board are separate.

**Mr. Shulman:** Yes; I am referring to Mr. Mackey's domain.

**Mr. Speaker:** Inspectors might not be under that.

**Mr. Shulman:** They are. Can the minister explain, if there is no precedence being given, why one of his senior officials complained only yesterday that the board is being turned into a police force?

**Hon. Mr. Yaremko:** Mr. Speaker, if the hon. member would give me the name of the person who made the statement I would be very pleased to check on that.

**Mr. J. E. Stokes** (Thunder Bay): What would the minister do?

**Mr. Deans:** He could not trust the minister with it.

**Mr. MacDonald:** The minister would fire him and hire another policeman.

**Hon. Mr. Yaremko:** All I can say, Mr. Speaker, is that the administration of the board will speak for itself.

**Mr. MacDonald:** The minister's replies speak for themselves too.

**Mr. Deans:** There is certainly a lot of truth in that.

**Mr. Speaker:** The member for Welland South.

## SLEEPING SICKNESS VIRUS

**Mr. R. Haggerty** (Welland South): I have a question of the Minister of Agriculture. A serious epidemic of the rare sleeping sickness virus that has killed hundreds of animals from South America through Mexico and across the United States is now heading up through the Mississippi Valley and has affected humans. What precautions has the minister's department taken to prepare itself in case an emergency required it to prevent the spread of the diesase into Ontario? Has the department the necessary innoculation campaign available?

**Mr. Sopha:** No, I think it is affecting the government.

**Hon. Mr. Stewart:** Mr. Speaker, The Canada Department of Agriculture's health of animals branch has placed a ban on all horses—

**Mr. MacDonald:** That is foot and mouth that is affecting the government.

**Hon. Mr. McKeough:** The member has been bitten by a warble fly.

**Hon. Mr. Stewart:** —and horse species coming across the Canadian-United States border effective last week.

**Mr. Speaker:** The member for Wentworth.

## SALARIES OF COMMISSION OFFICIALS

**Mr. Deans:** Yes, Mr. Speaker, I have a question of the Minister of Energy and Resources Management. Does the minister

recall my asking him a question on May 11 on page 1434 of Hansard with regard to the tabling of the salaries of the top officers of the various commissions, particularly Ontario Hydro, which fall within his jurisdiction? Does he feel it might be possible to answer that question before the recess, presumably before Wednesday of this week?

**Mr. H. Peacock** (Windsor West): On Thursday.

**Mr. M. Makarchuk** (Brantford): On Friday.

**Hon. Mr. Kerr:** Mr. Speaker, I have had that information. I have had it for some time. It is quite possible that I sent it to the hon. member through the mail. However, if I have not, I will table it this week.

**Mr. Speaker:** The member for Huron-Bruce.

## FOOD PRICE WAR STUDIES

**Mr. M. Gaunt** (Huron-Bruce): Mr. Speaker, I have a question of the Minister of Agriculture and Food. Did the food council prepare any studies or reports with respect to the most recent food price war? If so, would he table this information?

**Hon. Mr. Stewart:** I am not aware of such information being available, Mr. Speaker.

**Mr. Gaunt:** In other words, Mr. Speaker, by way of supplementary, the food council did no studies or made no reports with respect to the effect of the food price war either from the standpoint of the consumers or from the standpoint of the producers? Why was this not done?

**Hon. Mr. Stewart:** I cannot tell the member why this was not done. I simply said that I was not aware such a report had been prepared.

**Mr. Gaunt:** I understand from the minister that he referred the matter to the food council. Would he check and see if such a report is available?

**Hon. Mr. Stewart:** In the initial instance the Ontario Food Council did prepare a report, which was published many months ago, when the food price war developed in the food supermarkets.

**Mr. Gaunt:** That was the first one.

**Hon. Mr. Stewart:** That was the first one and the only one, as far as I am concerned.

**Mr. Nixon:** They did not go any more with it.

**Mr. Speaker:** The member for Essex-Kent.

## FEDERAL FINANCIAL AID FOR SEWAGE DISPOSAL SYSTEMS

**Mr. Ruston:** Mr. Speaker, I have a question of the designated Minister of the Environment. Has the minister made any agreements with the federal government with regard to money available from it to help construct sewage disposal systems in the Province of Ontario, and if not, are any of these projects being held up because of negotiations with the federal government?

**Hon. Mr. Kerr:** No, Mr. Speaker, we are at present negotiating with the federal government, as far as the Great Lakes basin is concerned, for additional moneys, probably through CMHC, to meet our commitments in respect to any agreement with the United States. This of course, will mean additional moneys over and above what we have been getting during the past few years through this type CMHC financing. Certainly while these negotiations are going on, there is no holdup or neglect as far as any existing applications are concerned.

**Mr. Speaker:** The member for Brantford.

## DOCK FACILITIES AT TURKEY POINT

**Mr. Makarchuk:** I have a question of the Minister of Lands and Forests. Can the minister indicate if the government at this time has any proposals or ideas about constructing new public docking facilities at Turkey Point in the Long Point area following the removal of the old facilities?

**Mr. Nixon:** No room for the member's boat?

**Mr. Deans:** He cannot get his boat in the water.

**Hon. R. Brunelle** (Minister of Lands and Forests): Mr. Speaker, I will take it as notice.

**Mr. Speaker:** Taken as notice. The member for Oxford.

## POLLUTION OF THAMES RIVER

**Mr. Innes:** A question of the Minister of Energy and Resources Management: Could he give a report on the pollution that took

place in the Thames River between Woodstock and Ingersoll that caused the death of several thousand fish; what report has come back from the department as to what caused it?

**Hon. Mr. Kerr:** Mr. Speaker, I am not aware of a large fish kill on the Thames in that area. This is something that possibly Lands and Forests would have. In any event I will get this information for the member.

**Mr. Speaker:** The member for Huron-Bruce.

## SHORTAGE OF INDUSTRIAL MILK

**Mr. Gaunt:** Mr. Speaker, I have a question of the Minister of Agriculture and Food. Is the minister alarmed by the recent statement of the chairman of the Ontario Milk Marketing Board to the effect that Ontario, in all likelihood, will have to import butter into this province this fall?

**Hon. Mr. Stewart:** Yes, Mr. Speaker. I had not heard the statement from the chairman of the Milk Marketing Board but I had heard it referred to by officials of the Canadian Dairy Commission with whom we have met.

I think it points up the incredible change which has taken place in the supply of industrial milk available, not only in Ontario, but in Quebec as well. There has been a marked increase in the production of cheddar cheese in the Province of Quebec—I believe an increase of about 23 per cent so far this year—with very little if any increase in the Province of Ontario.

Perhaps this is due to the fact that at least 70 per cent of the milk in Quebec is handled by, I believe, four large co-operative plants which are multi-purpose plants. They can make cheese today and powder and butter tomorrow. They can swing back almost on an hourly basis or wherever the market appears to be to the best advantage, they will produce that commodity.

This is not the case in Ontario, where we have a great many cheese factories, which cannot produce powder and butter; they are fixed to their one production routine and, in most of the powder plants, there is not the flexibility of change to cheese production. They are more or less producing the same commodity they have been over the years.

All of this leads to the fact that there is certainly a shortage of industrial milk to manufacture butter and cheese. A few weeks ago there appeared to be a substantial build-up taking place of skim milk powder—at least, that has been the case. Now we have been heartened, Mr. Speaker, to learn that most, if not all, the skim milk powder that has accumulated in Canada to date, has been sold or at least placed on order up until September 1, which I think is a very encouraging sign.

Frankly, I think that there has to be a look taken at the whole industrial milk supply situation by the Canadian Dairy Commission with the purpose of increasing the amount of availability of quota and an increase in the price of industrial milk. That, I think, will do more to correct the situation than anything that I can think of and we will support that move 100 per cent.

**Mr. Gaunt:** A supplementary: Has the minister put forward that proposition to the Canadian Dairy Commission?

**Hon. Mr. Stewart:** Yes, we have.

**Mr. Gaunt:** And what was their response?

**Hon. Mr. Stewart:** The response was simply that they are taking a look at the situation. In fact, a meeting was held last week with the Canadian Dairy Commission and with various provincial milk commissions. Our milk commission was represented and I am not sure whether the board was there or not. I am rather inclined to believe they were, but I am not certain. I know the commission was involved, along with other provincial boards having control over milk marketing within their provinces, to discuss this very matter of increasing the amount of industrial milk available.

It is a most interesting and very complex story. It has taken place over a period of time when industrial milk use has decreased because the use of fluid milk in cartons, bags and bottles and fluid milk products has increased substantially. And of course the price for bottled milk is so much greater than it is for industrial milk, so that where the product can be transferred to that use, it is being transferred. Consequently, the industrial milk market is short by about 68 million pounds in Quebec and 66 million pounds in Ontario so far this year, which is a substantial decrease in supply.

**Mr. Speaker:** A supplementary?

**Mr. Innes:** A supplementary: Would the minister consider waiving the penalty aspect of the legislation at the moment so that the

people who overproduce would not be penalized?

**Hon. Mr. Stewart:** Yes, I have. I am very much concerned about that aspect of it. Quite frankly, I have asked the federal minister to withdraw the 20-cent holdback that is now being imposed for export purposes. I just cannot see any surplus product being available for export requiring subsidy.

However, when we met with the Canadian Dairy Commission a few weeks ago, I think I reported to the House at that time, Mr. Speaker, that there was this buildup of skim milk powder from the industrial market, and it looked as though it would have to be subsidized to go out of the country. Now they have sold that product that was on hand at that time. They are not exactly sure whether they are going to be able to get it out without subsidization or not. They think they can.

We are very hopeful that if there is not a substantial buildup after September 1—and frankly I cannot see how there will be—we would likely be in a position to return all of that 20 cents. Certainly that is their objective today and we hope that it will be achieved. But they still want to retain that 20 cents in case there is a buildup that develops some time later on. Quite frankly, I think it will all go back.

**Mr. Nixon:** A supplementary, Mr. Speaker: Will the minister, for the purpose of clarification, indicate what the responsibility of the OMMB is in establishing the price of manufactured milk? We are not talking about the subsidy, we are not talking about the control of our surplus on world markets, but the OMMB responsibility in this regard.

**Hon. Mr. Stewart:** The OMMB responsibility for pricing milk at all levels certainly is their prerogative, whether it be fluid milk or industrial milk. Their pricing mechanism for industrial milk, as I understand it, has been the support price that was provided by the federal government under the Canadian Dairy Commission for the products of butter, skim milk powder and cheese, and related to that product price they could then establish the price to the producers.

With the substantial voluntary increase in the price of cheese from the support price of 51½ cents to, I think, 62 cents last week, obviously there is a very discrepancy in the price paid to the producer and what should be paid to the producer. There will be, I should think, an increase and should be an increase in the price of cheddar cheese milk and specialty cheese milk as well. I would think that will likely take place reasonably soon. Meetings have been held on it. I am not in a position to make an announcement today but I think it will be made likely by the chairman of the Milk Marketing Board very shortly.

I am not so sure that there will be any substantial increase or whether there will be an increase at all in the price of milk going into skim milk powder and butter production because those prices have not advanced beyond the price that was set, I believe earlier this year when the milk board increased the price to 29 cents a hundred at that time. I would think that that price has remained relatively constant but the cheese prices escalated remarkably.

**Mr. Nixon:** A further supplementary: Has the minister been approached by those people in—

**Mr. Stokes:** The member is sure milking this one, is he not?

**Mr. Nixon:** Well, Mr. Speaker, some people do not consider this an important subject. If it has not got something to do with a coffee break for the UAW, they are not interested.

**Mr. Deans:** It does have something to do with it.

**Mr. Nixon:** Well, they are not going to have cream in their coffe if they are not going to have milk production, and that is the point that the minister is making.

**Mr. Deans:** Right.

**Mr. Nixon:** Mr. Speaker, as far as the minister's statement of a moment ago is concerned, is he aware that there are substantial shortfalls in milk production for manufacturing plants in other than cheese and powdered products, and that these plants are indicating they are going to have to go on a reduced timetable, even laying off some workers?

For the information of the NDP, they might indicate that they are interested in that and that the farmers would be anxious to produce the extra milk if, in fact, they could be paid a proper price for it. The responsibility certainly does not lie with one jurisdiction. Would the minister agree it is, at least, shared? If he is so anxious that

the federal government, at least, the Canadian Dairy Commission increase its price, might we take similar steps here in the province?

**Hon. Mr. Stewart:** Yes, Mr. Speaker, we have explored that possibility. The point made by the Leader of the Opposition was well taken. The only concern that we have is this, that in some of the areas of milk production—I assume the member is referring to ice cream and specialty dairy products manufacturing—if we raise the price substantially, and I think it could bear a fairly substantial increase here, the manufacturers can easily turn to the Province of Quebec where there are no minimum prices whatever for milk, and buy the raw product there that goes into the manufacture of these particular commodities.

**Mr. Nixon:** Would the statute allow those products to be imported?

**Hon. Mr. Stewart:** Yes, this is the problem.

**Mr. Speaker:** The member for Thunder Bay.

## HIGH ACIDITY LEVEL IN LAKES

**Mr. Stokes:** Mr. Speaker, I have a question of the Minister of Lands and Forests. Has it been brought to the minister's attention that high acidity in the La Cloche lake and other lakes in the Sudbury region has almost wiped out the fish population in those lakes? Has he determined the source of the contamination and if so, has he brought it to his colleague's attention and what do they plan to do about it?

**Hon. Mr. Brunelle:** Mr. Speaker, this matter is one that we are very concerned with. We strongly suspect that fisheries in some of the La Cloche mountain lakes are being damaged by emissions from smelting stacks in the Sudbury area. However, the data to support this position are weak. Sudbury district personnel have some fisheries data on lakes in the La Cloche mountain area. Fish netting studies indicate that almost no fish are present in some lakes that were once considered to be good fisheries. The historical fisheries data, however, consists only of reports from anglers and conservation officers on the quality of fishing. No netting studies were done in these lakes 10 or 20 years ago, at the time when fishing was reported to be good.

Mr. Speaker, I am pleased to say that Sudbury district personnel have been and are presently conducting fisheries field studies that will give additional information concerning the effects of smelter stack emissions on fisheries in the Sudbury district. The personnel of the Ontario Water Resources Commission have done some water chemistry work in the La Cloche mountain area to evaluate effects of smelting at Sudbury on water chemistry.

The principal investigator on this work is suspicious that damage to water chemistry has occurred but feels his data are not strong enough to substantiate this. Our people this morning, on reading the article in the Globe and Mail by Messrs. Beamish and Harvey, tried to contact them to obtain additional information but they were unable to do so. As I just mentioned, Mr. Speaker, we are very concerned and our studies are being conducted.

**Mr. Speaker:** The member for Wentworth.

## SOFT FRUIT TARIFF

**Mr. Deans:** I have a question of the Minister of Agriculture, Mr. Speaker. Have representations been made by The Department of Agriculture and Food to the federal department with regard to a change in the tariff structure as it is now affecting the soft fruit industry, particularly the recent experience of the strawberry growers who are finding half of their crop going to rot as a result of the import of South American products?

**Hon. Mr. Stewart:** I did not catch the first part of the question. Has representation been made by the federal department to us?

**Mr. Deans:** No, by the provincial department to the federal department about the changes?

**Hon. Mr. Stewart:** Yes. This matter was discussed last week at the conference. Of course, it had its genesis in British Columbia where the market was virtually destroyed by imports of strawberries from Mexico and the southern United States.

It is a very difficult situation and as I understand it the federal government has placed some embargo on the importation of those strawberries which I assumed had application as well to Ontario. Now, if it has not, I would be pleased to look into it,

but I understood that it protected Ontario as well. Is that not the case?

**Mr. Deans:** It may be that it will protect Ontario, but the result has been that at this particular point about half of this year's crop of strawberries for processing purposes has failed to be put to use.

**Mr. Speaker:** The oral question period has expired.

Petitions.

Presenting reports.

Motions.

Introduction of bills.

**An hon. member:** They must have some!

**Mr. Speaker:** Before the orders of the day, I would like to refer to a matter from last week. I do so in the following terms:

On Friday last, during the discussion following the attempted presentation of the public accounts committee report, a suggestion was made that there was some inconsistency between my ruling with respect to this report and rulings previously given respecting rulings by chairmen of committees. So that the record may be straight, I point out to the House that the two matters are completely unrelated, as a ruling by a chairman of a committee is made in the committee and any appeal from such ruling is to the committee, not to the House or the Speaker, just as in the House an appeal from the Speaker's ruling is to the House.

However, when the committee has passed a report and the chairman presents that report to the House, the matter has then been brought within the purview of the House, and if the manner of presenting the report offends the rules or precedents of the House in any way, then of course the matter must be dealt with by the House and by Mr. Speaker as the presiding officer. I believe the members will appreciate the difference and realize there is no inconsistency in the way that these two separate and distinct situations have been dealt with.

I would also at this time like to advise the members that the Canadian area conference of the Commonwealth Parliamentary Association is presently meeting in Halifax, and the Ontario branch is being represented there by the hon. member for Parkdale (Mr. Trotter), the hon. member for Sudbury East (Mr. Martel), the hon. member for Northumberland (Mr. Rowe) and the hon. member for Waterloo South (Mr. Reuter). In the absence of the Chairman and Vice-Chairman, the member for Dufferin-Simcoe (Mr. Downer) and the member for York East (Mr. Meen) will occupy their respective chairs in the House so the work of the House may proceed.

I felt it was desirable that Ontario, as one of the important parliaments of Canada, should be represented on this particular occasion and took the responsibility of making these arrangements with which I hope the House will agree.

**Mr. Nixon:** Mr. Speaker, just before you call the orders, you mentioned earlier that you were expecting a group of visitors from, I believe, the Province of Saskatchewan. They are entering into an exchange with students in the Brantford-Brant county area and I know, sir, you would like to join with the members in welcoming them at this time.

Interjections by hon. members.

**Mr. Makarchuk:** Mr. Speaker, as the member for Brantford, I would particularly wish to associate myself with the sentiments expressed by the Leader of the Opposition. Also I wish particularly to commend the people from Saskatchewan on their political wisdom.

**Mr. Nixon:** Their laughter indicates they are a mixed bunch.

Also before the orders of the day, I wonder if the House leader could give some indication as to the length of sittings today and tomorrow and perhaps the next day—how long he intends to pursue the completion of the work on the order paper—so that we might make some plans accordingly.

**Hon. Mr. Wishart:** Mr. Speaker, I will be glad to do that. Perhaps I could outline the way we intend to proceed today. We would go now to the fifth order, the Committee of the Whole House. It would be my hope that we might dispose of all items under No. 5 this afternoon or certainly by this evening.

There are the estimates of the Prime Minister and the Lieutenant Governor to be dealt with, and they will be dealt with either later today or early tomorrow.

**Mr. Singer:** That means sometime!

**Hon. Mr. Wishart:** As soon as the work in committee has been concluded, there are a number of second readings—not all of them—to be dealt with.

**Mr. Deans:** Which ones?

**Mr. Makarchuk:** Pits and quarries?

**Hon. Mr. Wishart:** No. 6, I think I shall not concern myself with.

**Mr. Nixon:** The leader shall not?

**Hon. Mr. Wishart:** I shall not—for the moment.

**Mr. Nixon:** It has been hanging fire for weeks.

**Mr. W. G. Pitman** (Peterborough): What about the next moment?

**Mr. MacDonald:** That moment has passed. Where are we now?

**Hon. Mr. Wishart:** We could take No. 7; No. 9; No. 10, the age of majority and accountability.

**An hon. member:** What happened to No. 8?

**Mr. MacDonald:** Is the minister saying no or yes?

**Hon. Mr. Wishart:** I would expect No. 11, The Election Act, to be dealt with; The Legislative Assembly Act, The Mining Act. That I think carries us pretty well along the road.

**Mr. Nixon:** That is it.

**Mr. Singer:** Which road?

**Mr. Nixon:** It is called the garden path.

**Mr. MacDonald:** Not No. 8?

**Hon. Mr. Wishart:** I have no instruction on No. 8 for the House at the moment.

**Mr. Nixon:** What about the hours of sitting?

**Hon. Mr. Wishart:** I think tomorrow morning we should start at 10 o'clock and sit tonight to some reasonable time after 10:30.

**Mr. Deans:** Does the House leader sleep at all?

**Hon. Mr. Wishart:** Not too late!

**An hon. member:** Until after the late, late show.

**Mr. Stokes:** The House leader is a veritable fountain of information today.

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** The fifth order, House in Committee of the Whole; Mr. A. W. Downer in the chair.

## PAPERBACK AND PERIODICALS DISTRIBUTORS ACT

House in committee on Bill 64, An Act to provide for the Registration of Businesses Engaged in the Distribution of Paperback and Periodical Publications.

**Mr. Chairman:** Shall clause 1 stand as part of the bill.

**Mr. H. Peacock** (Windsor West): Clause 1.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): I will be moving two amendments, I believe, to clause 1—or three amendments it is.

**Mr. V. M. Singer** (Downsview): To clause 1.

**Hon. Mr. Wishart:** In the definition, yes. Perhaps I should offer them now.

I move, Mr. Chairman, that clause (c) of subsection 1 of section 1 of the bill be amended by striking out:

> and, for the purpose of this clause, the distribution of a bona fide periodical by the pulisher, or an agent on his behalf, to ultimate consumers who are subscribers thereto shall be deemed to be a distribution by sale by retail.

That is the end of the struck-out portion, in the fourth, fifth, sixth, seventh and eighth lines.

Perhaps while I am moving that, Mr. Chairman, I would indicate that, those words being struck out, the definition is clarified by a later amendment.

Perhaps if I were to read it now it would be helpful.

I move that clause (i) of subsection 1 of section 1 of the bill be amended by adding at the end thereof: "but does not include a periodic publication that is devoted primarily to carrying current news."

And to subsection 2 of section 1, I move that subsection 2 of section 1 of the bill be deleted and the following substituted therefor:

> This Act does not apply to:
>
> (a) distributors in respect of the distribution of paperbacks or periodicals or both, that are published, printed and distributed primarily in Canada; or
>
> (b) persons whose principal business is the publication in Canada of books that are not paperbacks or periodicals.

Those three amendments are to section 1.

**Mr. Chairman:** Shall the amendments carry?

**Mr. Singer:** No.

**Mr. Peacock:** Mr. Chairman, I wonder if I could speak to the first two amendments which the minister has moved, and then go on to amend section 1 of the bill by further amending paragraph (c), of subclause (c)—I am not just sure how the minister referred to it?

May I first move that amendment and give you a copy and a copy to the minister and to the Leader of the Opposition (Mr. Nixon)?

The minister has deleted about half of subclause (c). I would like to move this amendment on behalf of the member for Riverdale (Mr. J. Renwick) who spoke to this matter on second reading and put before the minister an amending subclause to make it very clear that nothing in this Act will take the guise or form of censorship of the text or content of any publication which is caught by the provisions of the Act.

So, Mr. Chairman, I would like to move that subclause 3 of clause 1 be amended to read as follows—

**Mr. Chairman:** Is that subclause 3 or (c)?

**Mr. Peacock:** I am sorry, it is subclause (c) of clause—I beg your pardon; yes, it belongs in subclause (c) of section 1:

> Nothing in this Act shall permit anyone to control, influence, or otherwise affect the content of any paperback or periodical.

**Hon. Mr. Wishart:** Could I have a copy of the amendment?

**Mr. Peacock:** Yes, it is on its way.

**Mr. Singer:** Oh, it is 3 not (c).

**Hon. Mr. Wishart:** It is 3, it is a different one altogether.

**Mr. Peacock:** I beg your pardon Mr. Chairman. It belongs at the top of page 3. I will hold that until we reach subsection 3, until we have dealt with the two amendments which the minister has moved.

The first question I would like to ask the minister is how it is that the administrators or officers who carry out administration of this Act will proceed to distinguish between what is a paperback or periodical and what is a daily newspaper?

The wording which the minister has just now introduced to us, I believe, was designed to clear up the difficulty that is found in subsection (i) of section 1, which, as was pointed out by the member for Lakeshore on second reading, "periodical," as defined in that clause (i) of section 1, could well cover a daily newspaper or perhaps even a weekly news magazine or weekly newspaper in a tabloid form. I am not sure that the distinction is made any clearer by the wording that the minister has introduced.

I do not have a copy of his second amendment, but I do have to the first. The use of the phrase "current news" and "the conveyance of current news" in a periodical publication, I think, is a rather loose and vague definition. Surely it must be, Mr. Chairman, that the minister could have found satisfactory wording that a daily newspaper, which is a very clear and well defined publication, could have been mentioned in those terms or in those words to exclude it from this definition of periodicals; and that a weekly news magazine of a tabloid form could also have been mentioned specifically by way of exclusion.

**Hon. Mr. Wishart:** Mr. Chairman, I would like to speak to the hon. member's amendment and also to answer the question which he has raised.

The only change I think he has made in subsection 3 of clause 1 is to change, "have the effect of," to "permit." He says, "'Nothing in this Act shall 'permit'." The subsection, as it reads, states:

> Nothing in this Act shall be construed to have the effect of controlling, influencing or otherwise affecting the content of any paperback or periodical.

The language of the bill as it is proposed is wider actually than the proposed amendment, which is in a way a negative approach —"nothing shall permit anyone to control." I do not think that is the way to draft a clause. You say "Nothing in this Act shall permit" anyone to do anything. I think it leaves a wide latitude; someone may do it but nothing in this Act shall permit it. Nothing in this Act.

But as the subsection reads, "Nothing in this Act shall be construed to have the effect of controlling, influencing or otherwise affecting the content of any paperback," I think with those words no one can take this Act and say, under this legislation, we can have anything to do with censorship or the con-

tent of any periodical or paperback which this legislation covers.

I think our subsection is wide enough and effective enough and expresses the intent of this legislation clearly. We are not concerned with censorship in any way; simply with distribution; not with content. I believe that by changing the definition of distributor as we have done—

**Mr. Singer:** Mr. Chairman, on a point of order, could we not try and deal with these one at a time instead of bouncing backwards and forwards? We are on subsection 3 of 1, and we are going to go back to—since the minister has dealt with subsection 3 of 1 let us just close subsection 3 of 1 and then come back to the others, because there are four or five changes here all told, including the one suggested by the hon. member for Windsor West.

**Mr. Chairman:** The point is well taken.

**Mr. Singer:** So let us deal with one at a time.

**Hon. Mr. Wishart:** Mr. Chairman, the suggestion is sensible to a degree. But I would point out that when we changed subsection (c) by amendment in order to make it complete we had to move to clause (i) to supplement what we had deleted and then on down to subsection 2. So we really have to talk about at least those three together, perhaps not subsection 3—

**Mr. Singer:** Well all right. Having embarked on subsection 3, can we dispose of 3? Let us hear what the hon. member for Windsor West has to say to defend it.

**Mr. Peacock:** I have nothing further.

**Mr. Singer:** Mr. Chairman, I would say that insofar as the proposed amendment by the hon. member for Windsor West, I do not really follow it at all. I think the minister is quite right. The amendment says: "Nothing in this Act shall permit anyone to control, influence or otherwise affect—" I wonder if that would not apply to the owners, or the publishers or the editors. The wording seems very weird, whereas the wording in both—

**Mr. Peacock:** In both of them?

**Mr. Singer:** Well no, the wording in the statute seems much better. It says: "Nothing in this Act shall be construed to have the effect of controlling—" What that means, if I understand it correctly, is that this Act does nothing to add to the controlling. If we were to adopt the amendment there would be no measures to control it and the thing would just have to be published all by itself. I would agree completely with the minister.

**Mr. Peacock:** I am glad you demolished that one.

**Mr. Chairman:** All in favour of the amendment moved by Mr. Peacock will please say "aye."

As many as are opposed, will please say "nay."

In my opinion the "nays" have it.

**Mr. D. C. MacDonald** (York South): The good go with the bad.

**Mr. Chairman:** Subsection 3 is carried.

**Mr. W. G. Pitman** (Peterborough): We are very flexible this afternoon.

**Mr. Chairman:** Now we come to the amendments by the minister. Is it the pleasure of the House the amendments carry?

**Mr. Peacock:** No, surely not?

**Mr. Singer:** Let us hear from the minister. Let us go back to page 1. What is the particular reason for the amendment of subsection 1, clause (c)? The deletion of those four lines?

**Hon. Mr. Wishart:** Mr. Chairman, I think a careful reading of the proposed amendments will indicate their purpose.

We were concerned after the Act had been drafted that perhaps our definition of "distributor" might include a newspaper, although it went on in the words it is now proposed to delete—I would like to read it:

> For the purpose of this clause, the distribution of a bona fide periodical by the publisher, or an agent on his behalf, to ultimate consumers who are subscribers, shall be deemed to be a distribution for sale by retail.

The Act is designed to catch distribution of sales other than by retail. We wanted to exempt the magazine which was subscribed for and went through the mail to the subscriber, or was delivered to him in some other way as a subscriber. It certainly did not go far enough, in our view, after we had examined the draft legislation, to cover the newspaper. And there are also some magazines, perhaps, which come to some distributors who might have been caught by the definition as it stood.

The object of the amendments was to take out those words and to clarify them by inserting under (*i*) very definitely and clearly that periodicals are denoted in (*c*), 1(*c*) which refers to the distribution of periodicals. There is no doubt about the paperback; this is the periodical. Then in the definition of periodical, we added the words, "a periodical does not include a periodic publication that is devoted primarily to conveying current news;" which would certainly include the newspaper and perhaps be a bit broader than that, a broader definition than daily newspaper.

We felt we were being a bit more expansive than simply confining it to newspapers, and that was that definition. They may combine their distribution with the publication, as they do of course, so we wanted to make clear that newspapers and possibly other distributions were excluded.

Then we went further by adding to subsection 2—or rather by deleting the present subsection 2, this has to do with Canadian publications generally—that distributors in respect of the distribution of paperbacks or periodicals or both are not covered by this legislation. We say the Act does not apply to those which are published, printed and distributed in Canada.

The object of this legislation, of course, was to a large extent to control distribution of this type of product which has to do with our cultural life—our reading material and to a large extent with education—to keep it as largely as possible, at least to a reasonable degree, in Canadian hands. Therefore, the Act will not concern itself with those publications, either paperbacks or periodicals, that are published, printed and distributed in Canada. Now that, I think, makes a more complete and better section (1).

**Mr. Singer:** Mr. Chairman, I think we have difficulties even with these amendments. What, for instance, happens to the magazine insert which now appears with some of our papers? These would not be periodic publications that are devoted to conveying current news; they would be commentaries on—

**An hon. member:** Stories, eh?

**Mr. Singer:** —various economic programmes, social problems and that sort of thing which really is not current news.

**Mr. Peacock:** The definition of distributors is more important.

**Mr. Singer:** That gives me some concern.

But let us get down to the Act not applying to distributors in respect of paperbacks or periodicals or both that are published, printed and distributed primarily in Canada. What is to prevent one of these evil foreigners from coming in and publishing, printing and distributing in Canada? They are still as evil and still as foreign as if they did it from another base, and perhaps one could ask the question about something like Time magazine.

Time magazine, it seems to me, would be published, printed and distributed primarily in Canada, or at least the Canadian edition of it would, and an argument could well be made that it is a different kind of a publication than the Time magazine that is published and distributed in the United States. However, no one has any real doubt in his mind as to who controls it; the people who control Time in the United States control that magazine. They have a going sort of an enterprise.

So how is this going to work? I am not quite clear. I can see what the government is getting at, but I wonder really if they have come to full grips with the thing. There seem to be some obvious ways around some of these things that the government seem to be concerning themselves with.

**Hon. Mr. Wishart:** If I understand it correctly, I think the inserts of those examples the hon. member gave—even on Time and Readers Digest—are printed and published in Canada.

**Mr. Singer:** Is not Time published—the masthead of the Canadian edition of Time purports to say that it is published in Canada. They have to do that because of the great benefits they get from the people up in Ottawa.

**Hon. Mr. Wishart:** Right.

**Mr. Peacock:** There is no Canadian publisher of Time.

**Mr. Singer:** Yes, there is a Canadian publisher.

**Mr. Peacock:** Who is it?

**Mr. Singer:** I ask, where is publishing? I went into this at some length one time to ask the government about what "publishing" in a liquor advertisement meant, and the law seems to be quite clear: it is published where it is made available. Now it is

published here because it is made available here, so I think that Time is published in Canada.

**Hon. Mr. Wishart:** In Canada.

**Mr. Singer:** Printed, I do not know. Where the mechanical printing is done I do not know; but it would be very easy to let a contract to one of the people to print it here, and certainly it is distributed in Canada.

**Hon. Mr. Wishart:** It is printed and published in Canada.

**Mr. Singer:** Printed and published, all right. So there we are: We are not going to catch Time magazine or an expansion of it, and it still could have all of the evil qualities that this Act is designed to catch up with. How do we cope with that?

**Hon. Mr. Wishart:** I do not know that we can cope with that unless we get into censorship. We can control distribution—and that is what we are out to do—where foreign magazines, foreign paperbacks and periodicals are then distributed by foreign control; that is the object of this legislation. It is not to censor the article or the content—

**Mr. Singer:** No.

**Hon. Mr. Wishart:** —that is the very thing we avoid. We have nothing to do with the content. So I have to simply say that if you want legislation of that kind, I do not want to be your censor.

**Mr. Singer:** No, perish the thought that I was suggesting censorship. The minister knows I was not suggesting censorship. I am just saying that he has left a fairly wide gap here where one can drive a couple of truck horses through.

**Hon. Mr. Wishart:** I do not think so.

**Mr. Singer:** Because I would think that by putting in these exclusions he is perhaps not getting at the concern that he would like to get at. Would it not be better if we made this apply to all companies and to their degree of ownership?

**Hon. Mr. Wishart:** We do, later on.

**Mr. Singer:** Yes, except that the minister rules out some by definition—and Americans printing and publishing in Canada who could assert the same so-called evil influences could do it by moving physically into Ontario, as I suggest Time magazine has done, and still be just as evil, notwithstanding the provisions of this Act.

So my question is: Why not apply the test to all owners, or all distributors or all publishers and stop worrying about the printing, publishing and distribution in Ontario—anything that is here? Is it not equally as bad to have a bad foreign-controlled publication that makes its domicile or has its residence here and has bodies here or the physical attributes here— the minister is going to say again that is censorship. I am not suggesting it is censorship.

The minister was censoring the ownership by this Act; he was saying the percentages must be so-and-so and such-and-such. And with that theory we do not quarrel. I am just wondering if the minister has not left this wide gap through which Time presently can march without any hindrance caused to them by this Act. And if Time can do it, anyone else can do it.

**Hon. Mr. Wishart:** Mr. Chairman, let me speak to this. The hon. member is trying to draw what I think is a fine distinction between censorship—and I have said to him we are not censoring; I am not concerned with content. Yet in his remarks he keeps saying, "This will allow a bad publication to come through the gap" and that "you can get it in."

I think the member must divorce his mind from content—from what you consider a good publication or a bad publication. That is not our aim. Our aim was to make sure that the distribution of this type of publication, paperbacks and periodicals, in Ontario, shall be in the hands of Ontario people—Canadians a least—insofar as reasonably possible for us to legislate.

The member could say, "Why, is that because the minister wants to control the content?"

I say no, it is not, but we do want to make sure that Canadian publications will have a fair chance, a fair break; that they will not be excluded; that the taking of this industry entirely, or in large percenage, into foreign hands will not strangle and kill Canadian enterprise in this field—that is publication and printing. There is no use in publishing or printing unless you can distribute, so you have to tie the three together—the publication, the printing and the distribution of Canadian material.

I am not looking at it because it is pornographic or immoral, in one way or another;

that is not our feeling. We simply want to say that we shall have such control and such disclosure of the extent of foreign ownership that we can, by licensing, obtain that disclosure and, by the terms of this legislation, say, "watch the performance of those people," so that we can make sure that our own native industry, our own Canadian industry in this field, will have a fair shake. That is about what it amounts to; that is what the commission is talking about.

If there is a question of censorship on one ground or another, that is not for us. Our concern is that foreign distribution may be so unconcerned—in fact, not just unconcerned, but so antagonistically concerned against permitting Canadian publication that a Canadian book or paperback or periodical might never get on the shelf. That is our concern.

**Mr. Singer:** Mr. Chairman, the minister insists on trying to put words into my mouth that I did not use and thoughts into my mind that are not there.

**Hon. Mr. Wishart:** The member said it was a bad publication.

**Mr. Singer:** Yes, because I seized on the minister's phrase originally about the importance of the preservation of our cultural heritage, whatever that might mean. This is great and noble and a symbol of the new wave.

**Hon. Mr. Wishart:** And very important!

**Mr. Singer:** All right, and what is good preserves it and what is bad destroys it. And what is bad apparently the minister is attempting to prohibit by this Act. And all I say, very simply Mr. Chairman, is subsection 3 deals with censorship. And I support subsection 3 of section 1. It says this Act does not censor.

All I am saying is that merely by putting on the guise of printing, publishing and distributing in Canada, all sorts of questionable foreigners, whoever they may be, can be printing, publishing and distributing in Canada and be exempt from the provisions of this Act and do all the things that concern the minister. That is what I am saying; that the minister has opened the door. It is going to take comparatively little ingenuity for someone who wants to change his base of operation to come in and do the things the minister says are bad. Now they are going to affect our social culture. They are perhaps going to have the privilege of changing their base of operations, of banning other publications; Canadian publications; publications that might be written by my colleague from Sudbury; banning worthwhile efforts like that from the shelf. They can do it under the opening that the minister makes available to them.

That is my concern, Mr. Chairman, and I think that the minister, in widening up this definition, has given that opportunity. They are almost inviting people to come in and run circles around the Act by the widening of the definition.

**Mr. Peacock:** Mr. Chairman, the purpose of the first two amendments, as I see them, is to make it clear that the Act will not apply to the distribution of daily newspapers or news magazines of a weekly nature. I think that is accomplished by the deletion of the second half of clause (*c*), section (1) and the addition of the words to clause (*i*).

The problem remains that where you have a dealer who is bringing into Toronto quantities of daily newspapers from elsewhere in Canada and the United States for distribution to corner stands or the newsstands of hotel lobies and what have you, is that person caught? If so, is it the purpose of the Act to require him to meet the ownership requirements of the later provisions of the Act?

Then the question still remains for me where the vendor or the distributor is primarily engaged in the handling of newspapers, of periodicals, daily newspapers and weekly news magazines such as Time or Canadian Forum and so on, but also handles the periodicals which are caught by either clause (*h*) or (*i*). Is he then a distributor as defined in (*c*), who must meet the ownership requirements set out later on?

If there is any portion of his enterprise devoted to the distribution of other than the excluded periodicals, daily newspapers and publications conveying current news, is he then caught by the definition of distributor and subject to all the other provisions—no matter to what extent he may carry Harpers or Atlantic Monthly or what have you, or other journals of comment from, say, the United States, or The Spectator which is published in Great Britain.

**Hon. Mr. Wishart:** Briefly, Mr. Chairman, I would like to speak to what the hon. member for Downsview raised. He has left the House for a moment. We are not concerned —I think I would like to make this clear—we

are not concerned with the publisher who comes in here. He raised the example of Time or some other periodical coming in and publishing in Ontario; printing and publishing and distributing. We are not concerned with the publisher who does that with his own production. That is not what the concern of this legislation is all about.

It is that foreign distribution of great masses of paperbacks and periodicals which are picked up from all over a foreign country and dumped in here to fill our shelves to the exclusion of our own production. If a publisher wants to come here and publish a book, paperback or periodical, that is not our concern, Time or Newsweek, or any other type of—

**Mr. Peacock:** Even though the editorial content may be entirely US oriented?

**Hon. Mr. Wishart:** We are not going after content. Now the hon. member is not going to get me back on that, surely, because he has been trying to make sure I did not get into this question of content? We are not going to be concerned with content. I will have to leave that to some other legislation and perhaps some other body, I do not know; but that is not the purpose of this legislation.

Now the newspaper distributor who brings in newspapers— and their distribution—that comes out from under by virtue of the fact of that amendment which says if it is primarily conveying current news, that releases the newspapers. I do not know what the other—I do not think I followed the hon. member for Windsor as to what his other point was.

**Mr. Peacock:** The second point I made, Mr. Chairman, or tried to make—and I admit to some difficulty this afternoon in making it—was, is the distributor of daily newspapers, or weekly news periodicals caught by the definition of a distributor when he also carries on his shelves publications which are not exempt in clause (*i*) or clause (*h*)?

We do not seem to have tackled either the definition or throwing the net so to speak —to catch either the distributor as such or the class of periodicals or paperbacks. The minister seems to be reaching for some combination. First of all, there has to be an agent or distributor as defined in (*c*), but he must also carry on his shelf for distribution those periodicals set out in (h) and (i). But it is not clear as to what the balance between the excluded periodicals and the covered periodicals need be before the distributor is required to fulfil the provisions of the Act as to ownership.

**Hon. Mr. Wishart:** I think this is clear surely. If we look back again at 1 (*c*), while we change the definition of distributor—and you will notice in that definition as it now stands it is "a person who engages in the business of selling or distributing paperbacks or periodicals, or both, other than by sale by retail—

**Mr. Peacock:** Right.

**Hon. Mr. Wishart:** —so the retailer is in the clear.

**Mr. Peacock:** Yes.

**Hon. Mr. Wishart:** Then we go to periodicals and in that definition we remove the newspaper—

**Mr. Peacock:** Yes, and then in subsection—

**Hon. Mr. Wishart:** —so we have removed the retailer and we have removed the newspaper and all we are trying to catch is the paperback and periodical and the wholesale distributor. That is all we have left.

**Mr. Peacock:** May I turn to subsection (2) then. Subsection (2) is another exclusionary provision in the bill. "The Act is not to apply to distributors in respect of the distribution of paperbacks or periodicals or both that are published primarily in Canada."

So I say to the minister the difficulty with the definition is that it is likely that a large number of the distributors and agents are going to be carrying a blend of all three classes of publications.

First of all they are going to be carrying those caught by the definition in (h) (i) and they may also be carrying a number that are excluded by the new wording added to (i). Thirdly, many of them will also be distributors of paperbacks or periodicals or both that are published and printed and distributed primarily in Canada. How are you going to separate out the portion that qualifies the distributor for the imposition of the provisions of the Act?

**Hon. Mr. Wishart:** Surely if you sort out under the definition of distributor, the retailer who has many things on his shelf, he would not be touched by this at all—he is not touched by this Act. It is the wholesale distributor. If he sells paperbacks and periodicals—he may sell other things—he is going to have to be licensed. That is all

we want, to know who he is and what content he has of foreign control and then we can see what percentage of this distribution business is in the hands of foreign people. That is all we want.

**Mr. Peacock:** Mr. Chairman, I understand the minister makes a distinction between the levels of trade, as between so-called wholesaling or distributing and retailing, but I do not see that as a difficulty. What I see to be the difficulty is how the administration of the Act will determine whether the distributor is caught by (h) or (i) or not caught by subsection 2. I just do not see how the officers of the department are going to be able to figure out who on earth or which of the agents or distributors is going to find himself either totally excluded under subsection 2, totally excluded by virtue of the new words added to (i) which do not include a periodic publication that is devoted primarily to conveying current news —and there will be some of those—or a person who is caught by the definition of paperback in (h) or periodical in (i).

I think the member for Downsview is right, that this is simply a question of identifying every distributor who is engaged as a news-agent and making him subject to the provisions of the Act, except insofar as the daily newspapers are given protection in the manner in which they go about their business.

**Mr. Singer:** Mr. Chairman, what we are getting at is this. Look down to subsection 2 which says:

> This Act does not apply to a distributor in respect of distribution of paperbacks or periodicals, or both, that are published, printed and distributed primarily in Canada.

So the major companies, which the royal commission or judicial inquiry has been so concerned about, all they have to do to avoid the provisions of this Act is to discover some periodical or invent one. If they start one from scratch right now, that is going to publish, print and distribute primarily in Canada, it escapes the Act; well it seemed to from the wording.

**Hon. Mr. Wishart:** We are not concerned, Mr. Chairman, I repeat—the hon. member for Downsview was not here when I replied—we are not concerned with someone who comes into Ontario and publishes, prints and distributes his own product. If he wants to do that he is not in the wholesale distribution business, so he can escape on that portion.

There might be a possibility, I suppose, of someone coming in and publishing one paperback or one periodical and arguing that he could escape because he has that one publication, but I would think the definition is quite clear in subsection 2:

> Distributors does not apply to distributors in respect of the distribution of paperbacks or periodicals, or both, that are published, printed and distributed primarily in Canada.

Now if he comes in and he publishes, prints and distributes, then he can do a dozen if he likes—that is not what we are concerned about. It is the person in a foreign country who is picking up, from publishers there, all sorts of paperbacks and periodicals and bringing them in here to the damage and the detriment of our own market.

This is what we are concerned about, and I have to say, as I said on second reading, you must bear in mind that perhaps five per cent—only about five per cent—of our reading material could possibly be produced in Canada, by virtue of the population ratio and the great production which takes place particularly in the United States and in Britain. We are not attempting to exclude entirely, we are attempting to assert some area of control that will not choke out whatever is growing in this garden of Ontario, in the literary way.

**Mr. Singer:** Is the minister suggesting you can control part of somebody's business?

**Hon. Mr. Wishart:** Yes.

**Mr. Singer:** Part of somebody's business? You may have a partial registration?

**Hon. Mr. Wishart:** When we come to the sections of this bill, giving the registrar the power to license and to examine the performance, and to see the area which is sought to be seized or operated within, this is where some power will lie to the registrar to say: "No, it can only be licensed for a certain area." He can check on the performance to see if there had been complaints about the refusal of Canadian publications and so on. This is not censorship, but it gives an area of control, and that is what we come to, as you move along in this legislation.

**Mr. Singer:** Well you have X company, I do not care which one it is, which suddenly becomes a distributor of a periodical or a paperback that is published, printed and distributed primarily in Canada—or maybe two or them—and it also distributes six or eight

others. Is the minister suggesting that the Act is broad enough to allow a partial licensing, or a partial control?

**Hon. Mr. Wishart:** No, no! He will be licensed or else—one or the other.

**Mr. Singer:** He will be licensed, or else? So that you are going to control him, or you are going to attempt to control him, for the distribution of periodicals which are published, printed and distributed primarily in Canada as well.

**Hon. Mr. Wishart:** In Canada; yes!

**Mr. Singer:** Well how does the minister read that statement with what subsection 2 (a) says. He said the Act does not apply, and now he is saying it does apply. Now does it, or does it not?

**Hon. Mr. Wishart:** The Act is clear, I think; it does not apply.

**Mr. Singer:** All right. The Act does not apply. So, company X brings itself within this exclusion, so far as part of his business is concerned. Can the minister control the other part of its business? Or does he control none of its business? Or does he control all of his business?

**Hon. Mr. Wishart:** Well, subsection (b) states—

**Mr. Singer:** Well (b) is an alternative, let us look at (a)—(b) is an alternative.

**Hon. Mr. Wishart:** —"whose principal business."

**Mr. Singer:** Yes, but that is "or"—they are alternatives. So you have company X that comes within the exclusion of 2(a) as a Canadian published, printed, distributed periodical. But the company also has an American published, printed, distributed periodical. The parts are equal or of whatever proportions. Can the minister control parts of this company's business in view of the exclusionary clause? I do not see how he can. Not the way he has worded the Act.

**Hon. Mr. Wishart:** It seems to me the language here is clear: "This Act does not apply to distributors." With respect to those that he publishes, prints, distributes in Canada there will not be a need to conform; but if he is distributing publications, paperbacks, periodicals or whatever that are not printed, published or distributed in Canada primarily, then he has got to take out a licence.

**Mr. Chairman:** Shall the amendments as moved by the minister carry? All those in favour of the amendments proposed by the minister will please say "aye".

Those opposed please say "nay".

In my opinion the "ayes" have it.

Section 1, as amended; agreed to.

Section 2 agreed to.

Are there any comments or amendments up to section 6, for that is where the minister has some further amendments to make?

Sections 3, 4 and 5, inclusive, agreed to.

On section 6?

**Hon. Mr. Wishart:** Mr. Chairman, I have an amendment to section 6. I move that the bill be amended by adding thereto the following section—it is really 6(a), but I am treating it as an amendment to 6—the following section 6(a):

1. A registration authorizes the registrant to carry on business only in the area in Ontario determined by the registrar, and described in the cerificate of registration issued by the registrar, and the registrant shall not carry on business outside the area so described.

2. The registrar may reduce the area applied for by the registrant where, in his opinion, not to do so would lessen, or be likely to lessen, competition unduly in respect of channels or methods of distribution contrary to the public interest.

3. Where the registrar proposes to reduce the area applied for, subsections 1, 2, 3 and 6 of section 6 apply mutatis mutandis in the same manner as to a proposal to revoke a registration.

4. An appeal lies from a decision of the registrar under this section to the minister, whose decision is final, and section 8(e) of The Department of Financial and Commercial Affairs Act, 1966, does not apply.

5. Where the applicant requires a hearing under subsection 2 of section 6, the tribunal shall hold a hearing and report to the minister its finding of fact and recommendations.

Mr. Chairman, speaking very briefly to that, of course the intent becomes quite clear that the registrar shall have some discretion, some exercise of power, as to limiting the

area within which a distributor may operate under a licence, and I think hon. members opposite are perhaps aware of the evidence which was heard before the commission recently where there was a very definite, concerted, deliberate attempt to seize a large area, to choke out any Canadian enterprise—

**Mr. MacDonald:** Kitchener.

**Hon. Mr. Wishart:** Well Kitchener and several other areas are still very much in the balance as to how far these people will go.

So I frankly say to the members that the amendment which I now offer came after the drafting of this legislation as a result of evidence and advice which we followed which would give us an alternative position.

**Mr. Singer:** Mr. Chairman, this is a fascinating section, section 6(a), which is in fact a new principle to the Act.

I do not know what rules we have about introducing new principles in Committee of the Whole. Certainly if we proposed to introduce a new principle by way of amendment I suspect it would be out of order. I do not know that the government has this power or not, but it is a brand new principle and I would suggest, sir, first of all that the amendment 6(a) is out of order.

**Hon. Mr. Wishart:** Mr. Chairman, speaking to the point of order, I suggest to you, sir, it is not a new principle at all. The principle of registration was in the Act under section 6. Certain definite powers are given to the registrar under section 6 and the previous sections, starting with section 2, which we have carried: "The registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the director." Those are spelled out to a degree further—

**Mr. P. D. Lawlor** (Lakeshore): Mr. Chairman, on a point of order please!

**Hon. Mr Wishart:** I am speaking to a point of order.

**Mr. Chairman:** Order!

**Mr. Lawlor:** Could we have a copy of that thing so that we could see what the minister is talking about?

**Mr. Singer:** The member has one.

**Mr. MacDonald:** No we do not.

**Mr. Singer:** I got one.

**Hon. Mr. Wishart:** I could furnish the hon. member with my copy, Mr. Chairman. I am sorry I have not got another one.

**Mr. R. F. Nixon** (Leader of the Opposition): The minister has got an amended Act down there.

**Mr. Singer:** We have got an amended Act and we have got copies of the amendments.

**Hon. Mr. Wishart:** Yes, I have it in the Act, if the hon. member—

**Mr. Singer:** It is there, right with the member for Windsor West.

**Hon. Mr. Wishart:** I am glad—

**Mr. Singer:** They do not talk to each other.

**Hon. Mr. Wishart:** I am glad to furnish my copy to the member then.

**Mr. Peacock:** This is the member for Riverdale's copy.

**Hon. Mr. Wishart:** Now particularly, Mr. Chairman, we go to section 5: "Subject to section 6, the registrar may revoke a registration where the registrant fails to comply with any provision of this Act or the regulations."

The regulations, of course, are not complete or prepared in this Act, but there is considerable wide power in those and to simply say that one of the things the registrar may do is delineate area, is not a departure from principle.

**Mr. Singer:** Oh, certainly it is!

**Hon. Mr. Wishart:** It is perhaps an expansion of the power of the registrar, but certainly not a variation of principle. Mr. Chairman, I would trust that you would rule quickly that this is in order and let us get on with dealing with this.

**Mr. Singer:** Well Mr. Chairman, before you rule on that, let me point out to the minister, as he has said, that the principle behind this Act is to control foreign ownership. Now the principle in new section 6(a) is not only to control foreign ownership but also it is to limit competition and to assign specific areas of the province to specific people.

**Hon. Mr. Wishart:** Not the control.

**Mr. Singer:** Oh yes. That is what the minister says.

**Hon. Mr. Wishart:** Oh no we do not!

**Mr. Singer:** The registration authorizes the registrant to carry on business only in the area in Ontario determined by the registrar. The minister is delineating areas. He is limiting competition. He is saying to a registrant that he can only carry on in a fixed area, probably geographic. So he is introducing an entirely different principle.

The principle of his Act, which certainly cannot be expanded upon by the regulations, is to control foreign ownership of distributors. Now the minister is saying in 6(a)—and it is a new principle—that in addition to controlling ownership of distributors, distributors can be told by the registrar that they can carry on in a fixed area only. So the minister is controlling the area in which they can operate and he is controlling competition.

Mr. Chairman, I appeal to you: I suggest this is out of order. If it is in order, I have several more things to say about it.

**Hon. Mr. Wishart:** Mr. Chairman, I ask to speak again briefly. The hon. member for Downsview is either being dense or difficult today—and I seldom say things like this about him—

**Mr. Singer:** Oh I know. I know that.

**Hon. Mr. Wishart:** He really—

**Mr. Singer:** I speak very highly of the minister too.

**Mr. Nixon:** Either one of those things is possible from our point of view.

**Hon. Mr. Wishart:** He is really being difficult about this and I do not think he is dense, but he gets up and says I am trying to control foreign ownership. Those were his words.

**Mr. Singer:** No. I said that is the principle of the Act.

**Hon. Mr. Wishart:** That is not the principle of the Act.

**Mr. Singer:** That is what the minister said.

**Hon. Mr. Wishart:** No, that is not the principle. The principle, the purpose of the Act, the object of the Act, is to control distribution by foreigners, not to control ownership; it is to control the area of distribution, the extent of distribution, so that area and extent—

**Mr. Singer:** We are not controlling ownership! Anybody can own, even though they cannot carry on their business. Is that what the minister is telling us?

**Hon. Mr. Wishart:** It is to control the extent to which distribution in Ontario is carried on by foreign owners.

**Mr. Singer:** By foreigners, yes.

**Hon. Mr. Wishart:** So when we talk about controlling extent, there are two factors. One is volume of distribution, the type of distribution and the extent of Canadian content, and the other is the geographic area. The two, Mr. Chairman, go together like hand in glove and I am sure the hon. member for Downsview has got his tongue in his cheek when he tries to make a distinction.

**Mr. Chairman:** I would have to agree with the minister. Does the member for Lakeshore want to speak before I make a ruling?

**Mr. Lawlor:** Mr. Chairman, if I might just say a word on this. I am inclined to agree with the member for Downsview, that this is a departure. The section, as originally set forth, contains procedural matter as to how hearings and appeals and what not would take place.

Now there is a substantial departure in the direction of the two elements mentioned; namely, the area within which they may operate which, I suppose, the minister could argue would be under subsection (5) of section (6)—"The tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act." He very well could tell us that was precisely the intent and purpose of putting that clause in.

If that is the case, indeed it needed to be spelled out. Regulations certainly would not be the proper vehicle whereby to embody so important a principle as is contained in this territorial or geographical delimitation—

**Hon. Mr. Wishart:** That is why it is in the Act; that is why it is included in the Act.

**Mr. Lawlor:** That is No. 1. Tied in with that is the whole feature of competition. I wonder about the validity and range of the minister's authority and powers in this province to move into that particular area, considering the existence of The Combines Act in the federal jurisdiction.

In other words I find I smell a constitutional problem here, and I would like the minister to comment upon it.

Mr. Chairman: I have listened to the debate on both sides of the House and I am inclined to agree with the minister, and I rule the amendments are in order.

Mr. Singer: If they are in order, Mr. Chairman, may I continue?

Mr. Chairman: Go ahead.

Mr. Singer: Whatever is before us in section 6 (*a*), whether it is a new principle or an extension of what was already there, it indicates that there is going to be power for the registrar to say to distributor A who has cleared his skirts of all the taint of foreign ownership that the other sections of the Act provide, "You, distributor A, can now only carry on business within X square miles which we allocate to you." The registrar is then going to be able to limit and stifle competition in a manner and with power that pertains in no other industry of which I am aware.

The member for Lakeshore touched on a point that I intended to make—

Hon. Mr. Wishart: How about the Highway Transport Board?

Mr. Singer: All right, for public need and necessity, that is true—

Hon. Mr. Wishart: Yes.

Mr. Singer: All right!

The member for Lakeshore, however, touched on a point that I think is very valid. Wherein lies the federal jurisdiction in relation to monopolies and wherein has the federal government fully occupied this field, and wherein can the province now begin to intrude? Is this reasonable? Is this logical; and what is the test?

Does the test lie only in the registrar's mind? The Highway Transport Board has been criticized for this. However, the power is there and it has been there for some considerable period of time and is part of awarding highway transport licences.

But at least in that Act, Mr. Chairman, the test of public need and necessity is spelled out. Here there is no test. The test lies in the registrar's mind. The test lies, unfortunately, I must conclude, in the sort of thing that Mr. McRuer complained violently about. The test lies in the discretion of an appointed official who is answerable to no court and who is not, in fact, directly answerable to the Legislature.

In line with that, Mr. Chairman, I would draw your attention to the appeal section. The registrar, having made up his mind by whatever arbitrary tests he wants to choose, if he wants to say to his good friend or to a friend of government, "You are going to get the valuable area of Metropolitan Toronto; you can have it." That, apparently, would be sufficient!

If he wants to say to someone else, "You can have the territory of Moosonee," that is in fact the end of it as well; except that an appeal lies—without the test being spelled out in the legislation—an appeal lies from the registrar to the minister whose decision is final.

Section 8 (*e*) of The Department of Financial and Commercial Affairs Act does not apply. So that all of the new appeal provisions, the new waves so broadly proclaimed—and how many recommendations of McRuer is it that we have carried out, 273 out of 291 or whatever the latest figure is, whatever the latest box score is—all are being thrown aside so that the decision is going to be made by the registrar without any test being spelled out in the legislation at all, and that is the end of it. Far, far too much power!

And I say, sir, that we cannot support certainly the sale procedures as set out here, so on this basis we are going to have to oppose section 6 (a) as set out.

In addition, I would like to know if the minister has obtained an opinion from the law officers of the Crown as to whether or not the province can give out this kind of monopoly and can limit the kind of business that distributors are going to have by delineating geographical or other area tests?

Hon. Mr. Wishart: Mr. Chairman, I would direct the hon. member's attention to 6 (a), the amending section, and particularly to subsection 2: "The registrar may reduce the area applied for by the registrant where, in his opinion, not to do so would lessen or be likely to lessen competition."

This is important. It is not the registrar who is lessening competition; he only can act where, if he did not limit the area, there would be a lessening of competition by the person applying for the licence. It is not that the registrar is, in the Act or by his actions, limiting competition; it is to preserve competition that he would be assigning areas.

I have not for a moment thought that there is any conflict here between federal and provincial jurisdictions, or any constitutional question whatever. This is a person doing business in Ontario, distributing goods in Ontario, and the power given by the bill is to have him licensed and to give him an area in which that distribution may be carried on.

If there ever was perhaps a prime area where one might raise a constitutional question it would be in the very field of transport, in which the federal government has a wide power actually, and yet Ontario does and has for years, on the basis of public necessity and convenience, licensed those persons who travel throughout the province and across provincial borders. They license them for the area in which they can distribute, in effect, by hauling goods in Ontario.

So if one wanted, one could not find a better example of the exercise of provincial power in this area than in a field such as transportation where we do license, and license by area, for public necessity and convenience. And here we have the same criteria, really—

Mr. Singer: No.

Hon. Mr. Wishart: —the public interest, and not to lessen competition but to prevent the lessening of competition. There is no question in my mind but what the province has full right to do this and I have no thought of making a reference on this section.

Mr. Singer: What about the appeals?

Hon. Mr. Wishart: The appeal? I have sent for volume 1 of McRuer, but I think I recall the very page on which the words are written —I think it is page 275. You will find that Mr. McRuer said where a matter of interest arises which is of public interest, where a political decision must be taken by government, there should be no appeal, that it should be a political decision made by the minister and not to a court or to another body. Now we did provide—you will find it on page, I am sure it is page 275, volume 1, McRuer.

Mr. Singer: The sentiment is there but it does not apply in this case at all—

Hon. Mr. Wishart: It is there; you will find the words are there.

Mr. Singer: —where you can take away a man's livelihood and deny him an appeal.

Hon. Mr. Wishart: This will be a decision which government must take and it is a decision which should—

Mr. Singer: No thank you.

Hon. Mr. Wishart: It is not for a court. I think if the hon. member stops and pauses for a moment he will realize that it is not for a court to decide where company XYZ doing business in Philadelphia should carry on its business of distribution of paperback and periodicals in Ontario. In the public interest—

Mr. Singer: We are talking about areas.

Hon. Mr. Wishart: —it is a decision to be made by government and by the minister responsible for that—

Mr. Singer: Monopoly.

Hon. Mr. Wishart: —and that is what McRuer says; page 275, volume 1.

Mr. Chairman: Shall the amendment carry as moved by the minister?

All those in favour of the amendment submitted by the minister please say "aye".

Those opposed please say "nay".

In my opinion the "ayes" have it.

Carried.

Shall section 6, as amended, carry?

Mr. Singer: No.

Mr. Chairman: All in favour? Carried.

Section 7; carried.

Section 8?

Mr. J. Renwick (Riverdale): Mr. Chairman, on section 7—I was on my feet, Mr. Chairman.

I know the concern of the government to move with the utmost speed at the 11th hour.

Interjections by hon. members.

Mr. J. Renwick: If it is convenient for the minister, since the two amendments which I have, Mr. Chairman, relate to the same point only they deal with both clauses 7 and 8; if it was acceptable to the Chair and to the minister I would put the two amendments at once, as it is the same point.

Mr. Chairman: Put the two of them together.

Mr. J. Renwick: The amendment, Mr. Chairman, is that subclause 1 of clause 7 be

amended by deleting the word "resident" whenever the same appears and substituting therefor the words "Canadian citizen."

And that subclause 2 of clause 7 be amended by deleting the words "a nonresident" and substituting therefor the words "not a Canadian citizen."

And that clause 8 be amended by deleting the word "nonresident" wherever the same appears and substituting therefor the words "person who is not a Canadian citizen" and deleting the word "nonresidents" wherever the same appears and substituting therefor the words "persons who are not Canadian citizens."

When they are placed I would like to speak very briefly on them.

**Mr. Chairman:** The member for Riverdale moves:

> Subclause 1 of clause 7 be amended by deleting the word "resident" whenever the same appears and substituting therefor the words "Canadian citizen"; and subclause 2 of clause 7 be amended by deleting the word "nonresident" and substituting therefor the words "not a Canadian citizen." And that section 3, clause 8 be amended by deleting the word "nonresident" wherever or whenever the same appears and substituting therefor the words "person who is not a Canadian citizen" and deleting the word "nonresidents" whenever the same appears and substituting therefor the words "persons who are not Canadian citizens."

Moved by Mr. J. Renwick.

**Mr. J. Renwick:** Mr. Chairman, the reason I think is perfectly obvious. On second reading of the bill we made the point that it did appear to us that where these prohibitions are being put forward with respect to persons engaged in this business, that a much better criterion is the criterion of citizenship rather than that of residence. If what we are concerned about is an attitude or a response that is a particularly Canadian one, then one does not achieve it by simply requiring that the test with respect to the degree of control within Canada is one which relates solely to residence.

We could have, Mr. Chairman, made the amendment when the bill was at clause 1, but it seemed to us that the appropriate place to give substance to it was to move it when we arrived at clauses 7 and 8. It seemed to me that the minister would have to respond as to why he believes that residency is a sufficient test, and why it would not be possible for him to accept the amendment which we propose which would change in substance clauses 7 and 8 to be determined with respect to the authority to carry on business that the test be one of Canadian citizenship.

**Mr. Chairman:** I believe the minister has an amendment to section 8?

**Hon. Mr. Wishart:** I have an amendment to section 8 but it does not touch really the point which the hon. member produces by his amendment and to which he speaks. In answering his comment on his amendment, and in opposing the amendment, I have to direct the attention of the hon. member to the definition of nonresident. At least that is the intention—

**Mr. J. Renwick:** I am aware of that.

**Hon. Mr. Wishart:** I want to dwell on that for a brief moment.

If you go by a rather extended definition, a nonresident is not just a matter where he lives. It is an individual who is not a Canadian citizen. You are taking in foreign citizenship, and not just residency. Re (ii), "an individual who is not ordinarily resident in Canada" takes in the residential factor; (iii) "a corporation incorporated, formed or otherwise organized elsewhere than in Canada," so the nonresident is a corporation, a foreign corporation; and (iv) "a corporation that is controlled directly or indirectly by nonresidents as defined in subclause (i), (ii) or (iii)"; not just residents, here but foreign ownership, foreign control of a person, a corporation person.

Then likewise in (v) "a trust established by a nonresident as defined in subclause (i), (ii), (iii) or (iv)"; and vi "a corporation that is controlled directly or indirectly by a trust," such as is mentioned in the definition.

So when we speak of residents here, we go, of course, to the definition of nonresident, and we find it takes in foreign citizenship, corporate foreign control and all under 6 headings; all sorts of things which are much broader than simply where individuals or where a person lives or where the corporation is established. So when I refer to residents now in the Act, you have to relate to that wide definition of what is a nonresident. I think we really accomplish what the hon. member has put forward in his amendment by a previous definition of nonresident.

**Mr. J. Renwick:** Mr. Chairman, that is precisely the point. We do not accomplish it be-

cause the various items to which the minister referred in the definition of nonresident are disjunctive. What we wanted to do is restrict the requirements with respect to ownership in clauses 7 and 8, clause 8 in the case of persons who are not corporations but are individuals carrying on the business of a distributor and in clause 8 cases where it is a corporation. We wanted to restrict the degree of ownership that the minister wishes to obtain so far as corporations which are engaging in the business, and so far as individuals are concerned we wanted also to restrict it in both cases to Canadian citizens.

What the minister is saying is that in the case of an individual you can be a nonresident by being either not a Canadian citizen or not ordinarily a resident in Canada. Put that into positive terms and it means you can be a resident for the purposes of the Act because residency is defined to mean a person who is not a nonresident. Therefore placing it in positive terms, instead of an individual being required to be only a Canadian citizen, it is sufficient for this purpose that he be a person who is ordinarily resident in Canada. It is our view, Mr. Chairman, that that is inadequate. We want it restricted to persons who, as individuals, are Canadian citizens.

Then when we come to the question of corporations carrying on this particular business, then what we are saying is that the percentages of control of equity capital, which the minister has set out in the bill, should be determined on the basis of whether or not the person is a citizen and not solely or not in part on the question of whether the person is a person ordinarily resident in Canada. As a matter of fact, if the converse operates properly and it is adequate under this bill to say that a resident is a person who is ordinarily resident in Canada, then in fact you have persons who may be ordinarily resident in Canada but spend a substantial amount of their time out of the country. I do not consider that the minister's comment was in any way an answer to the proposed amendment which we put forward.

It is our view that if it is of this importance that the minister introduces this bill for the purpose of regulating this particular industry, then we think that the determination should be on the basis of citizenship and not on the more extended basis of residency, whether or not the person is a Canadian citizen.

**Mr. Chairman:** Let us get our procedures straight now. We will have to vote on the first amendment and not take the two together, because if we take the two together and the amendments are lost that means that both sections will be carried as they are, without the minister having an opportunity to put an amendment.

**Mr. J. Renwick:** Yes, because the minister was not quick enough, I guess, to get to his feet.

**Mr. Chairman:** So we are going to take the first one separately and then the minister can introduce his amendment to section 8.

**Hon. Mr. Wishart:** Mr. Chairman, I got to my feet and I pointed out I had an amendment but I did not think it was relative to the point here. There was no point in raising it to confuse the issue.

**Mr. Chairman:** I was not looking in your direction, either.

**Hon. Mr. Wishart:** I was looking in the direction of the member for Riverdale.

**Mr. Chairman:** Shall the amendment as moved by the member for Riverdale to subclause 1 of clause 7 be carried?

Those in favour will please say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

Section 7 agreed to.

**Hon. Mr. Wishart:** Mr. Chairman, I have an amendment to section 8. I move that clause (b) of subsection 2 of section 8 of the bill be deleted and the following substituted therefor:

(b) In the case of a contravention of clause (c) of subsection 1 until the 14th day of June, 1972, a corporation incorporated after this Act comes into force, and before the 14th day of June, 1972, by or under an Act of Ontario, Canada, or a province of Canada, may, notwithstanding clauses (a) and (b) of subsection 1, be registered in the place of the first-mentioned corporation, if the equity shares of the new corporation, or beneficial interest therein, including their control or direction held by nonresidents, are held directly or indirectly in the same manner and the equity share of the first-mentioned corporation, but where the new corporation is in contravention of clause (a) or (b) of subsection 1, clause (a) of this subsection applies.

I must speak briefly to that, Mr. Chairman. The purpose of that amendment, of course, is to take care of the situation, to prevent the situation where a foreign corporation could, by purchasing other foreign corporations, in a foreign country—say for example a corporation operating out of Philadelphia might pick up a corporation in Chicago or New York or Pittsburgh, which has distribution areas in Ontario. By so doing they would change the share content of the Ontario foreign subsidiary. If they do that, they change the ownership and they come within the ban of subsection (a) of 8, and this amendment is to prevent the foreign corporation doing indirectly, by buying up other foreign corporations, what it cannot do by buying up local areas in Ontario.

Mr. Chairman: The amendment of the minister—

Mr. Lawlor: Mr. Chairman, this is an extremely complex matter, at least to address the full purport and ramifications of that amendment off the bat.

The section as a whole is in two parts: That the corporation will not carry on business as a distributor if 25 per cent of that corporation in toto is held outside by nonresidents; or the second criterion that any one or more associated nonresidents hold more than 10 per cent of the stock in the corporation. Certain exclusion or safety valve clauses are written in touching a corporation that was carrying on business as a distributor immediately before June 14 of this year.

Obviously, if there is such a corporation, some kind of special provision must be written into the statute to give some relief since the law did not apply at that time. In that case, in the first subclause (a), which is picked up in this new amendment—if the equity shares in that corporation including control or direction, if there is no transfer in view, and so on, if it stands precisely the way it is, then apart from the business of registration that corporation may continue to do business.

Then there is the business of what happens to such corporations after June 14 of this year, and the Crown—the government—says we will give you a certain period of time, we will give you a year, in effect, to get yourself incorporated and to bring yourself within the limitations. But if your incorporation as it takes place—and this is the way I read it—falls within the ambit of the exclusions set out in subclause (a) and having to do with subsection (1); that is if more than 25 per cent is held by nonresidents or any one person holds more than 10 per cent, then it is brought back within the ambit of the legislation and the government exclusion continues to operate on that kind of corporation—that is in that interregnum period up until June 14, 1972.

If that is the intent and purpose of the legislation, then apart from this somewhat difficult wording, with exclusion somewhat within exclusion, then I can see no basic fault in the intent and purpose. Reading the clause as it was previously—that if the corporation was not incorporated, then (2) (b) as it was previously: "in the case of a contravention of clause (c) of subsection 1, if the distributor is incorporated by or under an Act"—before a certain date—but that obviously was not enough because if he brought himself within clause (c) he might still fall out with respect to (a) and (b).

And so the thing had to be reformulated in order to catch the niceties and the loopholes that were written into the legislation as it was first brought before this House. If I am correct on that, then I have no objections, Mr. Speaker.

Hon. Mr. Wishart: Mr. Chairman, I think perhaps I could explain this a little more clearly, if I could take an example. Let us say that there were two distributing companies in Toronto, Ontario, one owned by one foreign operation or say by three persons in the ratio of 30 to 40, and another distributing company owned by a different concern in some other ratio. Now, the Act as it was originally drafted, required those companies, those foreign subsidiaries, operating in Ontario, to be reincorporated as Ontario or Canadian corporations.

Now we have gone further and that is all the amendment says: They must have the same ratio of equity-share ownership. That would be to prevent one foreign corporation from buying out the other and thereby acquiring the areas of the two Ontario subsidiaries. Because, of course, once one bought the other out, the ratio would change and they could proliferate so that one very powerful foreign corporation could acquire the whole province by acquiring the parent, foreign firm of the local foreign subsidiary.

Mr. Lawlor: And so that you keep the ratios steady, that is the basic principle.

Mr. Chairman: Shall the amendment moved by the minister carry?

All those in favour of the amendment proposed by the minister will please say "aye."

Those opposed will please say "nay."

In my opinion the "ayes" have it.

Carried.

You know, the amendment does not carry the section.

What about the amendment by Mr. Renwick? The defeat of this amendment carries the section.

**Hon. Mr. Wishart:** That was defeated.

**Mr. Lawlor:** Leave his amendment stand, please.

Mr. Chairman, I would think he would want his amendment to stand and if it is voted down then it will carry the section.

**Mr. Chairman:** All in favour of the amendment moved by Mr. J. Renwick say "aye."

Those opposed please say "nay."

In my opinion, the "nays" have it.

Section 8 as amended, agreed to.

Setcions 9 to 18 inclusive, agreed to.

Bill 64, as amended, agreed to.

## HUMAN TISSUE GIFT ACT

House in committee on Bill 65, The Human Tissue Gift Act, 1971.

Sections 1 to 3 agreed to.

**Mr. D. M. De Monte** (Dovercourt): Mr. Chairman, I have a comment on a section—I just got a copy of the Act, it was not in my book. May I ask your indulgence for a moment?

**Mr. Chairman:** Okay, go ahead!

**Mr. F. A. Burr** (Sandwich-Riverside): Mr. Chairman, in the meantime could I ask a question? Has the minister made any progress in his plan for publicizing the Act through the use of donor consent cards in any fashion?

**Hon. A. B. R. Lawrence** (Minister of Health): Some progress, Mr. Chairman, in that we are exploring the use of the donor consent form in relation to the combined OHSIP and OHSC number cards.

**Mr. De Monte:** I have a question in connection with section 6, Mr. Chairman.

**Mr. Chairman:** Right, fine.

**Mr. De Monte:** I notice that the coroner can release certain tissues for use, even though at the time he releases the tissue, or release the body for the purposes of the use of the tissue, that the person might still be alive. For what purposes is the coroner called in, Mr. Chairman, under section 6?

**Hon. A. B. R. Lawrence:** We are dealing here with the opinion of a physician, death being imminent?

**Mr. De Monte:** Yes.

**Hon. A. B. R. Lawrence:** I cannot give an example at the moment except from the straight phraseology of the section itself, the imminence of death and the presence of the coroner.

**Mr. De Monte:** Yes, I was wondering, especially in connection with section 5 of the Act where the consent ultimately comes down, where the administrative head of a hospital may give consent to the use of the tissue.

In connection with the proposed use of the tissue of a person who is still alive, I wonder what safeguards are there, Mr. Chairman? It is something that has arisen in my mind. I am wondering whether some people might not just think more of using the tissue than keeping alive the person from whom they are going to take the tissue. I notice that the consent ultimately, in section 5, can be obtained from an administrative head of a hospital.

**Mr. Singer:** That is like seizure.

**Mr. De Monte:** What safeguards are there in the Act, especially in connection with section 6?

**Hon. A. B. R. Lawrence:** Section 7 would strike me as being the safeguard section. Section 7 (1) states: "For the purposes of a post-mortem transplant, the fact of death shall be determined by at least two physicians."

**Mr. De Monte:** Should these physicians perhaps not be, Mr. Chairman, or should we not put in the Act that these physicians should be completely unrelated to the group that is carrying out the transplant?

I notice it says here "two physicians." I think that perhaps we should possibly say two physicians completely unrelated to the hospital or to the team that might be carrying out the transplant, because certainly I can see some abuse of this.

I notice that in the press there have been allegations that this has been abused, especially in some hospitals where they thought that the person was about to die, but they did not, in the opinion of the press, do too much to keep the person alive. I could see

this section could be abused. Where they make the decision to transplant the tissue while the donor is still alive, the consent that is to be given could very easily be the consent of the administrative head of a hospital.

I am wondering also, Mr. Chairman, in connection with section 5, it could possibly be that all those people set out in subsections (a) to (f) could not be found, say within a reasonable time and the administrative head of the hospital makes the decision. Then suddenly, a very short time later, perhaps a spouse comes along and abrogates his consent. What do we do about that?

Even though we protect the administrator, what do we do with the problem when the spouse or anybody who has control of the body, the executor, would not have given consent? So we are, in my respectful opinion, doing something to a body that the person in charge of that body would not want done to it.

**Hon. A. B. R. Lawrence:** The key is that a spouse or other person cannot overrule a consent.

**Mr. De Monte:** I did not get that.

**Hon. A. B. R. Lawrence:** A consent validly given cannot be overruled in this legislation by a spouse or otherwise.

**Mr. De Monte:** I appreciate that.

**Hon. A. B. R. Lawrence:** The section we are talking about is in the post mortem gifts part of the Act. Here we are dealing with a dead body.

I do not know what the answer would be. Of course, it is always possible that some relative might turn up in the order of priorities here who had a concern and there was no consent, and only another relative of a less significant position had given consent. But I think that is a risk that is implicit in the Act itself.

Beyond that, in the Act itself Mr. Chairman, you will note under section 7 (2) that there is a prohibition for any physician exercising his judgement where he has had any association with the proposed recipient. You will find the rest of 7 that, "No physician who took any part in the determination of the facts of death of the donor shall participate in any way in the transplant procedures."

I feel, Mr. Speaker, that keeps it as much at arm's length as we can.

**Mr. De Monte:** I think it does, Mr. Chairman, and I must confess I did not notice those two sections when I brought the point up.

But I am still concerned about the fact that we are giving—and I suppose section 7, (21) and (22) of The Coroners Act means a body upon which perhaps some force has been applied—there might have been a murder or something like that. That section pertains to the coroner who gives consent to touch the body even though he has jusisdiction over it. Is that what that means?

**Hon. A. B. R. Lawrence:** Mr. Speaker, I do not have The Coroners Act with me.

**Mr. De Monte:** I just wanted to clear that point up.

**Mr. Chairman:** Are there any other further comments, questions or amendments to any section of this bill?

**Mr. M. B. Dymond** (Ontario): Mr. Chairman, it seems to me we have been going all over the various sections and I am not just sure where you are in the bill. I am very much concerned about section 5, Mr. Chairman.

It seems to me that in this section we have played somewhat fast and loose with to whom we give the authority to give away a dead body. I can see no reason in the wide world why the administrative head of the hospital should have any right to dispose of a body just because the patient happened to die within that hospital.

Today the administrative head of a hospital is, by and large, a business man who has absolutely no contact with the patient as such, other than making sure that he is insured or that the bill for his care is collected. I think it is quite wrong that the administrative head should have any right over the disposition of a body.

Indeed, sections (e) and (f), in my view, go a little too far. It seems to me, sir, that when he stops the authority with the immediate family, the minister has really gone far enough. As a physician I cannot see any great scarcity of human tissues to the extent that we need to allocate to such a wide range and diversiy of people the right to dispose of a dead body.

I would hope that the minister would seriously consider deleting subsections (e), (f) and (g) of section 5.

**Hon. A. B. R. Lawrence:** Mr. Chairman, with great deference to the point made, personally, and as in government, I have no strong feelings one way or the other on (g),

in particular, or (e) and (f). So, Mr. Chairman, I must rely simply on the combined wisdom of the legal and medical authorities who worked on this bill, put it together and balanced the public need against the question of personal sensitivity.

So I will not, of my own motion, make an amendment to this section, Mr. Chairman, despite the fact that I do not have strong feelings one way or the other.

**Mr. Singer:** Mr. Chairman, I think the hon. member for Ontario South—

**Mr. Dymond:** Ontario!

**Mr. Singer:** —for Ontario, has made a very good point. My colleague from Waterloo North (Mr. Good), who is absent from the House today on government business had mentioned this to me. In fact, in his file which he left with me were several amendments to this section which he had drafted, and I am going to move these amendments:

That clause (b) of subsection 1 of section 5, be amended by deleting in the first line the word "readily;" And similarly in clauses (c), (d), (e) and (f). That is the first amendment.

Secondly, that clause (g) of subsection 1 of section 5 be deleted; and thirdly that clause (j) of subsection 1 of section 5 be amended by adding thereto the words:

> except that where consent is given under clause (g) of subsection 1 of section 5, the consent of the use of the body shall apply for therapeutic purposes only, and not for medical education or scientific research.

Where it reads the member for Waterloo North, perhaps my name might appear.

**Mr. Chairman:** Does the hon. member wish to speak to these amendments?

**Mr. Singer:** No, I think I agree substantially, Mr. Chairman, with the comments put forward by the hon. member for Ontario; and I noticed the minister said of his motion he would not do it, so we are taking the obligation from his shoulders and perhaps on our motion he will do it.

**Mr. Burr:** Mr. Chairman!

**Mr. Chairman:** The member for Sandwich-Riverside.

**Mr. Burr:** The persons to whom this section would most often apply are those who have been killed in an accident, an accident which happens perhaps far away from the relatives of the victim. In some cases, the identity of the victim might not be known. If these clauses are to be deleted then I think the case for the donor card becomes much, much, more important; otherwise we are going to fail to make use of human tissue in certain emergencies where it would save lives.

**Mr. W. Ferrier** (Cochrane South): I am inclined to agree with the member for Sandwich-Riverside and the amendment as put forward.

As a clergyman I have often been at the bedside—as I know you have, Mr. Chairman—of people who have been passing on and I would think that the next of kin, or the ones who make the decision in this matter, should be readily at hand.

If the person wants to will it himself, I think that it is incumbent upon the minister to provide a form of donor card, so that the person could clearly express that any part of his body might be used as a transplant organ in case of an accident or untimely death, if the next of kin were not available to give consent.

As the member for Ontario has pointed out, the only connection that many hospital administrators have with the patient is to collect the bill and to make sure that the staff provides the necessary services, and it is a pretty impersonal relationship.

I really think that we have gone just a little too far here, perhaps, and until there is a much greater demand for tissue, I would think that this amendment as introduced by the hon. member for Downsview, and on the basis of the intervention of the member for Ontario, should be supported.

**Mr. I. Deans** (Wentworth): May I have a word before the minister sums up, Mr. Chairman.

Listening to the debate, I could not help thinking today of a newscast I listened to regarding the recent operation performed in South Africa by Dr. Christiaan Barnard, in which the next of kin of the quote, donor, unquote, informed the press and the doctor, immediately after finding out that the person whose organs were used was in fact her late husband that she would never have consented to such a thing had she been given the opportunity. Had she been informed that the operation which was going to be performed by the doctor was in fact going to use the organs of her deceased husband, whom she did not know had passed away, she would not have

given the consent required to have the operation performed, and I think that this bears out the point that is being made.

There are many individuals—next of kin—who would feel considerably distressed if they felt that the bodies of persons close to them were being used without proper consent having been given, and I offer this thought to the minister. I was trying to seek out this article in the newspaper in order to bring it to his attention. It is on page 1 of today's Toronto Daily Star again, that this, in fact, did take place.

I think that we would not be acting in the best faith, with regard to the people of this province, if we were to give the kind of authority that is contained in sections (e), )f) and (g) of this bill to persons other than the next of kin. I feel that there will—no doubt—be a great many people who would feel very upset, perhaps even to the point of emotional upset, as a result of the provisions contained in this bill and the way in which they could be applied, and as they were applied in South Africa. I think the minister might well reconsider his position.

**Hon. A. B. R. Lawrence:** Mr. Chairman, there are three amendments, I would judge, here.

One is to clause (b) of subsection 1 of section 5. The second one relates to clause (g) hospital administrator—

**Mr. Singer:** I am sorry, on a point of order. It is not too easily legible, but the same amendment to clause (b) applies to (c), (d), (e) and (f), removing the word "readily" in each case.

**Hon. A. B. R. Lawrence:** Yes, I took that for granted.

May I say without dealing with it in numbers, that I cannot accept the removal of the word "readily"; I think it is very important if the efficacy of the section is to be maintained.

I cannot accept the restriction in the third amendment relating to the therapeutic purposes only; but, Mr. Chairman, I will accept the second amendment, namely, the deletion of clause (g) of subsection 1 of section 5.

**Mr. Dymond:** May I say I wholeheartedly agree with the minister's attitude on this. The word "readily" is essential, as I see it, if the tissue is going to be any good in a great number of cases. Then if the third amendment were adopted, the total intent of the bill is gone, and again speaking from a little experience, sir, I find that when people are willing that their body be used for medical or scientific purposes, they really do not care whether it is for therapeutic reasons or for research or for teaching.

**Mr. Chairman:** Would the minister repeat which amendments are acceptable.

**Hon. A. B. R. Lawrence:** What the member for Ontario has said is consistent with the remarks I have made, Mr. Chairman. Namely that I do not accept the first and third amendments proposed, but I do accept the second amendment proposed, namely, the deletion of subclause (g).

**Mr. Chairman:** Then we take the amendment as moved by Mr. Singer. He moves that clause (b) of subsection 1 of section 5 of Bill 65, be amended by deleting in the first line, the word "readily," and the same in clause (c), (d), (e) and (f). Is it the pleasure of the House that this amendment carry?

All in favour of the amendment say "aye."

All those opposed say "nay."

In my opinion the "nays" have it.

Subsection 1 agreed to.

In section 2, moved by Mr. Singer, that clause (g) of subsection 1 of section 5 of Bill 65 be deleted.

All in favour of this amendment say "aye."

Opposed, if any?

In my opinion the "ayes" have it.

Motion agreed to.

The third amendment, that clause (j) of subsection 1 of section 5 be amended by adding thereto the words "accept," the word "consent" as given under clause (g) of subsection 1 of section 5, "the consent of the use of the body shall apply for therapeutic purposes only and not for medical education or scientific research."

Those in favour of the amendment say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

Any other comments or questions or amendments to any section of the bill? If so, to what section?

Well, then, shall the bill be reported?

Bill 65 reported.

## HEALTH SERVICES INSURANCE ACT

House in committee on Bill 82, An Act to amend The Health Services Insurance Act, 1968-1969.

**Mr. Chairman:** Are there any comments, questions or amendments to any section of this bill?

If so, then what section?

**Mr. Ferrier:** I would like to speak on section 3 for a moment.

**Hon. A. B. R. Lawrence:** Perhaps I could outline the amendments that I was proposing before we deal with others.

There will be an amendment to section 3, which I mentioned earlier on second reading, with regard to the establishment of the medical review committee and the removal of equivalent powers from the director. There will be further amendment to section 3 establishing the role of the medical review committee.

There will be an amendment involving what is called the cosmetic surgery section which is subsection 2 of section 5 (e). And I would like to have an amendment relating to the operative time of the Act, namely November 1.

Finally, Mr. Chairman, with regard to section 31a of the Act, I would like to have appropriate amendments establishing the appointment of the membership of the medical review committee and of the inspectors, whom again, as I mentioned on second reading, will be chosen from nominees of the College of Physicians and Surgeons.

**Mr. Chairman:** The minister moves all these different amendments to different sections?

**Hon. A. B. R. Lawrence:** I will in due course, Mr. Chairman, if I may.

**Mr. Chairman:** Yes?

**Mr. Ferrier:** I would like to speak to section 3, subsection 5 (b) of the Act, if I could for a moment, although I have not an amendment to offer.

This section lays out the duties of the director and we feel that there is an oversight in the duties that should be given to the director along the question of determining the fee schedule with the Ontario Medical Association. We feel that one of the duties of the director should be to negotiate, on behalf of the government, with the Ontario Medical Association, a fee schedule that would be part of this Act. We believe that the kind of arrangement whereby it is done now, where it is done by consent and given to the government by the OMA, is not satisfactory, and that in any future way of determining this fee schedule there must be real and vital negotiations. We feel this should have been in this bill. We realize it is difficult to put it in, but we would like to make our point on that fact anyway.

**Mr. Deans:** Mr. Chairman, in speaking to basically the same point, I would like to suggest to the minister that there is a need in the Province of Ontario for legislation of some kind to govern the fees the doctors charge.

I think in general dealing with the general practitioners, that they do not abuse the plan and in fact do not overcharge in regard to the services they perform. But I cannot help feeling that in the area of the specialist, that specialists, regardless of their abilities, tend to overcharge. The average patient does not have the opportunity to shop around, so to speak, and look for a specialist of his choice. In fact, in almost every instance he is referred by the general practitioner, his family doctor, to a specialist of the general practitioner's choice.

The charges that are levied against individuals in the province by specialists in a number of instances are considerably in excess of the Ontario Medical Association schedule of fees, considerably in excess. In fact, an instance was brought to my attention over the weekend where the doctor charged the patient $125 for an operation for which $50 was chargeable under the Ontario Medical Association schedule. Now 150 per cent over and above the schedule is ridiculous.

If doctors are to have, as they now have, the right to establish a schedule of fees, then surely it is not too much to ask that having the right to do it independently, they at least live by it. I feel that somewhere in the Act—if not in this Act, somewhere in an Act —there has to be movement by the government to ensure that persons will not be charged so much in excess of what is established as a reasonable and fair return for the services that the doctor is required to perform for a specific operation.

I say to you, and I stress it, that I have no particular quarrel with the general practitioner. I feel that in the main he deals reasonably fairly and the amount he is able to charge under the schedule is normally the

charge that he makes, and in fact we should be looking perhaps more seriously at paying 100 per cent of his costs. But in the case of the specialist he establishes for himself, based on his own interpretation of his abilities, a fee which he determines he needs.

**Mr. R. Gisborn** (Hamilton East): Whatever he thinks a guy can afford.

**Mr. Deans:** As my colleague from Hamilton East says, whatever he thinks the patient can afford, rather than what the operation itself is worth. I think it is about time that we came to grips with that problem. I would suggest to the minister that he take a serious look at ensuring that having once agreed, if that is the way it is to be done, that the OMA schedule will be paid by the programme, doctors operating in this province will charge the schedule and no more. Because we are reaching a point now where I am convinced that there are a great many doctors who are making a rather large fortune off the earning capacity of their patients without regard for the appropriateness of the charge they are making. There may be—and when I say "a great many" perhaps I should clarify it. I say to you that there are doctors, I want to retract "a great many;" I do not know that that is true; but I suspect that there are more than I would know about. They may well be the minority of doctors, they may well be a small minority, but the truth is that where there is one doing it we have got to try to put a stop to it, and I know that there is more than one.

**Mr. Chairman:** Are there any amendments prior to section 3? If there are not, we will ask the minister to go ahead with the amendments.

**Hon. A. B. R. Lawrence:** Thank you, Mr. Chairman. I move that subsection 2 of section 5 (b) of the Act as contained in section 3 of the bill be amended by striking out everything after clause (d) and inserting in lieu thereof:

> The director shall refer the matter to the medical review committee established under section 31 (a), and the medical review committee may recommend to the director that he pay, or refuse, or reduce payment of the amount otherwise payable under subsection 1; and subject to subsections 3 to 6 and to sections 5 (c) and 5 (d) the director shall carry out the recommendations of the committee.

**Mr. Chairman:** Hon. A. B. R. Lawrence moves that subsection 2 of section 5 (b) of the Act as contained in section 3 of the bill be amended by striking out everything after clause (d) and inserting in lieu thereof:

> The director shall refer the matter to the medical review committee established under section 31 (a), and the medical review committee may recommend to the director that he pay, or refuse to pay, or reduce payment of the amount otherwise payable under subsection 1; and subject to subsections 3 to 6 and to subsections 5 (c) and 5 (d) the director shall carry out the recommendations of the committee.

**Mr. Ferrier:** Mr. Chairman, this medical review committee that is established here is something that was not in the bill when it was originally proposed and it is almost a new principle that is being introduced. The original bill suggested that the director himself would perform this function, and the establishment of this committee, I gather, is somewhat of a concession to the medical profession of the province that no civil servant pass, or make a decision, or review the profession's billing procedures or its method of practice, but that it only be done by their peers.

I cannot share the cynical view that the medical profession seems to have of the civil service. There are many good doctors in The Department of Health and in the OHSIP division who I think are quite competent and able to make this kind of a decision. There was an article in today's Toronto Telegram giving some significant praise to the director of that department for the job that he is doing—a good job—and I feel that it is almost an overly great concession to the medical profession to permit them to make this review.

If we will look at the section that the minister proposes—or the amendment the minister proposes later on—setting up this medical review board we will see that all these people are to be chosen from a group nominated by the Royal College of Physicians and Surgeons of this province. It would seem that as things now stand, since that whole body is made up of doctors, that doctors will be reviewing the whole practice and the billing of their colleagues.

We just feel that while it is entirely in order for two doctors to be nominated by the college itself, the minister in his own right should be prepared to choose at least two doctors whom he feels confident in and who are not necessarily bound to the college the same way as their own appointees are. We also feel that a case could very well be

made for two representatives from the general public. I realize that these people would have to have a good deal of technical skill and background knowledge, but I suggest that such people could be found within the scientific and university community.

I think that this kind of a body would make a much more satisfactory scrutiny of the kind of things that the minister is trying to check than the body he is establishing here in this amendment before us.

We feel that there must be a review, of course, of the kinds of practice and the billing. But we really do not see why the director should not have this responsibility and why we would have to set up another body to carry it out.

In terms of the statements made by Dr. E. J. Moran at a meeting that Dr. Charron attended on the minister's behalf. I have very serious reservations about this medical review committee as the minister is establishing it in this legislation. This Dr. Moran seemed to suggest that if the minister is going to have any kind of control of the doctors, they are going to find every loophole possible and they are going to milk the system.

Now I do not think that the majority of doctors are going to follow that practice; at least I would hope not. I would say that he has presented a view of doctors being far more unscrupulous than any politician has ever put forward in this House. I think that his statements are shameful, but in terms of the things that he did say I have serious reservations as to whether this group—who are not to be civil servants; who are to be appointed on the nomination of the college—is, in fact, the body to do the job.

I do not have the suspicion and the reservation about the civil service in the health field that the doctors themselves seem to have. I personally would have preferred to have seen the director have this power of investigation and of audit and checking into the account rather than referring it to an independent body.

I feel that it is too great a concession to the medical people of this province. They seem to think that they are above scrutiny and that no one dare question them. I feel that they are no better or no worse than any of the rest of us and that they must live up to certain practices and standards. The government—the civil service representing the government—should, in this instance, have the power to make this audit and check these abuses and not have it done as the minister has suggested in this amendment that he is introducing now.

**Mr. Peacock:** Mr. Chairman, we in this party have opposed the amendment which the minister has introduced. On second reading we put the point to him that the new audit process which he is introducing is, perhaps, superfluous to the original provisions of The OHSIP Act in respect to those provided in section 4 of the original Act, in which the director is given power to approve and assess claims for insured health services and determine the amount to be paid and authorize the payment thereof. The language is repeated in the section that is now before us. In that same section now before us the minister goes on to set out in more detail, but with no expansion of powers, the power that was given the director in the original Act. Now he comes along and introduces before us the establishment of a medical review committee to be composed exclusively of persons nominated by the College of Physicians and Surgeons to undertake what is essentially an administrative function. He puts it to us that doctors in the practice of medicine in this province should be seconded from their work as practitioners wherever they may be, or perhaps the odd one or two of them may be engaged in the executive or administrative work with the college itself. They are to join with the staff and the directors of OHSIP in reviewing claims which, in the director's opinion—I point out to the minister the introductory phrase—"where it appears to the director on reasonable grounds," the services were not rendered or the services were not medically necessary. Then, the minister is introducing a new element of difficulty and cumbersomeness and, as the member for Cochrane South has said, is in effect simply making some kind of gesture to satisfy the level of anger which the medical profession in this community has raised against him.

We will, of course, be opposing the further amendments which the minister has to intro- in respect to this medical review committee. I should be saying to the minister, at this point, Mr. Chairman, that in determining whether or not a claim is to be paid, the director should not be second guessed. The director's decisions are subject later on in this same section to the provisions of subsections 3, 4, 5 and 6 which require him to give notice where he will not pay the claim to the practitioner and having received notice, entitle the practitioner to file an appeal with the claims board, so why should there

be the necessity of introducing an element of review before notice of the refusal to pay or to reduce has even been given?

I simply cannot comprehend, Mr. Chairman, why the minister has allowed himself to be pushed and pressed in this way. I suggest to him he will find the inclusion of the nominees of the college in no way satisfactory to the administration and in no way will it reduce the number of claims which may be received by the claims boards as a result of appeals from the decision of the director to reduce or withhold payment.

Nothing is said to us in this section, or the one which is to be presented later, establishing the medical review committee, as to how it will function and what its determinations will be. As I mentioned earlier, section 5(b) which is enacted by clause 3 sets out that the director is the one to determine in his judgement whether on reasonable grounds payment should be withheld. Then subsection 2 of section 5(b) of the Act goes on to say what the various grounds are for withholding payment. I cannot agree, as I indicated on second reading, Mr. Chairman, that the director or his staff lack the judgement to determine whether or not all or part of the insured health services were in fact rendered.

The minister has taken over from the prior prepaid medical insurance scheme sponsored by doctors themselves a number of extremely competent people in this field. As has been pointed out by the member for Cochrane South, the Telegram in its warfare against the minister has pointed to the competence of the director of the Health Services Insurance Plan. So why is it then we are substituting someone else's judgement for his before he has even given notice of his intention to withhold or reduce payment? All of the staff are there, all of the expertise is there. Now a new element, this medical review committee, is to be introduced to second guess the work and the decision-making of the director.

Will the medical review committee for instance, Mr. Chairman, redirect the director? Will it say to him that he has not had reasonable grounds for bringing the matters of reduction or withholding of payment before the committee? Will it be able to report over the head of the director to the minister or the medical services insurance council that the director is, in fact, not adjudicating claims in a manner which is acceptable to the medical profession as represented by those nominees of the College of Physicians and Surgeons?

Either the minister puts confidence in his director or he does not, and by this introduction of this amendment, Mr. Chairman, it is quite clear that this minister in the administration of The Health Services Insurance Act is not content to leave the discretion and the judgement entirely in the hands of his chief executive officer in the health plan.

I say to the minister, Mr. Chairman, that is not what members of this House have come to expect of this minister. He has shown himself to be a flexible executive and a person of sound judgement, but here he himself is in retreat and in withdrawal and taking away the capacity to exercise sound judgement and decision-making from one of his senior officers and I say, Mr. Speaker, that the amendment should not carry.

Mr. G. Ben (Humber): Mr. Chairman, rising to speak to this amendment, I must say that we find much merit in it, except for one solitary word and that is the word "shall" in the second last line of the proposed amendment as submitted to the Chairman where it reads that "directors shall carry out the recommendation of the committee."

The purpose of this clause is to enable a director to refer a matter to the review committee that has been established by section 31a. That committee will be the committee that will be doing the investigation.

I suggest, Mr. Minister, that it should be left at that, that is, the medical review committee should do what its title implies and review the situation. It should then report back to the director. But to say that the director must—that is that he shall follow the recommendations made to him by the review committee in essence, is abdicating the responsibility of the director in favour of the medical review committee.

I am sure that the minister, who is a lawyer, follows that reasoning and, if he is going to abdicate his responsibility, that is, if he is going to abdicate the responsibility of the director in favour of the medical review committee, then why have the director mentioned at all? Why have him simply carry out the instructions or the recommendations of the medical review committee and why refer to it as a recommendation, if in fact it is an obligatory instruction to him?

We cannot follow the consistency in the reasoning of the minister. Either it is a recommendation, which means that the director is free to elect to abide by the recommendation or, in the light of any other information he may have, reject it.

For example, the medical review committee may recommend that the director refuse to pay the amount. Under this amendment, the director would be obligated by the use of the word "shall" to refuse to pay any amount, whereas if the discretion remained in him, he could in the light of the recommendation elect to reduce the amount of the payment, rather than to refuse to pay it completely.

We do believe that this discretion should remain in the hands of the director or else he is completely abdicating his responsibility and if that is the case, then we should substitute the word "minister" in place of the word "director."

It is the minister's amendment. I suggest that he re-word it that the "director may carry out" the recommendation or substitute his own decision in place of the recommendation.

**Mr. Chairman:** The hon. minister.

**Hon. A. B. R. Lawrence:** Mr. Chairman, I will be brief.

It did seem to me that the power to appoint, in spite of the fact that nominations would be coming from the College of Physicians and Surgeons, was quite adequate to accomplish the new thing that is involved here, and that is the establishment of a medical and a financial audit.

Under the old Act, there was a bold withdrawal or right of refusal by the director, but the director was never in a position to use his discretion in relation to a refusal based on professional judgement because he did not have the power under the previous Act to conduct either a financial or a medical audit.

By having this power in the Act now, this particular medical review committee and its inspectors will be able for the first time not simply to refuse, as the director would have been forced to in the past, but they can dig into the facts and assess them and bring a total financial and medical exercise of judgement to bear on the question.

That is the problem. These words are not superfluous, because prior to this audit function, as I said, the director was incapable of using the kind of discretions that we needed. Now the role of the director and the role of his staff of course will be fundamental in relation to the ordinary administrative procedures involved, and apart from the role which the medical review committee and its inspectors will undertake, of course by the statute, he can be a participant in the hearings before the claims board itself. So he comes back into the system if there is an appeal by the physician or patient to the claims board.

In the meantime, Mr. Chairman, I may say that the key is that for the first time we will now have in the legislation the power of audit. My hope is, and I know this is the reaction of many I have spoken to, that we have come a great step by developing this audit power and that by leaving the nomination—not the appointment, but the nomination—to the college, we circumscribe the problems that arose out of confidentiality and professionalism and interpretation of medical matters and medical judgements.

**Mr. Peacock:** Is the director not a doctor?

**Mr. Ben:** Mr. Chairman, I think the minister is trying to circumvent the arguments here—

**Mr. Chairman:** The hon. member for Cochrane South.

**Mr. Ben:** Oh, I am sorry. I did not see the member on his feet.

**Mr. Ferrier:** I cannot see what function this medical review committee will carry out, because if the director and his staff make a decision on the basis of their examination, that decision is made to the particular physician. If he disagrees with that decision, he has the right under this statute to bring that before the claims board where it can be thoroughly thrashed out. I think that the rights of the practising physician are thoroughly guaranteed in this statute in that way.

I certainly support the idea of the audit. Goodness gracious, as I said in my opening statement the other day, it should have been in the statute in the first place. We back the minister up on that, but we just cannot see where this medical review committee is really going to do anything but clutter up the red tape that there is too much of right now in government offices and government institutions.

**Mr. Chairman:** The hon. member for Humber.

**Mr. Ben:** Yes, our objection to this amendment, Mr. Chairman, is this. The minister has provided that the College of Physicians and Surgeons shall nominate the members of the medical review board—

**Mr. Peacock:** The committee!

**Mr. Ben:** The medical review committee, I stand corrected, Mr. Chairman. This medical review committee is empowered to do all the investigation and call for all the records. It then has the power to determine what disposition shall be made of the matter before it—an absolute, irrevocable power. It is fine to say that they can recommend to the director what he shall do in that particular instance, but that is a fallacy, because in essence they are not recommending but dictating to him. So why use the word "recommend"? He must follow—

**Mr. Peacock:** They may.

**Mr. Ben:** No, the word is "shall." The member has not been following my argument. What I have been objecting to is the use of the word "shall" in the second last line of the amendment. "The director shall carry out the recommendation of the committee." So why does the minister put such a blatant lie in the thing—if he will forgive me for using that word in this Legislature—because in essence this is what it is. It is not a recommendation that has come from the medical review committee; it is a directive, a dictate, an ukase, an order.

What in essence the minister is doing here is giving the College of Physicians and Surgeons absolute powers of investigation and trial over members of the medical profession in the Province of Ontario. If he is doing so, why in heaven's name does he not have the intestinal fortitude, the guts to get up and say so in so many words instead of trying to swing around it the way he is doing here, and using the word "recommendation" and conjointly with it the words "shall carry out." We think that this is a hoax, and we just cannot support such a blatant hoax.

**Mr. Chairman:** If that is all, shall the motion carry—the amendment carry?

**Mr. Peacock:** Mr. Chairman, the minister did not speak at all to the point as to why professional judgement offered by the College of Physicians and Surgeons through its nominee should be injected at this point that we are dealing with here, rather than to make good the legislation. If the minister was so convinced by the profession, why not in respect to the professional qualifications of the claims board? The claims board appears to be much more anonymous than the medical review committee.

Why is it that the claims board is not subject to the kind of constitution that we have put before us for the medical review committee, so that the professional judgement as to whether or not the director was right in reducing or withholding the claim, is made by that body, rather than bringing before us the medical review committee to stop the directors short, so to speak, before the whole question is settled between the physician and the claims board?

If the minister felt he had to make good in some fashion that concerned the profession, why was it not in respect of the claims board rather than in this new structure, the medical review board?

**Hon. A. B. R. Lawrence:** Primarily, Mr. Chairman, because at one level we are dealing with the administrative action, as we are with the medical review committee. At that point it seemed to me we wanted the expertise on the ground of practising physicians in the Province of Ontario, right there on the primary assessment. I do not apologise for seeing that this interpretive function and this administrative function are carried out by those who are most closely connected with it —namely, practising physicians.

The claims board is an appeal procedure which is merely a copy, I would say, of the other McRuer recommendations as they are progressively turning up in more and more of our statutes. That particular board, following the principles of Mr. McRuer's recommendations, acts in a quasi-judicial manner and not in an administrative manner at all. That is the nearest I can get to an answer to the question, Mr. Chairman.

**Mr. Peacock:** Mr. Chairman, what the minister does not see is that by interposing a medical review committee of professional persons nominated by the governing body of the profession in the province, he is, in fact, interfering with what is essentially an administrative function. The interference is being brought about by what is, in fact, a quasi-judicial tribunal, the medical review committee. Why is it that he is not endowing what is, in fact, the quasi judicial body of the claims review with professional competence rather than the other way around?

Surely it is at the appeal end, if he is following McRuer, that he should be so constituting the claims board rather than having a tribunal—which I think it is in many respects—interfere with the administration before the administrative acts and decisions are completed.

**Hon. A. B. R. Lawrence:** It would seem to me, Mr. Chairman, that the claims board

should be of a more balanced interest—it should include, I would think, nominees involving the public, perhaps persons with some legal training, perhaps physicians—whereas the interpretive function that is involved in the medical review committee is professional, and that is why I could accept the limitation of the class of people to be appointed there to physicians so qualified.

**Mr. Peacock:** Mr. Chairman, I just do not see where the claims board is constituted in this legislation other than by definition in the first section and in 5(a) is it?

**Hon. A. B. R. Lawrence:** Section 5(a) 1, 2 and so on.

**Mr. Peacock:** What page is that on?

**Hon. A. B. R. Lawrence:** The first page.

**Mr. Peacock:** Yes, in section 5(a) of the Act as contained in section 3 of the bill. But what the minister has just said to us about the competence of the members of the claims board and the professional or other experience they may bring to bear, is nowhere set out in the legislation; whereas the medical review committee is clearly to be constituted by professionals.

**Hon. A. B. R. Lawrence:** Mr. Chairman, I am not limiting, nor has there been any intention to limit, the health services claims board to nominees from the College of Physicians and Surgeons.

**Mr. Chairman:** Shall the section carry?

**Mr. Ben:** No, I have an amendment. I move that the amendment to subsection 2 of section 3 be further amended by striking out all the words after the word "director" in the second last line and substituting therefor the words "may carry out or vary the recommendations of the committee". I might say it can be easier amended by simply striking out the word "shall" and substituting in its place the words "may vary or."

**Mr. Chairman:** This is Mr. Ben's amendment to the amendment. He moves that the amendment to subsection 2 of section 3 be further amended by striking out all the words after the word "director" in the second last line, and substituting therefor the words, "may carry out or vary the recommendations of the committee."

Is it the pleasure of the House that this amendment to the amendment carry?

Those in favour please say "aye."

Those opposed please say "nay."

In my opinion the "nays" have it.

I declare the amendment lost.

We will now vote on the amendment of the minister.

All in favour will please say "aye."

All opposed will please say "nay."

In my opinion the "ayes" have it.

**Mr. Peacock:** Mr. Chairman, we would like to divide on this. We will stack the vote.

**Mr. Chairman:** Stack them? All right, we will stack them. We will go right along to the end of the bill stacking the amendments, is that the idea?

**Mr. Peacock:** There is another one on the same subject coming up.

**Mr. Chairman:** Next—Mr. Minister.

**Hon. A. B. R. Lawrence:** Mr. Chairman, I have a further amendment to section 3. I move that subsection 2 of section 5(e) of the Act contained in section 3 of the bill be deleted and the following substituted therefor:

> 2. Where the claim for an account for insured health services of a physician or practitioner who is not submitting his accounts directly to the plan is refused or reduced on any of the grounds referred to in clauses (a) to (d) of subsection 2 of section 5(b), the insured person is not liable to the physician or practitioner for the amount by which the director reduces the account on such grounds, and any such amount or part thereof paid by the insured person is a debt due by the physician or practitioner to the insured person, recoverable in a court of competent jurisdiction.

**Mr. Chairman:** Any comments or questions?

**Hon. A. B. R. Lawrence:** Mr. Chairman, if I might assist the House, the purpose of the amendment is really interpretive, in that it is to ensure that physicians do not have their accounts outlawed, as it were, by the section as it was originally worded, where the procedure, although not medically necessary, was not unethical.

A typical example of that, of course, is cosmetic surgical procedure. Some were worried that the way the section was originally written that it could purport to outlaw an ethical procedure which was not within the plan.

**Mr. Chairman:** This amendment stacked well.

Next?

**Mr. Peacock:** No, that was carried.

**Mr. Chairman:** All in favour of the amendment as proposed by the minister please say "aye."

Those opposed please say "nay."

In my opinion the "ayes" have it.

Carried.

The next one? Any comments or questions?

**Hon. A. B. R. Lawrence:** Section 4, Mr. Chairman. I move that subsection 6 of section 21a of the Act as enacted by section 4 of the bill be amended by striking out "September" in the second line and inserting in lieu thereof "November."

**Mr. Nixon:** It says "October" here.

**Mr. Chairman:** Mine is "November."

**Hon. A. B. R. Lawrence:** November 1.

**Mr. Ben:** The minister is changing the amendment now, is he?

**Mr. Nixon:** The longer he waits—

**Mr. Ben:** September, to October, to November. The minister is proposing to change it to October?

**Mr. Ferrier:** Mr. Chairman, I move that subsection 1 of section 21a of The Health Services Insurance Act as enacted by clause 4 of Bill 82 be amended by adding after the word "director" in the fourth line, the phrase "and the physician's patient" so that the clause shall read:

> Subject to section 6 the physician may submit his accounts for the performance of insured health services directly to the plan for payment thereof directly to him by notifying the director and the physicians patient of his intention to do so in the manner and subject to the requirement prescribed by the regulations.

I further move that subsection 4 of section 21a of the Act as enacted by clause 4 of Bill 82 be similarly amended by adding after the word "director" in the first line the phrase "and the physician's patient" so that the clause shall read:

> The physician may at any time notify the director and the physicians patient in writing that he intends to cease submitting his accounts directly to the plan and subsection 3 ceases to apply to him on and after the first day of the third month next following the month in which the director receives such notification.

**Mr. Peacock:** I have an amendment to subsection 3 of 21a as enacted by clause 4 of Bill 82.

**Mr. Chairman:** This is an amendment to the amendment.

**Mr. Peacock:** No. We are each amending different sections.

**Mr. Chairman:** I know, but this one is an amendment to the amendment.

**Mr. Peacock:** Mr. Chairman, I move that subsection 3(b) of section 21a as enacted by clause 4 of Bill 82—

**Mr. Nixon:** On a point of order, Mr. Chairman, I know that we have rules that normally require us to deal with a bill section by section, but in this case when there are so many subsections, it would really surely be better if we dealt with them one at a time.

**Mr. Chairman:** I agree. We will deal with the one moved by Mr. Ferrier.

**Mr. Ferrier:** Yes. The reason for this amendment is that patients should have some indication as to whether a doctor is submitting his bills directly to OHSIP and thus is prepared to accept the 90 per cent that will be reimbursed to the doctor from OHSIP, or in fact whether he can expect to receive a bill for services rendered from the doctor. We feel that in the interest of a better doctor-patient relationship, there should not be an ambiguity here and that the patient should know clearly what practice the particular doctor is carrying out.

**Mr. Ben:** May I ask a question of the minister? Is there not a provision in the original Act that a doctor must notify the patient how he intends to submit his bill?

**Hon. A. B. R. Lawrence:** Yes Mr. Chairman, that has been deleted from this Act and will be picked up in the new medical Act this fall or whenever, to the extent that the new medical Act will provide that where a physician is going to bill more than the OMA fee schedule he shall formally notify the patient.

**Mr. Ben:** This is not the same thing because if he bills OHSIP directly, he has

to accept 90 per cent so, in essence, if he does not agree to bill OHSIP, he is charging the additional 10 per cent and should notify his patient.

**Hon. A. B. R. Lawrence:** It is 10 per cent or more. He is a free man.

**Mr. Peacock:** Mr. Chairman, the amendment moved by the member for Cochrane South would require the physician, 30 days in advance of the effective date of the new opting requirement, to let his patients know in some fashion to be determined by regulation as to which option he is going to elect to practise under the plan—to send his bills to the plan, or to practise outside the plan, so to speak, and bill the patient directly, leaving the patient to collect.

In the fashion that the member for Humber has brought to our attention, under the prior piece of legislation, where the doctor was required to notify the patient of his intention to bill more than the 90 per cent of the ordinary fee schedule as insured by the plan—the doctor hung up a little sign in his waiting room which, I believe, was all the notification required by the plan or by the Act—this amendment moved by the member for Cochrane South would require the doctor in that fashion or some other, as determined by the director of the plan, to let his patients know which selection he is going to make—to practice under the plan or practice outside it—thereby giving the patients some consideration as to whether they will wish to continue the relationship with that doctor and perhaps have to face the deterrent of being billed by the doctor for each service that they receive from the doctor.

Many patients, of course, will find themselves unable to pay the bill as they leave the doctor's office. Some doctors who ought to stay outside the plan will undoubtedly allow the patient to take the bill or statement, send it to OHSIP and will await payment by OHSIP to the patient, at which point, the patient will pay the doctor.

**Mr. Nixon:** Do some doctors actually demand payment the moment the patient leaves?

**Mr. Peacock:** Mr. Chairman, to answer the question of the Leader of the Opposition, I have attended upon a number of doctors whose secretaries or nurses have made it very clear to me before leaving the office that payment of the service was expected. I then took the receipted bill and submitted that to OHSIP for payment. I say to the minister that those patients—

**Mr. J. E. Stokes** (Thunder Bay): Some of the hospitals do not even let you out unless you show proof of insurance—

**Mr. Peacock:** —who are financially incapable will not find themselves come the first day—what is it now? September—

**Mr. Nixon:** November.

**Mr. Peacock:** November 1?

**Hon. A. B. R. Lawrence:** November 1.

**Mr. Peacock:** Yes. So that come November 1, or come the first day, patients for whom the doctor decides to send in his accounts to OHSIP or rather come the day the doctor, notifies OHSIP he wishes to get out of the plan, they will have some notice in both respects. That is what each of the amendments moved by the member for Cochrane South attempts to achieve. I think that the minister is giving it some consideration and I would hope that he would accept it.

**Hon. A. B. R. Lawrence:** I would rather not accept it, Mr. Chairman. It had seemed to me that it is very much in the physician's self-interest, if he is going to be billing the patient direct, to have this known to his patients, because it is in that direct billing situation, of course, that the doctor takes the overriding risk of being unpaid.

It may be that if it does not work that way, this legislation will have to be amended. But I would sooner leave it out at this stage, relying on the self-interest of the physicians generally to ensure that this information gets there. And partly because I would like, Mr. Chairman, to see the statute take its hands off, as it were, the relationship between the doctor and his patient, where he is billing the patient. I would like to see that relationship kept as clean and tidy as we possibly can to see if it is going to work.

**Mr. Peacock:** Well, surely—

**Mr. Ben:** I have one point to ask Mr. Chairman. Why then does the minister not provide a section in this Act which would specify that in the failure of a doctor to notify a patient that he will be billing that patient directly, the presumption will be that he shall be billing the plan?

**Mr. E. W. Sopha** (Sudbury): Nice fellow!

**Mr. Ben:** May I have the minister's comment as to that?

**Hon. A. B. R. Lawrence:** Mr. Chairman, with the effective date here, my hope is that we will have this kind of thing picked up, as I mentioned earlier, in the new medical Act. That will have a requirement as to notice, which implicitly will include the fact, of course, that the doctor is billing the patient.

**Mr. Ben:** Mr. Chairman, I think the minister sees some merit in the suggestion that has been advanced by the parties of the opposition. The minister suggests that this will be picked up in the new medical Act. If the minister does presently see some merit in the arguments that we are advancing to the degree that he proposes that this shortcoming will be picked up in the new medical Act, why does he not acquiesce now in this shortcoming being corrected? We are quite willing for the minister to introduce an amendment to some section, perhaps section 6 of this particular subsection 4, which would provide that in the absence of notification to the patient to the contrary, the presumption shall be that the doctor will be billing the plan directly. As a matter of fact, if you just read Hansard, that is just about as far as you have to go for the amendment.

**Mr. MacDonald:** Do I understand the minister correctly to say that the obligation to inform the patient that he is going to be billed directly and that, therefore, he may be subject to overbilling has been eliminated from the Act?

**Hon. A. B. R. Lawrence:** Yes.

**Mr. MacDonald:** It seems to me the minister is really making a very difficult situation even worse. At least under those circumstances, he had to say to the patient: "Look, I am going to be billing you and you should know in advance that you may have to sustain an overbilling beyond what you can reclaim from OHSIP."

Now to free him of that obligation, presumably his patient then is going to assume that everything will be covered. Does the minister agree with that, that he will automatically assume that everything is going to be covered by direct billing to OHSIP? If that does not happen then what is the minister going to do to the family doctor-patient relationships?

**Hon. A. B. R. Lawrence:** The family doctor-patient relationship is left exactly where it has historically been.

**Mr. MacDonald:** Oh, no!

**Hon. A. B. R. Lawrence:** That is a matter of a contract between—

**Mr. MacDonald:** No, forgive me. When it was originally passed, the minister put it at least on a frank and above-board basis that the doctor was going to open the door to overbilling. For a second charge he had to tell the patient. The minister has relieved him of that responsibility so now the patient can assume, if the doctor does not have to sign—at least that is the argument now being advanced in the House—that the patient can assume, if the doctor says nothing to him that the bill is going to be sent to OHSIP and the whole thing will be over.

**Mr. Peacock:** Why should he not make that assumption?

**Mr. MacDonald:** Sure he will make that assumption. And if the doctor, either inadvertently, or for some calculated reason, does not tell the patient, and then he finds out afterwards that the doctor is not billing OHSIP, and he gets the bill himself, and faces the prospect of overbilling, I say then what is the minister going to do to the so-called important doctor-patient relationship?

**Hon. A. B. R. Lawrence:** It boils down to the point, as I understand it, that there should be an onus placed upon the physician, where he has a bill patient practice, that he so advises the patient.

**Mr. MacDonald:** Right!

**Mr. Sopha:** Right!

**Hon. A. B. R. Lawrence:** Let me think about that. I suppose—

**Mr. Peacock:** And of his intention to withdraw.

**Hon. A. B. R. Lawrence:** I would just like to assess whether there are any greater problems that do not appear to me today. But put in the form of principle—I think the hon. member for Humber raised the question of using the onus sort of system—it seems very attractive to me. But it will not require the kind of wording—

**Mr. Peacock:** That is something for the minister to determine.

**Hon. A. B. R. Lawrence:** It will not require quite the length of wording, I do not think, as is involved in the two amendments that we have before us. So may I have a look at it and take a crack at it as an amendment when it comes forward at third reading.

**Mr. Ben:** If I may suggest a place for an amendment to the minister, Mr. Chairman, it could be 6(a) and something in this vein: "In the absence of written notice by the doctor to the patient, or in the absence of written notice to the patient by the doctor to the contrary, the presumption shall be that the doctor shall be billing the plan directly."

**Mr. MacDonald:** That is simple. That does it.

**Hon. A. B. R. Lawrence:** Would the member shoot that to me?

**Mr. Ben:** That could be 6b, if there—

**Mr. Nixon:** Does the member want to write it.

**Mr. Ben:** I have got it written down here.

**Mr. Sopha:** Will he add, "No charge shall be made in excess"?

**Mr. Peacock:** Mr. Chairman, the point to be made clear is that notice should be given of the doctor's intention to elect to practice under the plan at the outset, or to practice outside the plan. Similarly the doctor should be required to give notice to his patients of his intention to withdraw from the plan, as he is required to give notice to the director.

**Hon. A. B. R. Lawrence:** Right. That will put on the shelf those particular amendments moved by the member for Cochrane South and the member for Windsor West, and I will see if we need any polishing to this, but I think the intent is pretty well here.

**Mr. Chairman:** Would the member for Cochrane South withdraw his amendment?

**Mr. Ferrier:** Yes, I will withdraw the amendment provided the minister is prepared to meet the point that we have been raising here.

**Mr. Chairman:** The member for Windsor West did not make an amendment.

**Mr. Peacock:** No, I have not moved my amendment yet. If we are finished on subsections 1 and 2, Mr. Chairman, I have an amendment to offer to subsection 3 of 21a in clause 4.

**Mr. Chairman:** Right.

**Mr. Peacock:** I move that subsection 3(b) of section 21a as enacted by clause 4 of Bill 82 be further amended by deleting the word "and" in the third line and substituting therefor the following:

> but he shall provide the patient with a statement of the particulars of the service or services and the amount of the fee for which he may submit a claim.

So that the clause shall read:

> He shall not submit any account for any amount to the patient in respect of insured health services, but he shall provide the patient with a statement of the particulars of the service or services and the amount of the fee for which he may submit a claim.

Mr. Chairman, the minister finished saying a few moments ago that he does not wish any undue interference with the doctor-patient relationship. I would suggest to him that the amendment which I have just moved would help greatly to assure the continuation of that long-standing and proper relationship between doctors and patients, which is that the patient knows the nature of the service which the doctor has performed, and the fee which the doctor wishes to charge the patient for that service.

As of 1969 we have introduced the insurance of the service, and simply because the service is now insured, Mr. Chairman, I suggest to the minister that it is not fitting that statements of service and statements of fee be done away with. I know that the minister and others may well argue that we are asking the doctor here to undertake additional paperwork but in fact it will not be additional paperwork.

In most instances now where the doctor practises under OHSIP and submits a bill for the additional amount, he is submitting to his patient a statement of the service when he asks for the remaining 10 per cent or some greater amount toward the fee which he wishes to charge, either equivalent to the OMA fee or more than the OMA fee.

If we get to the point—which the minister appears to want to get to—of eliminating the agents, the carriers, and doing away with the billing red tape, so that the doctor, come the end of the month, has a single bundle of IBM cards, or whatever the appropriate record is, each setting out a statement of the service and the name of the patient and the fee which the doctor is claiming from OHSIP, then you have only two paper transactions for the doctor to make external to his own records. The first, as I have just mentioned, is the submission of the claim to OHSIP

and the second would be the statement of service and fee which is to be claimed as provided in the amendment which I have just moved.

I do not think that given the removal of the carriers or given the situation where the patient is now covered by OHSIP, there would be any undue burden on the doctor to submit this kind of statement to the patient describing the service which the patient has received and the amount which the doctor is to claim. That has been a traditional component of the long-standing practice of medicine in this province, in this country and in the British tradition of practice, that the patient always knows the nature of the services being performed by the doctor. Now that we have introduced the element of insurance, we do not see that it is in any way a reason for doing away with that kind of communication between the doctor and the patient.

Doctors who have opposed the introduction of Medicare have pointed to this as one of the fundamentals. They have said that under Medicare they will not be able to set out the treatment of service, they will not be able to set out the fee that they want to charge and so on, so that in this respect I think it is worthy that we continue this aspect of the relationship.

Moreover, Mr. Chairman, we do achieve something of a more accurate basis for audit if the doctor is required to issue such a description of service to his patient. On the record will be copies of the description for those financial and medical inspectors that the minister or his director may send out to examine the accounts of a practitioner. The financial and medical inspector can well follow up by a visit to the patient and ask if they still retain the original copy describing the service and the fee. Many people do in fact retain records of that nature; certainly those who are chronically ill would be interested in maintaining a history of their illness, and that would be an appropriate way to do so. It could also very well be a verification of the records which the financial and medical inspectors would wish to audit in a doctor's practice.

**Mr. Ben:** Mr. Chairman, We do not quarrel with the principle that is being enunciated by the hon. gentleman who sat down. We feel that the patient should know for what services his doctor is charging the plan, not for some specious argument that it maintains a doctor-patient relationship—although that is perhaps a good argument also—but as a check on the doctors to see that they are not charging for services that were not rendered.

We think it is a good idea for a patient to have a copy of the bill that is being tendered to the plan. However, we feel that it would be dangerous to leave the doctor responsible for sending a copy of that invoice to the patient—dangerous in that the doctor can claim that he sent such a copy and a patient can claim that indeed he never received such a copy.

What are we going to resolve? We are going to have an argument which is not going to go to the validity of the bill, but is simply going to rest on whether or not the doctor did or did not send a bill and whether the patient did or did not receive a copy of the bill.

We feel that the intent of the hon. member's principle would be better served if we were to provide an amendment in the Act that the plan would be responsible for sending to the patient a copy of the account when they were paying the doctor. Then if anything did go wrong, if the patient claimed not to have received such a statement, we would not involve the doctor, the government—that is, the plan—and the patient in an eternal triangle as to who was responsible.

The plan has a computer. The plan can set up a form of an account which could be sent to the patient when the doctor was being paid. It would be simple for the computer to do the addressing and everything else and it would save a lot of argument in the future.

If the hon. member for Windsor West would give some consideration to the proposition I have put forth, I think that the amendment could be moved to section 4 which would make it incumbent upon the government, rather than the doctor, to send such a statement to the patient.

I would like to hear the comments of the hon. member for Windsor-Walkerville (Mr. B. Newman) and from the minister on that—I am sorry, Windsor West.

**Mr. MacDonald:** Mr. Speaker, let me for a moment speak to the alternatives that are being proposed by the hon. member for Windsor West and the hon. member for Humber. Coming back to the principle of the amendment and the alternative that has been proposed, I want to suggest to the minister that this, I think, is something that

he should give consideration to and in some form should be included in the bill.

One of the more remarkable, if not incredible, statements from a reliable authoritative spokesman of the medical profession in the Province of Ontario in recent weeks has been the one in which I think it was Dr. Moran stated that the reason he was going to maintain direct billing to the patient was that the patients were entitled to know the service that he was giving to them. Furthermore, if they did not know, he either said or it was implied in some editorials commenting on the basis of what he had said, that if this was not done, it would be an open invitation for the doctors to milk the fund.

I repeat, that is the most remarkable kind of statement coming from the man who is the spokesman for the profession. But he underlines what I think the minister was, in effect, saying—or as others interpreted his original criticism that started this whole furor—as meaning, namely, that doctors do —can I use the phraseology?—upgrade their service before they submit their bills.

It is a visit to the doctor's office but then it is put in as an assessment, or what is the terminology for which they can claim more? In short, there is a milking of the fund.

A few years ago we had the remarkable instance that was unearthed in Hamilton where an insurance company and the big union in the local steel plant found that at the end of the second year the complete funds for a three-year contract for coverage had been depleted. Everybody was interested in finding out why they had misjudged so badly the amount of money that was going to be required.

When they looked into it, they discovered that there was a rather well-developed practice on the part of the doctor. When he visited the hospital he would walk down the hall and he would stick his head into this room and say, "Hello, Joe, how are you feeling?" "Fine, I am feeling fine today." "Well, that is good," and he would move on. That became a doctor's visit for which he billed the full fee. He could go down the hall and, on some occasions, if he had patients all of whom were recovering, he could visit five or six of them in walking down the hall, and put in five or six bills. This was happening.

It is that kind of practice—and I give the minister full credit that he smoked it out in his rather coy way by his original statement. Now how are we going to get rid of that? It seems to me that the amendment that is being put forward by the hon. member for Windsor is the best way to do it. You maintain the direct relationship with the patient; namely, that the doctor shall let the patient know what service he is billing him for, even though the bill is sent into OHSIP, and what the charge is going to be.

Now, the alternative, I think, is the second best, but quite frankly the principle of the amendment is what I am most interested in. By the alternative the hon. member for Humber is suggesting—I presume it is quarterly or half-yearly—the plan would so inform the insured of what bills had been submitted on his behalf by doctors, and he would learn indirectly what he might have got directly from the doctor very shortly after he had visited the doctor.

That is why, if I have to make a choice, I would choose the amendment of the hon. member for Windsor, but I am most interested to know what the reaction of the minister is.

**Hon. A. B. R. Lawrence:** Well, Mr. Chairman, this question has been raised in half a dozen different ways, this question of patient information and billing. All I can say is that the point as raised by the member for Humber and others speaking, as to how this information should be got through to the patient and in what way, has been discussed all the way from the credit card system to the suggestion of a receipt slip to the suggestion of a tear-off from the computer at different times of the year.

I would like, Mr. Chairman, to have an opportunity—which I have not had yet—of assessing, out of all the suggestions I have had, and there have been a good half dozen, which one of these will work the best and be least onerous on the physicians or on the plan and which will be most efficient when it comes to knowledge and deterrents—and that is what we are dealing with here—or assessment by sort of personal audit of what a physician is doing.

**Mr. MacDonald:** Do you mean a few hours or a few months?

**Hon. A. B. R. Lawrence:** Oh I think a few months because—

**Mr. MacDonald:** You will have no chance after the election to do it.

**Hon. A. B. R. Lawrence:** I am planning on it in a few months. That is the only answer I can make. There are half a dozen different ways of attacking it. The gap is there but I am not convinced at the moment that I am capable of choosing which is the best.

**Mr. Ben:** Just to correct the hon. member for York South, I did not suggest that the patient be notified quarterly or half-yearly of what the statement of the doctor is. I stated that as the doctor's account was paid simultaneously, a precis of that account would go to the patient. If the doctor is paid monthly, it would be monthly; but at least we would have the responsibility on the government to see that this was done. They have everything computerized. Why have arguments between a patient and a doctor over whether or not the patient received an account; where in many cases it is not material, where the arguments could be prevented simply by the government sending these out to the patient?

**Mr. Chairman:** All those in favour of the member for Windsor West's amendment, please say "aye."

Those opposed please say "nay."

In my opinion the "nays" have it.

**Mr. MacDonald:** So is the minister but he just wants a delay.

**Mr. Ben:** He just does not want to go through with the amendment.

**Mr. Chairman:** Any other amendments to this section? Mr. Minister, do you have one?

**Hon. A. B. R. Lawrence:** I have an amendment to subsection 6, Mr. Chairman.

**Mr. Chairman:** Shall the minister's amendment carry?

**Some hon. members:** Carried.

**Mr. Peacock:** I am not sure what it is.

**Mr. Ben:** What amendment is this?

**Mr. Chairman:** Opposed, if any?

Interjections by hon. members.

**Mr. Peacock:** Is that 7?

**Mr. MacDonald:** Which one are you talking about?

**Mr. Nixon:** Section 6.

**Mr. Chairman:** The minister moves that subsection 6 of section 21a of the Act as enacted by section 4 of the bill be amended by striking out "September" in the second line and—

Interjections by hon. members.

**Mr. Peacock:** Carried!

**Mr. Chairman:** All in favour of the amendment as submitted by the minister please say "aye."

Those opposed please say "nay."

In my opinion the "ayes" have it.

Any other comments, questions or amendments to any section of this bill?

**Hon. A. B. R. Lawrence:** I have a few, but only of substance—

**Mr. Chairman:** If so, which section?

**Hon. A. B. R. Lawrence:** —which has been discussed.

Section 6, I move that the bill be amended by adding thereto the following section: "6a. Section 28 of The Health Services Insurance Act, 1968-1969 is repealed." That will permit me to set up this medical review committee.

**Mr. Chairman:** Shall this amendment be carried?

**Mr. Ben:** What is that again?

**Mr. Peacock:** What was that?

**Hon. A. B. R. Lawrence:** It just deletes it.

**Mr. Chairman:** Do you want me to read the amendment? The minister moves that section 6 of the bill be amended by adding thereto the following section: "6a. Section 28 of The Health Services Insurance Act, 1968-1969 is repealed."

**Mr. Peacock:** Mr. Chairman, just before carrying this section, could the minister tell the House whether in fact the director under 28 of the prior Act ever did refer any claim or claims to a committee established under clause (k) of section 32?

**Hon. A. B. R. Lawrence:** Yes, Mr. Chairman, but again without the audit function the committee was really incapable of doing much more than having discussions.

I have an amendment to section 7—

**Mr. Peacock:** Put the question on this one.

**Mr. Chairman:** Shall the amendment carry?

**Mr. Peacock:** No.

**Mr. Chairman:** All in favour of the amendment please say "aye."

Those opposed please say "nay."

**Mr. Peacock:** We oppose; "nay."

**Mr. Chairman:** In my opinion the "ayes" have it. The amendment is carried.

It being 6 o'clock, p.m., the House took recess.

# CONTENTS

**Monday, July 26, 1971**


**Programme to ease problems faced by egg producers, questions to Mr. Stewart, Mr.** Nixon, Mr. Innes, Mr. MacDonald ..... 4747

**New method of electing milk marketing board, questions to Mr. Stewart, Mr. Nixon** .... 4749

**Sales tax forgiveness re Adams Mine purchase by Dofasco, questions to Mr. McKeough,** Mr. MacDonald, Mr. Deans ..... 4749

**Government-management-union committee re layoffs at de Havilland, questions to Mr.** Carton, Mr. MacDonald ..... 4750

**Metro Ambulance using pre-World War II dressings, questions to Mr. A. F. Lawrence,** Mr. MacDonald, Mr. Shulman ..... 4750

**Alternative milk supply for Plum Hollow cheese factory, question to Mr. Stewart, Mr.** MacDonald ..... 4751

**National Trust decision re provincial savings bank acting as guarantor, questions to Mr.** Wishart, Mr. MacDonald ..... 4751

**Present status of Crown's action against Dow Chemical, questions to Mr. A. F.** Lawrence, Mr. Singer ..... 4751

**Changeover in provincial Auditor's office from pre audit to post audit, question to Mr.** McKeough, Mr. MacDonald ..... 4752

**Permission to Wyandotte Chemical to use Fighting Island as waste disposal site, ques-**tion to Mr. Kerr, Mr. B. Newman ..... 4752

**Former policemen hired by liquor control board, questions to Mr. Yaremko, Mr. Shulman** 4752

**Cautions to prevent spread of sleeping sickness into Ontario, question to Mr. Stewart,** Mr. Haggerty ..... 4753

**Tabling salaries paid to top officials in certain commissions, question to Mr. Kerr, Mr.** Deans ..... 4753

**Food council studies re most recent food price war, questions to Mr. Stewart, Mr. Gaunt** 4754

**Money from federal government to help construct sewage disposal systems, question to** Mr. Kerr, Mr. Ruston ..... 4754

**Constructing new public docking facilities at Turkey Point, question to Mr. Brunelle,** Mr. Makarchuk ..... 4754

**Pollution in Thames between Woodstock and Ingersoll causing death of fish, question to Mr. Kerr,** Mr. Innes ..... 4754

**Possible Ontario import of butter this fall, questions to Mr. Stewart,** Mr. Gaunt, Mr. Innes, Mr. Nixon ..... 4755

**High acidity in Sudbury area lakes almost wiping out fish population, questions to Mr. Brunelle,** Mr. Stokes ..... 4757

**Representation to change tariff structure re soft fruit industry, question to Mr. Stewart,** Mr. Deans ..... 4757

**Registration of businesses engaged in the distribution of paperback and periodical publications,** bill to provide for reported ..... 4759

**Human Tissue Gift Act, 1971,** bill intituled, reported ..... 4775

**Health Services Insurance Act, 1968-1969,** bill to amend, in committee ..... 4779

**Recess,** 6 o'clock p.m. ..... 4793

No. 115

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Monday, July 26, 1971

**Evening Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO



The House resumed at 8 o'clock, p.m.

## HEALTH SERVICES INSURANCE ACT

House in committee on Bill 82, An Act to amend the Health Services Insurance Act, 1968-1969.

**Mr. Chairman:** At the time of adjournment the minister had moved an amendment. Would the minister read the amendment? It was not read, was it?

**Mr. C. G. Pilkey** (Oshawa): Would someone announce the Chairman?

**Mr. Chairman:** Stand and bow. You rise when you address the Chair.

Interjections by hon. members.

**Hon. A. B. R. Lawrence** (Minister of Health): Mr. Chairman, I mentioned that I was going to be introducing an amendment to section 7.

**Mr. Chairman:** Could we have the amendment now? I think we are ready for the amendment.

**Hon. A. B. R. Lawrence:** Yes. I move that section 31a of the Act, as contained in section 7 of the bill, be deleted and the following substituted therefor:

31a—(1) The minister, from among persons nominated for such purpose by the College of Physicians and Surgeons of Ontario, may appoint a medical review committee consisting of not more than six members of whom a majority constitute a quorum.

(2) The minister, from among persons nominated for such purpose by the College of Physicians and Surgeons of Ontario, may appoint in writing medical and financial inspectors with the duty and power to inspect, examine and audit books, accounts, reports and medical records maintained in hospitals, nursing homes, offices of physicians and practitioners and other health care facilities respecting patients who are receiving, or who have received, insured health services, and such medical and financial inspectors shall act only at the direction of the medical review committee. No person shall unlawfully obstruct the medical or financial inspector in the performance of his duties under this Act and the regulations.

**Mr. Chairman:** Any comments on this amendment? The member for Cochrane South.

**Mr. W. Ferrier** (Cochrane South): On the first section, 31a, subsection 1, we have already made our position clear that we are voting against this because we do not believe that it is necessary.

On the second section, of course, we entirely agree with the fact that inspectors are needed to look into the books of doctors who, the director may have reason to believe, are padding their accounts, or charging for services that they have not rendered, or charging for a higher-priced service than was actually rendered, or indeed, of a doctor who may arouse suspicions in the mind of the director that he is doing too much of a certain kind of surgical practice that in line with the general medical profession may be somewhat questionable. We certainly approve the fact that inspectors will be appointed.

Again we have the reservation about these inspectors being appointed from nominations submitted to the minister by the College of Physicians and Surgeons. I just cannot accept that principle. I can accept the principle that some of them can be, but for them all to be, just presents the image that the group are examining themselves.

On second reading I mentioned that in Manitoba there has been a medical review committee. Three of its members were appointed by the Minister of Health of that province and three were appointed by the college. When the college wanted to nominate the ones for the minister to appoint and wanted the minister to nominate the ones for the college to appoint, the minister said, "Send us your three names." He had already nominated his and there was no nonsense about it.

And it would seem to me as the Minister of Health elected to protect the public interest in the domain of health that this is

the kind of way it should be done, and not have people appointed by a vested interest group that probably will be subject to scrutiny.

I hope that these inspectors will not be sent into all the doctors' offices in the province at one time or another. I think that the director has ways and means of finding out about doctors whose norm of practice is deviating sufficiently from that of their colleagues to suggest that such an inspection is warranted.

I would hope that the inspections will be limited to that kind of doctor, and that the inspectors will not just go into any doctor's office and say, "I am the inspector from the medical review committee of OHSIP. I want to look into your books." I think that if that were to happen, that the whole question of confidentiality that the doctors have raised and that has been of some disturbance to some of the patients, would certainly be put in jeopardy.

I feel that this section of the inspectors must be applied with some discretion and I would like the minister to comment as to the way he sees that this section will work itself out.

But in terms of what has been stated before by Dr. Moran—the way that he sees doctors milking the system—and in terms of the statement that the minister made in the committee about the type of things that he saw going on—unconscionable charges for detention time, and the extra amount of work sent to laboratories owned by doctors and how some doctors were charging fees away out of line compared to those of their colleagues in a similar kind of practice

I believe that this inspection service is necessary and where the director has reason to believe that abuses are taking place these men will go in with full audit authority. I would suppose that some of them may be doctors, but I would hope that some of them also would be accountants or someone else very knowledgeable in the whole accounting field. I think this is very important and this is very necessary. I would hope that one of the doctors who might very well be the kind of fellow who would need an audit check and one of the first ones to get it would be this Dr. Moran.

**Mr. V. M. Singer** (Downsview): That is the very danger.

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Chairman, the minister, I think, has gathered a good deal of knowledge about how this may or may not work in his discussions with the doctors' groups around the province. I am sure at some time, if not this evening, we might be treated to some of the information that has been passed on to him and the minister's assessment of it.

One thing that I have followed quite closely, both in the written reports and from a few doctors who have spoken to me personally about it, has nothing whatsoever to do with the financial audit. I do not think there is any problem there at all, but can the minister say that his confidence in any way has been shaken by the arguments put forward by the medical profession that a professional audit, in fact, might bring into some question the professional integrity of the doctors concerned?

I must say that I have had it put to me most strongly by doctors who are well respected in their own practice—and in this case a rural practice where a good many people count on the doctor for, I suppose, advice even beyond direct medical advice—that it would be his practice to keep much less complete notes of the medical aspects of the practice if he thought that the law would require him to reveal all of the information that normally would be given to him in his professional capacity. Other doctors and some specialists—psychiatrists and others—have publicly stated that they have grave misgivings about this.

I personally feel there has to be an aspect of professional audit, but one of the serious drawbacks is that somebody is going to decide that a certain doctor is doing too many tonsillectomies. It is very difficult for anyone, from the Minister of Health on down, to make a broad, sweeping generalization about a certain practice. It seems to me, Mr. Chairman, that a professional person might be caught out in unprofessional practice if what he does on a day-to-day practice of medicine is examined by a medical doctor. If you are going to put one professional opinion against another in most aspects of practice then I am afraid that whoever is doing the examination, from the Minister of Health on down, is in danger of looking ridiculous.

I am also given to understand that the Minister of Health, I believe by virtue of provincial statute, occupies a position on at least one of the boards of the College of Physicians and Surgeons which has to do with complaints on professional aspects of individual doctors. I would like to know if

that is so, because certainly it has been brought to my attention that the Minister of Health does have the powers to investigate now certain aspects of unprofessional conduct which are left entirely to the College of Physicians and Surgeons.

Frankly, I see very little difference from that approach, whether in fact the regulations call for them, between that approach and this one which says the minister "may" cause an examination to take place when, in fact, the minister is bound to some extent by having to select those professional people nominated by the college. Perhaps the strengthening of the situation was that the minister can require that they do act and that their report be satisfactory to him or they will be put back at it again. I presume that that is one of the possibilities.

But I also feel that the minister should have reserved for himself a certain independent presence on this board of examiners, or inquisitors, or whatever eventually they may turn out to be, so that the role of the professional organization, perhaps with the requirements of the profession more in mind, will not exclude the public interest as it might be more directly represented by a person responsible to the minister alone and not to the other group. Of course, one would expect that anyone who was going to examine the professional activities of another doctor would himself have to have acceptable professional standards.

I feel a weakness in this section is that the minister has abdicated too much of his responsibility for the public interest in his, let us say, accession to the requirements put before him so strongly by the doctors in his recent meetings in different parts of the province.

**Mr. Chairman:** The member for Windsor West.

**Mr. H. Peacock** (Windsor West): Mr. Chairman, I have some concern about the wording of subsection 2 of section 31a. I wonder if the minister would have the opportunity this evening to consider withdrawal of subsection 2 and the substitution of a more appropriate way of ensuring compliance with the law as it now appears before us. Subsection 2 provides indirectly that it is an offence for a person—that may be a practitioner or a secretary or a nurse or someone engaged in the practitioner's clinic—to obstruct the medical or financial inspector in the performance of his duties under this Act. I take it that it is an offence to do that because, in 31b, at the top of the next page, the bill states:

> Every person who contravenes any provision of this Act or the regulations for which no penalty is specifically provided is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000.

Now, Mr. Chairman, I am sure that the law in this respect does require some sanction for either the refusal or the persistent failure of a practitioner or his staff or assistants or secretarial personnel to comply with the provisions of the statutes.

I put it to the minister that he should examine the way in which such sanctions are set out in other statutes of the province where the affording of information is required or the disclosure of records or books of accounts is required. In those particular statutes, and to be specific about one—I think my recollection is correct—The Employment Standards Act does not make obstruction of the inspector the offence; it makes the offence the refusal to provide the information or the records. I think that is a much more just way of ensuring compliance than is the creation of an offence of obstructing the medical or financial inspector.

That is such a vague and broad kind of proposition that with the best will in the world, the medical or financial inspector may be motivated to declare an obstruction, to declare an offence to have been committed when dealing with a particularly prickly individual of whatever status in a clinic or an office. I just think that is too broadly drawn to be fair or to be just.

I ask the minister if he will reconsider this subsection so that the sanction is there but it is very clear that the offence that is to be created is one of refusal to provide the information that should lawfully be provided to the inspectors. I think that information is fairly clearly set out in the previous subsection, subsection 1 of 31a. It speaks thereof:

> The power to inspect, examine and audit books, accounts, reports and medical records maintained in hospitals, nursing homes, offices of physicians and practitioners. And other health care facilities respecting patients who are receiving or have received insured health services.

So I say to the minister that the only offence which should be created by the Act is the offence of refusing to afford access to that information in whatever fashion the access

may be refused, and that the minister take a look at the similar provisions which I believe are to be found in The Employment Standards Act for one, perhaps The Children's Mental Health Centres Act for another, the various homes for special care, homes for the aged, under the administration of the Minister of Social and Family Services (Mr. Wells).

I am not trained in the law, Mr. Chairman, but I would venture to say that possibly no other statute creates the offence of obstructing an officer except a police officer. The minister is certainly trained in the law and could check me if I am wrong, but it may well be that no other statute creates the offence of obstruction of an officer of a department of this government, and that the only such offence of obstruction is one where a person obstructs a police officer in the performance of his duties.

If that is the case then I think my argument is all the stronger that the minister should withdraw the subsection and instead bring in a subsection which creates the offence of withholding the information or denying access to the officers who are lawfully carrying out their duties.

**Mr. Chairman:** Does the minister wish to comment?

**Hon. A. B. R. Lawrence:** Thank you, Mr. Chairman. With regard to any inspection, let me assure the hon. members that there is no overall or total inspection of all the profession at any one time or even over a period of years. It would seem to me that when public complaints from patients come in with regard to billings, they would be cause for the director to turn to the medical review committee. The medical review committee will of course do a prima facie assessment as to whether or not a question of professional, as distinct from purely administrative, problems has been raised, and then the inspectors act, reporting back again to the medical review committee.

The same thing will happen as facts feed out from the computer. The director, of course, will be handling thousands of claims where there are mistakes or misrecordings of particular information or even misinterpretations as to what particular procedures or charges are involved. But again there, it will move via prima facie test by the review committee, out to the inspectors and back.

I do not picture more than a handful of inspectors involved in this throughout the province. I think the most important thing with the professional audit and the integrity question as it involves physicians as professionals is that we have the capacity, so that in particular cases we can require them to act.

I may say to the hon. members, there is nothing more frustrating as Minister of Health in the past months than to see that from time to time a file comes on the desk which is categorically one that deserves investigation, and then you will find that the officials in OHSIP have written to the doctor saying: "Come in and talk to us." And he will say: "I will do it later."

**Mr. Nixon:** Why did the college not act on something like that already?

**Hon. A. B. R. Lawrence:** The college has never felt, certainly in recent years, that it had the breadth of powers that it needed. Historically the college has felt that its concern was with malpractice and has never really felt that the old Medical Act, as it is presently written, gave it the power to move into this grey area involving judgement and uses of the insurance plan itself. And that is—

**Mr. D. C. MacDonald** (York South): Is the minister sure that is not just an excuse?

**Hon A. B. R. Lawrence:** It may be an excuse; it may not be an excuse, but the answer that I gave to them three or four months ago is: "If this is a problem we will give you a new Medical Act." Their reaction to that was: "Please do," and they have already started to work in the last number of months on a totally new Medical Act that gives them without doubt the powers of self-government in all aspects of the physicians' responsibilities.

**Mr. Nixon:** I wonder if I might ask a question just before you leave that point, Mr. Chairman? Is there a section in the old Medical Act or in the constitution of the college that would permit the Minister of Health or someone from that standpoint to make a complaint that would require their professional investigation without the Minister of Health undertaking the investigation?

**Hon. A. B. R. Lawrence:** I do not know whether or not it is by statute. Of course, the Minister of Health I think has always been able to do this and there have been circumstances where he has.

What I hope we will end up with by the end of this year is this legislation of medical

financial audit powers concerned with the plan and the insured or taxpaying dollar, and matching it in the new Medical Act—and they have asked for this—a power of financial and medical audit in the college itself.

**Mr. MacDonald:** May I ask the minister a related question on this? What power did a group of doctors, such as, for example, the Windsor Medical Services avail themselves of when they did very rigorous policing. My colleague from Windsor West, who is familiar with the local operation of that says there were some doctors who had their bills cut regularly. Now, sure there were their own bylaws; it was by contract, true. But was it a power that they did by contract within their own group, without any legislative power at this level?

**Hon. A. B. R Lawrence:** Yes, Mr. Chairman, I understand that both with Windsor Medical and PSI the contractual base was an adequate base, really, to do exactly what we want done here. That is, after 2½ or three years of being without a medical and financial audit, to reinsert it in our legislation or reinsert—give us this power that we lost when OHSIP came in.

There has been some discussion—it was mentioned earlier—about charts and notes of physicians. I am advised by those who practice medicine that to do an adequate financial and medical audit there is absolutely no need to go into that level of a doctor's assessment of his responsibilities. As some physicians have put it to me, a great deal of their charts and notes are their notes to themselves. In other words, their own shorthand, as it were, to use in following a case.

The College of Physicians and Surgeons has accepted this responsibility. I may say they wrote to me last week saying that although they, as the college, would like to appoint not only the inspectors but the medical review committee, they were prepared to work in the legislation where they have the power to nominate only.

With regard to the question of obstruction, here I am, of course, in the hands of the legal officers of the Crown. I am advised, and I have a note here, that "obstruct" has a subtle meaning and that that includes refusing entry or withholding information. I think it is a pretty fine point, but I do not see anything wrong with its use, nor do I see anything sort of sinister or buried in the use of that term.

The question of obstruction and the question of having any trouble with the audit is not real at all. I think that 90 per cent of what we want to achieve as a government and as a Legislature is achieved in having the power to audit if you have to use it. This is, of course, I am told, what PSI and Windsor Medical could do. They did not need any bunches of policemen nor any army of inspectors, but the mere fact that Windsor Medical or PSI could phone up and ensure that Dr. A or B appeared and had a chat with them, was about as much as was needed to ameliorate accounts or change attitude in practice. My hope is that we do not get into a continuing confrontation with either the committee or the inspectors and that we will follow the very successful pattern, as I understand it, of PSI and its audit operation.

**Mr. Peacock:** Mr. Chairman, I do not accept that it is a fine point; that the word "obstruction" conveys to all of those affected by the Act that that is the denial of entry, the denial of access to records. I think there are too many people, including myself, who do not have that knowledge of the law or the meaning of such words as obstruct in a statute of this nature, who would take that to be the very clear and narrow definition of the word and of the nature of the offence. I repeat to the minister, and I will not dwell on it, that if other statutes can more particularly set out the offence which is created then there is no reason why the minister should not do likewise in this bill.

Mr. Chairman, I thought the minister, in his earlier comments in reply to the Leader of the Opposition's remarks, raised the question as to whether subsection 2 has any application to the powers of the medical review committee. Will it be interpreted that obstruction includes the refusal of the practitioner to appear before the medical review committee if summoned by it?

**Hon. A. B. R. Lawrence:** I would think so, Mr. Chairman, because the first and most obvious informal step in any kind of an investigation is to call in the particular person involved and have a chat with them, have a discussion. You know, it is not that difficult. We can see it in our OHSIP files that some of these aberrations that occur require really very little more than a personal talk with the physician involved.

As you know, what the computer says means really nothing unless it is interpreted, and even the primary interpretation of having

the particular physician come in and know that he has to be frank, I think will clear a very large proportion of the kind of cases that are coming forward.

**Mr. Peacock:** Mr. Chairman, I am sure it will if the sanctions are behind the request, if it is put that way, to appear. Unfortunately, that sounds to me too much like the present practices of the College of Physicians and Surgeons itself, where it holds behind its back the sanctions which it can ultimately impose if a doctor does not answer the summons which some particular officer of the college may issue to that practitioner to appear to explain why he did a certain procedure in violation of the code of the college. I have heard from more than one doctor who has been made extremely anxious and nervous, by actions of the college which indicated to him that if any further alleged violations were recorded against him—and I say, alleged violations of the college's prohibitions—then he was going to be in very serious trouble and would be called before the disciplinary committee. Yet there was no due process afforded that practitioner at all in the first instance when he answered the summons of the officer of the college.

I say that this particular section 31a smacks of that kind of disregard for due process. I suggest to the minister that nowhere in 31a is the medical review committee given to interpret that a doctor is obstructing the work of a financial or medical inspector if he fails or refuses to come before the medical review committee to explain what he is asked to explain by the committee. I do not see that in there and I do not understand how the minister reads that power in the hands of the committee into section 31a either.

It all seems to flow from the power given to the director to appoint inspectors, and the prohibition against obstructing inspectors. I ask the minister to tell us where the power of the medical review committee to require attendance derives from those two powers.

**Hon. A. B. R. Lawrence:** They cannot require attendance, but they can attend themselves, so as a matter of practice I would think that physicians would be keen on attending rather than waiting to have inspectors attend on them.

**Mr. Peacock:** Excuse me, but surely the persons of the medical and financial inspectors on the one hand, and the members of the medical review committee on the other are not one and the same? They are not the same individuals, are they?

**Hon. A. B. R. Lawrence:** No, but if the medical review committee wants to talk to Dr. X and he does not want to come in and talk to them, that is the point at which they would ask an inspector to go out and inspect.

**Mr. Peacock:** Ask an inspector, yes.

**Hon. A. B. R. Lawrence:** I think the—

**Mr. Peacock:** How would the inspector enforce attendance of the doctor on the medical review committee?

**Hon. A. B. R. Lawrence:** I do not think he can. But he can open up all the books, accounts, files and records as he inspects, as an inspector, and come back with them if that is the kind of stubbornness or obstruction that might occur in a particular case.

**Mr. Peacock:** You see what attitudinizing will bring you to, Mr. Chairman. I say it is just not good enough to leave the definition of obstruction that broadly worded. It simply has to be narrowed down as to what is the actual offence, otherwise we will have the same furtive use of the ultimate sanctions on the part of the inspectors to enforce compliance on a doctor to get him before the medical review committee. I say to the minister that is just simply bad law, bad practice.

**Hon. A. B. R. Lawrence:** Mr. Chairman, without continuing the debate in any detail, I think that the hon. member should realize that at the medical review committee level we are dealing here purely with an administrative function. It is not at that administrative level that you are dealing with a concept of due process. That is why Mr. McRuer's position in relation to appeal and the structure of the claims board become important. In the same way, under the new Medical Act, when it is brought forward, I assume that apart from the administrative level powers of audit and inspection and obtaining information and documents and records, which is purely administrative, I assume that in that legislation, according to the principles of Mr. McRuer, you will find again the tribunal built above it giving rights of appeal and protection of civil rights—

**Mr. Peacock:** But there is no appeal from the action—

**Hon. A. B. R. Lawrence:** —and the civil rights are not protected so much at the ad-

ministrative level as that they are protected, as I understand McRuer, at post-administrative decisive level.

**Mr. Peacock:** I see no such appeal, Mr. Chairman. There is no appeal either from the actions of the inspectors and there is no appeal from the recommendation of the medical review committee to the director. The only appeal lies from the decision of the director which may not be his own, but may be the medical review committee's, to withhold or reduce a payment. At which point, upon notice of that having been given to the practitioner, he may then appeal to the claims review board. So McRuer does not enter into it.

**Hon. A. B. R. Lawrence:** That is all we are dealing with under this statute. We are not deregistering or delicensing anybody at all. We are just stopping payment of particular accounts. This is only a dollar and cents proposition. It will be the college under the new Medical Act, I know, that will deal with professionalism per se.

**Mr. Chairman:** The hon. member for Riverdale.

**Mr. J. Renwick** (Riverdale): Mr. Chairman, I think the hon. member for Windsor West makes a very good point, that having got this far with the medical profession, the minister feels in some way or other that he can, in a very laconic way, deal with what in other statutes of this Legislature we deal with in a more adequate way. That is, just what exactly is the obligation on persons, and what are the offences created, when there is a right of inspection of records granted?

I notice that later on tonight or tomorrow or in the next day or so we will be considering a proposed bill of another member of the executive council of the province dealing similarly with the question of inspectors. In that statute they go on and they just do not do it in one single laconic statement at all; they deal with it in four specific frameworks.

For example, they point out very clearly that "no person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of power or the performance of a duty." In other words, for that particular purpose—presumably the other classes of citizens with whom these inspectors are dealing are not quite as reputable as the members of the medical profession—they need a more elaborate phraseology in order to accomplish the same thing.

Then it goes on, Mr. Chairman, that every person shall furnish all necessary means in his power to facilitate an entry, inspection, examination or inquiry by an inspector in the exercise of his powers. It goes on further—"no person shall neglect or refuse to produce a record or report or any other information which the statute requires to be produced to an inspector."

It goes on even further than that, Mr. Chairman, and says "no person shall furnish an inspector with false information, or neglect or refuse to furnish information required by an inspector in the exercise of his duties." It goes on later on in this statute to make those refusals contraventions of provisions of the statute; to make them an offence, and make them punishable and clearly enunciated. Now, I am not going to enter into a game with the minister as to what legal meaning can be given to the term "unlawfully obstruct." All I am saying is that in companion bills which the Legislature introduces, and I am quite certain there are many other such bills, one just does not rely on some simple phraseology such as this in order to accomplish the purpose. This, I think, is the basic thrust of what my colleague, the member for Windsor West, has been saying.

He has gone on to the further point; he has had discussion with the minister about the further point of how the inspector gets somebody before the committee. But the basic and fundamental point that the member for Windsor West makes is that if in other statutes applying to the general citizenry of the Province of Ontario insofar as they are subject to rights of inspection, there is just no reason why we should deal this way with the medical profession when we deal with other areas of the citizenry of the province in a much more detailed and effective method in order to accomplish the purposes for which inspectors are appointed.

My references in this particular case happen to be to the bill standing in the name of the Minister of Mines and Northern Affairs (Mr. Bernier) being An Act to Regulate the Exploration and Drilling for and the Production and Storage of Oil and Gas. Those broad powers of appointing inspectors to do certain things and making certain that they have the penal sanctions in the statute that will permit them to do their job effectively will point out to any person who is subject to inspection that he has obligations to provide information. And if he does not provide the information or if

he furnishes false information or if he obstructs, hinders it in any way, he is going to be subject to substantial penalties. This seems to me to be a much more reasonable and adequate way of dealing with this problem than to deal with it, as I have said and as the member for Windsor West has said, in the laconic method which the minister has adopted in this bill.

This again is just part of the inability of the government to come to grips in a forthright way with this highly protected and highly insulated profession. He is trying to make a whipping boy out of the medical profession. All we are saying is that they are no different than any other body of citizens in the province and they should be subject to the same kind of provisions that we provide in other statutes for other groups of citizens.

**Mr. Chairman:** The member for Cochrane South.

**Mr. Ferrier:** Yes, I have a question here. I notice that the inspectors not only have the right to go into offices of physicians and practitioners but other health care facilities respecting patients who are receiving or who have received insured health services. Is this medical review committee and this board of inspectors limited solely to the medical profession or can we expect this kind of inspection and review to go on with optometrists and podiatrists and chiropractors who also receive fees from OHSIP at the present time? I think if it refers to the chiropractors, there will be some in that profession who will observe this with some misgiving, because there are a number of chiropractors who feel that the medical profession will do anything they can to get rid of the whole practice of chiropractic in this province.

I would like to have some assurance that this section is not going to enable the medical profession to go on a witch hunt against the chiropractic profession of this province and to try to destroy them, as there are those in the profession who feel that might possibly happen. I think we should have this kind of assurance that this is not going to take place.

**Mr. Chairman:** The member for York South. Or does the minister want to reply?

**Mr. MacDonald:** No, if the minister wants to respond.

**An hon. member:** Let us hear the minister answer that question.

**Hon. A. B. R. Lawrence:** I am not sure what kind of assurance I can give.

**Mr. J. L. Brown** (Beaches-Woodbine): Amend the section!

**Mr. MacDonald:** Why can the minister not give firm assurance?

**Hon. A. B. R. Lawrence:** The section does call within its terms physicians or practitioners. Practitioners are those in the other insured services. To assure there is going to be no witch hunting? Well, I presume the only way we can ensure that is by the power of the minister to appoint, and that is the power the new amendments give me. I do not know at this stage what greater protection any of these allied medical groups can ask, because I do not think I can break the Act up separately to deal with podiatrists and chiropractors individually as groups of the profession. Certainly at this stage I cannot, so the assurance can only be a ministerial one.

**Mr. Ferrier:** If in fact this begins to take place, will the minister move in and take whatever action he deems necessary to see that this kind of abuse is curtailed?

**Hon. A. B. R. Lawrence:** Yes, Mr. Chairman, I can say it, because it is part of a much bigger problem, and that is the problem in the months ahead of not only defining and delineating chiropractics but it is time and timely in this province that all of the health disciplines be given the rules of the game.

**Mr. Chairman:** The member for York South.

**Mr. MacDonald:** Mr. Chairman, I must confess that I simply do not understand either the minister or his thinking at this point in the game. It almost leads me to believe that even when one discovers a Tory of very independent frame of mind, the hope that he will remain an exception to the general rule ultimately goes by the board.

What is so distressing about it is that the minister has faltered at the very point where he must be firm if he is going to achieve his own objectives. His own objectives are implicit, if not explicit, in the kind of campaign he has launched in the past two or three months, when he finally grasped the nettle, with regard to this situation in relationship to the medical profession and insurance coverage.

It was the minister who implied when he did not state—and some people think he

stated—that there was a serious milking of the fund, that there was an abuse of public money. Now why should any group of people —I do not care whether it is doctors or lawyers or teachers or anybody—why should any group of people become so sacrosanct that they have got to be set apart with a different set of rules in terms of checks upon them and their use of public moneys or their abuse of public moneys?

I just do not understand why the minister wants to hamstring himself, for example, by being restricted to appointments from the nominees of the College of Physicians and Surgeons. If the record of the doctors in terms of self-discipline—and I suppose I might as well be frank and say I do not buy this argument that they did not feel they had the power; the doctors have exercised all the power they wanted when they wanted. If they did not exercise it, it was not because they did not think they had the power within their own ranks. I just simply do not buy it.

Now, why the minister expects at this stage, with the record of the medical profession of not disciplining itself and indeed of the leaders of the medical profession—Dr. Moran, the chairman of the economic council of the OMA, says quite bluntly that what the government is doing for all of those who are going to remain within the plan—and the minister is hoping that the majority of the doctors ultimately are going to come within the plan—is an open invitation for them to continue to abuse the plan.

Why does the minister leave himself sort of a sitting duck for a perpetuation of the abuses which he went out like the white knight on the charger to bring to an end? Quite frankly, I am mystified and it just proves to me that even when I found a Tory that I could understand, he had to opt out, because in this instance it proves in the final analysis that the minister was lassoed by the profession and he cannot continue to act. And the tragedy is that he is faltering, I repeat, at the very point where he has got to be firm if he wants to achieve his own objectives.

**Hon. A. B. R. Lawrence:** Well—

**Mr. Brown:** Mr. Chairman, the question that occurs to me is the intent originally is to give as much authority and control to the medical profession itself, and yet the review committee, made up of nominees from the College of Physicians and Surgeons, is going to be assessing and judging people far beyond its own area of practice. It seems to me that the minister should be as concerned about the other practitioners in the health field to the same degree as he is about the physicians and surgeons, and that there should be some similar treatment to them if his argument is going to hold water, that every group in the field of medical practice, whether it belongs to the College of Physicians and Surgeons or not, has the same right to review, to nominate and to select people who will sit in judgement in review.

I do not know how the minister can make a case unless he extends this beyond the College of Physicians and Surgeons; otherwise he is siding with the medical profession to dominate and control the medical field when, in fact, he is coming into this area to legislate precisely because it has not done that well.

It seems to me these are questions that the minister must answer if he is going to be plausible.

**Mr. Chairman:** Any other comments, questions or amendments?

**Mr. Brown:** I would like to hear a reply as to why the others are not included.

**Mr. Chairman:** Does the minister wish to comment?

**Hon. A. B. R. Lawrence:** There is certainly nothing conspiratorial about it.

**Mr. Brown:** Then why are they not represented?

**Hon. A. B. R. Lawrence:** Pardon?

**Mr. Brown:** Why does the minister not extend this same thing to the other groups?

**Hon. A. B. R. Lawrence:** Perhaps he will, but let us wait until we define their roles of responsibility.

**Mr. Brown:** Why start with this group?

**Hon. A. B. R. Lawrence:** Because it is the biggest and most important group.

**Mr. Brown:** The minister means the most powerful group, the hardest to manage.

**Hon. A. B. R. Lawrence:** From the dollars and cents point of view, I would think that 95 per cent of all the money spent in OHSIP relates to physicians and their role. We are dealing with a minority when we get into podiatrists and physiotherapists and chiropractors. We will come to them, I would

judge, but it is not a big deal when one compares it to the—

**Mr. Brown:** It is a big deal if you are not represented on the review commission.

**Mr. MacDonald:** That is a rationalization for no action.

**Hon. A. B. R. Lawrence:** —$500 million involved in direct physicians' claims.

I would also say that in respect to the physicians themselves—and here I speak briefly in response to the member for York South—there is a difference, and it does relate to confidentiality.

Whether a plumber comes into your house to do some work or not, or an electrician or anyone else, I do not think the person there expects that the nature of the work and the personal relationship involved is one fixed with the kind of confidentiality that includes the priest, the lawyer, the doctor. So there is something real in the question of confidentiality and that is why I am prepared at this time to go a long way to try to protect that very peculiar relationship that exists between patients and their physicians.

**Mr. Chairman:** All those in favour of section 7, as amended by the minister, will please say "aye."

Those opposed will please say "nay."

In my opinion, the "ayes" have it.

**Mr. Peacock:** We shall stack this vote.

**Mr. Chairman:** Shall we stack it? Right.

Any other comments or questions with respect to the remaining sections, 8, 9 and 10, of this Act?

**Hon. A. B. R. Lawrence:** Mr. Chairman, I move that section 9 of the bill be deleted and the following substituted therefor:

> This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

**Mr. Peacock:** Mr. Chairman, I am sorry I did not catch your eye before the minister rose. Would you permit me to ask a question on section 8 before we have the minister's amendment to 9?

**Mr. Chairman:** Section 8? Yes.

**Mr. Peacock:** I noted that there was an exception to be enacted by way of regulation under section 9 to the requirement that the physician or practitioner elect either to bill the plan or practise outside it. I wonder if the minister could tell us now, before we pass on, what he has in mind by way of granting that exception that is referred to in clause (s) of section 32 as enacted by section 8.

**Hon. A. B. R. Lawrence:** Mr. Chairman, basically and at the beginning, only two exemptions come to mind. One is in relation to a practice, such as that of a physician who is, shall we say, teaching in the morning or involved in a teaching function in a medical school, but who during other parts of the day carries on a private practice.

That would be the typical example where one could divide the practice of the physician into two virtually watertight compartments. In that case, I can picture, and we picture an exemption, insofar as the two discrete branches of his practice are concerned. It may be that in the months ahead we will be able to broaden that somewhat, always watching that we do not dilute the principle by having too many exemptions. At the moment we will stick to that, plus one other obvious and general exemption, and that is in relation to a particular patient at a particular place and time, where it just would not make sense—

**Mr. Peacock:** That is the problem?

**Hon. A. B. R. Lawrence:** Yes.

**Mr. Peacock:** Mr. Chairman, the exemption which the minister first spoke of is an exemption of a class of practitioner, not a class of accounts. It is the power, I assume, to make regulations that is found in section 32 of the Act and therefore that is the power to exempt any class of accounts which is being afforded under section 32. I wonder how the minister is going to distinguish between the class of accounts submitted by a member of the faculty of the University of Toronto school of medicine which are submitted or billed directly to the patient during the practice of that faculty member—he has his own clinic—or perhaps even at the school of medicine, from those of any other physicians who may have duties other than full-time clinical practice in their office or in hospital?

**Hon. A. B. R. Lawrence:** I am advised, Mr. Chairman, that this is just a matter of coding from the practical point of view and programming the computer so that it can pick out the exemption.

**Mr. Peacock:** Yes, but it is really the class of practitioner that the minister proposes to exempt.

**Hon. A. B. R. Lawrence:** It is going to be a class of accounts because in some cases there will be—what?—capitation. Sometimes there will be sharing of the total pot, as it were; sometimes the whole clinic—all the bills of the particular clinical function will go into OHSIP as a group. I am advised that there is a number of different ways in which the rendering of the accounts may be done and that they can indeed be coded and separated.

**Mr. Peacock:** May I ask if the coding or the exemption will include the classes of accounts which might be submitted by a group, or health practice clinics, such as the two located in St. Catharines and Sault Ste. Marie, where doctors are on salary and do not bill any accounts or fee to the patient? Presumably, they will not bill any fee or account individually to OHSIP.

**Hon. A. B. R. Lawrence:** Yes, Mr. Chairman, I think that there will be no problem there. As I understand it, the whole practice of the physician relates to his function within the clinic.

**Mr. Peacock:** Yes, there is no fee, there is no such thing.

**Hon. A. B. R. Lawrence:** There is no such thing as a fee for service involved. So that is not a problem, as I would understand it.

**Mr. Chairman:** Shall 8 stand?

Carried.

Section 9 was amended by the minister as follows:

> That section 9 of the bill be deleted and the following substituted therefor: This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Those in favour of the amendment will please say "aye."

Those opposed will please say "nay."

In my opinion the "ayes" have it; section 9, as amended, agreed to.

Any comments on section 10? Section 10 carried.

This concludes the discussion on Bill 82. We will now deal with the amendments on which votes were stacked earlier.

All those in favour of Bill 82, as amended by the minister, will please say "aye."

As many as are opposed will please say "nay."

In my opinion the "ayes" have it.

Call in the members.

There are two amendments to Bill 82, section 3, and section 7. Shall we vote on them together?

All those in favour of the amendments as presented by the minister will please say "aye."

All those opposed will please say "nay."

In my opinion the "ayes" have it.

**Mr. MacDonald:** You did not call it right

**Mr. I. Deans (Wentworth):** The purpose of the bells is to get the standing vote.

**Mr. Chairman:** Pardon?

**Mr. MacDonald:** You have done that once already.

**Mr. Deans:** Do you want the bells to ring for another 20 minutes?

**Mr. Chairman:** All those in favour of the minister's amendments will please rise.

All those opposed will please rise.

**Clerk of the House:** Mr. Chairman, the "ayes" are 46, the "nays" are 32.

**Mr. Chairman:** The amendments are carried. Shall the bill, as amended, be reported?

Bill 82, as amended, reported.

Hon. Mr. Wishart moves the Commitee of the Whole House rise and report three bills with certain amendments and ask for leave to sit again.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the Committee of the Whole House reports three bills with certain amendments and asks for leave to sit again.

Report agreed to.

**Clerk of the House:** The 22nd order, House in committee of supply; Mr. R. D. Kennedy in the chair.

## ESTIMATES, DEPARTMENT OF LIEUTENANT GOVERNOR

**Mr. Chairman:** Office of the Lieutenant Governor, vote 1201.

Vote 1201 agreed to.

**Mr. Chairman:** This concludes the estimates of The Department of the Lieutenant Governor.

## ESTIMATES, DEPARTMENT OF THE PRIME MINISTER

On vote 1501:

**Mr. Chairman:** Any comments or questions?

**Mr. J. E. Stokes** (Thunder Bay): No leadoff.

**Mr. R. F. Nixon** (Leader of the Opposition): We had thought the Premier would make an opening statement, Mr. Chairman.

**Hon. W. G. Davis** (Prime Minister): Mr. Chairman, I had a lengthy opening statement prepared comparable to those I used to deliver as Minister of Education—

**Mr. Nixon:** I was thinking of those.

**Hon. Mr. Davis:** —but I left it behind in my office and I will thus spare the hon. members a lengthy dissertation. I have no opening statement.

**Mr. Nixon:** Mr. Chairman, I want to make some comments about the Prime Minister's department. It is interesting that a question was asked last week by the leader of the NDP as to what research had been undertaken by the Prime Minister to see what his correct designation actually was. My dad used to be Premier of Ontario and he said one time that the biggest change after the election in 1943 was that all of the statiionery that had been imprinted and embossed Office of the Premier"" was thrown out by the new incumbent and new stationery printed up embossed "Office of the Prime Minister."

**Hon. Mr. Davis:** I kept my stationery.

**Mr. Nixon:** He said there was just one other change; that his was embossed in red and George Drew's was embossed in blue.

But there were some other changes as well. I know that there are others in the House, the Clerk among them, who have taken some interest in the nomenclature around here and I have heard the views expressed frequently.

But I have always felt that no matter what the experts say, the head of this government ought to be a Premier, and whether this Premier wants us to call him just plain Bill or anything else I think he would do a great service if, when the research becomes available, whatever the findings, he would give a lead to some of the lesser first ministers who are threatening and attempting to join the Prime Minister's club and lead the way back to that no-nonsense title Premier so that we know that the Prime Minister is the head of the government of Canada and the Premier heads the provincial administration.

I feel the same way about the designation MPP. I feel that we should be considered members of the legislative assembly, MLAs, although the Province of Quebec now says it designates the assembly there as the National Assembly.

**Hon. A. F. Lawrence** (Minister of Justice and Attorney General): At Ottawa they could be known as MHCs.

**Mr. Nixon:** It is very difficult to get any kind of uniformity. It is interesting to talk about the changes extending back to 1943; and before 1943 the arrangement of this House was in a semi-circle so that the people at the far reaches of the back benches did not feel so divorced from what was actually happening. The semi-circle went around like so and it was not necessary, according to some of the people who were here at that time—I think the member for Dufferin-Simcoe (Mr. Downer) could recall—that everybody could make himself heard without being aided and abetted by this machinery.

Mr. Drew, of course, was a traditionalist and had a high regard, and very properly so, for the traditions of Westminster, and had the House rearranged in this pattern.

There have been some changes in recent years. During the latter years of the Prime Ministership of the member for London North (Mr. Robarts) there was a tendency to cut costs. It is intriguing actually in looking at the amounts before us, in 1969-1970 the expenditures for this department were about $420,000; in 1970-1971 estimated at about $400,000, but for the year before us it is estimated that $684,000 will be spent. I suppose the Premier is prepared to blame Trudeau and the federal Liberals for that as well—

**Hon. Mr. Davis:** Not completely.

**Mr. Nixon:** —because obviously he is not taking a leaf from the experience that Trudeau has brought before the House of Commons in expanding his staff.

**Mr. J. R. Smith** (Hamilton Mountain): Tell us about it.

Interjections by hon. members.

**Mr. Nixon:** It is very difficult, Mr. Chairman, when we see the retinue that the Premier draws behind him as he comes in the door halfway through question period—

**Mr. M. Gaunt** (Huron-Bruce): Just like the Pied Piper!

**Mr. Nixon:** —ready to make a statement to the House. There are new faces, new names, every day, and we cannot tell whether this particular new face is one of the election campaign or the leadership campaign from the now Minister of Justice or whoever it is. We read these names in the papers and we see that they are transferring their expertise and authority to the Prime Minister's department.

**Mr. W. Newman** (Ontario South): He sounds confused.

**Mr. Nixon:** It is also rather difficult to tell just who is paid by the Progressive Conservative Party and who is paid by the taxpayers of the province. I suppose these confusions will always be with us until there is a change in government, but as we see that $684,000 is to be allocated to this separate department, it is plain that, just like Mr. Drew many years ago, this man has his own ideas as to how the department will be run and they are big ideas indeed and they are expensive ideas.

I want to briefly refer to two or three things that I think should come under the Prime Minister's purview and it could be financed by the transference of the appropriate sections from other departments I have mentioned this in other areas of the estimates, but I believe that the federal-provincial secretariate should come directly under the Prime Minister's department and not under the Treasurer (Mr. McKeough) or any other minister. Obviously there will have to be what has latterly come to be called an input from the Treasury, but the Premier makes a mistake if he assigns his present Treasurer one of the main responsibilities of dealing in interprovincial and federal-provincial relationships. For one thing, I do not think he has got the temperament; secondly, I believe that he tends more than is healthy to escalate these relationships, as they might be called, into political issues. The Premier attempted that, and I have a feeling that his more learned and sensitive advisers told him to "cool it," play it down. Even the Treasurer has got out a form letter, I understand—to a certain Rev. Pinkney, was it?

**Mr. V. M. Singer** (Downsview): Pinkney in London, yes!

**Mr. Nixon:** —in which he was explaining in some detail that he did not mean to interrupt the good federal-provincial relationships that had been established over the years and that his comments should not be taken too seriously. I think for the edification of a number of his caucus colleagues, the same letter was sent out to them to either allay their fears or to give them a model in answering similar letters that they might receive. But as usual in the staff growth over there, there is bound to be some incompetence, and when the secretary was informed to send it to all the members, well, she sent it to all the members—and we got ours too!

So it was interesting to know that even the Treasurer is getting sensitive about—

**Mr. L. M. Reilly** (Eglinton): We missed the Leader of the Opposition.

**Mr. Nixon:** Oh, so it was the whip's office that did it?

**Mr. Singer:** What did Rev. Pinkney say?

Interjections by hon. members.

**Mr. Nixon:** Rev. Pinkney is a member of the Anglican church, and when he speaks they listen.

**Mr. Singer:** He must have been very unhappy.

**Mr. Nixon:** He is liable to stop praying for the Treasurer if he is not careful—then they would be in trouble.

Mr. Chairman, the point that I want to make strongly is that federal-provincial relationships should come under the direction of the Premier. I do not think there can be any argument in this regard. I think that it is a serious error to delegate these responsibilities to any other minister and particularly the present Treasurer.

The second area—I referred to this when we talked about the Prime Minister's estimates last year—has to do with the responsibilities for planning. More than anything else, the same member for Chatham-Kent, when he was Minister of Municipal Affairs, brought this matter to a bit of a head, a crisis, and that was the conflict in planning responsibilities. Having transferred him to his immediate left hand—and I am not sure if this is so the Premier can communicate readily with him or vice versa; I think really

it is mostly the other way around—he has more or less—

**Hon. Mr. Davis:** Does that happen on the member's left?

**Mr. Nixon:** —put the ministry of Municipal Affairs on a more even keel. I am not sure whether the new minister was instructed by the Premier to calm down the fears in the community about regional government or whether he was just selected for that purpose and would do it without any instruction, but I believe that he has accomplished just this. The talk about regional government is not nearly so prevalent, and the minister is spending his time bringing in amendments which in fact will make more money available to the regional governments established —perhaps "imposed" would be a better word, the one I tend to use normally in speaking to this group and others—and the new minister is in fact removing this from some of the political pressures that were there during the tenure of the member for Chatham-Kent.

But one thing that should not be forgotten is that the conflict in planning responsibilities very much continues. The former Treasurer, the present Minister of Transportation and Communications (Mr. MacNaughton), said last year that he felt the Treasurer should be and is in fact the chief planner under our legislation. I do not recall the Minister of Municipal Affairs (Mr. Bales) or the Minister of Trade and Development (Mr. Grossman) arguing, at least in public, but certainly to see the way planning is handled in this province there is this sort of a conflict which I think should be done away with.

I believe the planning secretariat should come under the Prime Minister's office. I believe this most sincerely. If the Premier is thinking of bringing in an enlarged cabinet, a cabinet which requires much more co-ordination than has been given to it in the last two years, then this is one way where, under his direct leadership, essential and important co-ordination can be effected.

This, of course, can be done without increasing cost, since we have already voted substantial funds for the planning function of the Treasury, The Department of Municipal Affairs, to some extent The Department of Transportation and Communications which, more and more, is becoming a major planning department, and The Department of Trade and Development. These areas, I think, are of primary concern and they might justify the expansion of the amounts required to operate the department.

The last item I want to recall to the Premier is something that he, more and more, is agreeing with as the ideas are put forward from a number of sources. That is, some sort of a co-ordination of programmes for young people. I notice reading, I believe it was an editorial in one of today's papers, criticism directed at politicians, and the federal and provincial government as much as any, that we are catering more than is healthy and more than we should, to the needs imagined or real, of young people. I think there was some sort of a phrase about "why should the vested majority be afraid of imposing its will?"

Frankly, having heard the present Premier, the former Minister of Education, on a good many occasions talk about his feelings of what government could do for young people, I know that he is quite prepared to throw that sort of an editorial into the wastebasket where I believe it belongs. His views are quite well known, although I have felt frequently that he has not followed them up with the sort of action that is called for. I do not really mean the establishment of a few more tented cities or the allocation of another handful of jobs to cut elm trees. On the one hand, there is a tendency to respond to undue pressures and, on the other, there is a tendency to bring forward programmes for the publicity that they might actually carry with them.

The Premier is well aware of a concept that I have put forward, and my party has put forward for a number of years, and I would not, for a moment, bore him with repeating it in detail. But I was pleased to see in this year's Speech from the Throne, a reference to some sort of a catchily worded programme—I think he called it a summer of service, or maybe that was my catchily worded title, in the years gone by—but a concept that, in fact, we could spend some money to expand a programme that would be based on the idea of the junior ranger programme into other departments. I suppose, if we would be guilty of something called make-work programmes, that the idea would be to give young people an opportunity to work in the public interest and the community interest before they set their goals irrevocably on some other life's work that may be associated only with making money instead of serving the community.

I have always felt that the use of our school system should be year-round, certainly

in the senior grades and in the post-secondary level. I regret that the experiment at Ryerson is evidently being abandoned, at least, for the time being. I do not think the government should permit the abandoning of these experiments.

I believe that there should be a statement of policy which indicates that we are moving forward in the year-round use of our school facilities, and that through the Premier's office we can co-ordinate the job opportunities that would be available to our young people in the future. I think that we are going to be beset with unemployment problems in the 21-year-old-and-below bracket for a long, long time, because we expect these young people to continue their education. It is practically impossible to jump out of the classroom into a useful job, useful employment on short notice, unless the government, and I do not simply mean the Manpower office, takes some responsibility in this connection.

I am particularly interested in this. My own son is up in the Thunder Bay area this year in the junior ranger programme. I have not had much of a report from him yet.

**Hon. Mr. Davis:** Why should the member be any different from any other father?

**Mr. Nixon:** Well, we will see. But I do feel that when it comes to The Department of Highways, Ontario Hydro, The Department of Education, Social and Family Services, even the Department of the Attorney General—I do not want to leave him out since he is here and paying such rapt attention—that we could co-ordinate the opportunities in the government departments so that these young people would have a chance to get a job, not just during the summer months, but during the periods when they might choose to take time off from a semester system of continuing education.

Mr. Chairman, there is a good deal that perhaps should be said. This would be an ideal time, I think, to air some complaints that we have in the ordering of the business of the House. We do this almost day to day and it is very difficult to determine from the Premier what his intention is. I will not list the occasions when his mind has changed other than to recall, sir, that last Thursday he indicated that we would not be sitting today and on Friday, after an early morning cabinet meeting, he decided that we would be sitting today.

I recall, as I am sure does he, the early years of the administration of the former Premier (Mr. Robarts), when the Premier used to sit in that place there and very frequently he would be left entirely by his cabinet colleagues. He would sit there during the debate, not taking much of a part in it actually, but always feeling that it was his job to lead the business of the House.

Well, this Premier is taking an entirely different attitude. He has turned to his, shall I say, old but certainly reliable chief lieutenant—and that is the way the hon. member for Sault Ste. Marie (Mr. Wishart) has established himself, certainly in this House—and he has said "It is all yours."

Now whether or not, Mr. Chairman, any fault lies with the present House leader, we know that over the past three years when the administration has turned to the use of House leaders—

**Mr. H. Peacock** (Windsor West): He is usually absent without leave when his bills are being discussed.

**Mr. Nixon:** —there have been some difficulties. I think it is a mistake for the leader of the government to dismiss his responsibilities here in the House. I am not for a moment chastising him for being absent. He has a lot of things to do, such as attempting to save the government, and for the next few weeks I would think that this would occupy more than all of his attention and time. But surely he must share a little bit of the commitment that his predecessor had to this House?

I would never have thought of the present member for London North as being, you might say, a child of the Legislature or anything like that. I have often heard him say how much he enjoys the cut and thrust of debate. But being a bit of an observer at some of these things, it was not until he won his second huge victory that he really did enjoy the cut and thrust of debate to any great extent because he knew that he could count on his supporters—sometimes identified as trained seals—to come in and crack the desk tops when he gave them even the slightest indication that that sort of support was necessary.

There was a time when he had a certain look on his face as he led the House that indicated that everything was not going just perfectly. I recall on one occasion a note coming down from the then private member for St. George (Mr. A. F. Lawrence) that

made him, if not turn white, at least look, let us say, nonplussed.

He was here, however, in the House, taking the knocks with all of the kudos that went along with it. He was accepting the responsibility of leading the House, and I must say he did a good job of seeing that the appropriate ministers were in their place for questions, for legislation and for the work that must go on.

Now is there is criticism inherent in this, so be it. All of us private members, opposition members, everybody else, have to be out of the House from time to time, some times more than others. But I believe that the leader of the government's place is here in the House whenever possible. I do not believe in the delegation of so much authority in the leadership of the House. I do not think the business of the House has gone smoothly under those particular circumstances.

I wanted to put my views forward in this connection because I believe that in the three months since this government has had this high responsibility the Legislature has been anything but an orderly Parliament. And the disorder has not been associated entirely with what might be called the cut and thrust of debate, but sometimes is better described as, well, the chaos that sometimes descends upon this House at some times more than others.

It is necessary that the leader of the government take the Leader of the Opposition and the leader of the New Democratic Party into his, well, not his confidence, but at least indicate his views on the future ordering of the business. There is nothing wrong with this. It is not a sign of weakness; if he is too busy to do that then the leader of the government is too busy.

There is nothing personal in this. I spoke a few moments ago about the changes that took place in this place back in 1943. But one of the changes that took place here in 1971, three months ago, is that while the new leader of the government, the new Premier—and we are talking about his office—is an affable person, a person that I feel friendly in connection with, there has been little or no opportunity to get any concept of what the work of the House would be in the future. He indicated once that we should be out of here by the first week in July. He was either kidding me or he does not know what he is doing—maybe a little bit of both.

Now, Mr. Chairman, combining what has happened with what might have been, I would simply say that those afternoons of acrimonious debate—often approaching chaotic debate—in here, were not necessary if, in fact, the leaders of the parties or the whips could have got together with some concept of what the business would be and the Premier would say: "Look, I have a legislative programme that I want to put before the House, or before the people, and it is going to be a fairly long one. My people tell me that it may take another month and that is what we are going to do." Then at least we would know what was expected, and when the House leader brings in a motion saying that we are going to sit extra long hours, at least we would know the reason and we would order our contributions to the debate accordingly.

Surely there can be no reasonable criticism or no objective criticism that the opposition has unduly prolonged these debates? The time for estimates is ticking on on that little machine at the chairman's right hand and there is no disagreement with the changes in the rules that brought that little machine to the desk which orders that part of the business—no complaint whatsoever. But when it comes to legislation, there has been no filibuster. All there has been, in my view, is disorder on the part of the government in the presentation of a legislative programme and in any reasonable attempt by the leader of the government to co-ordinate it with the other two parties. There would be nothing wrong with doing that. There has been plenty of precedent for it, but instead of that, we have had this situation where we do not know whether we will be sitting tomorrow or the next day or the day after.

I have no objection, Mr. Chairman, at all to the recognition that the power is with the Premier, whose office we are discussing now, to have this House sit at his behest as long as he can control a majority. That is the way the system works. But we do know that we are here with a common aim and the aim is obviously to bring forward the best legislation, give it the best scrutiny that is possible and to improve it where possible. Some of these improvements, small though they may be, have been accepted by ministers during the last two or three days. They have been miniuscule changes and yet the attitude is there among some ministers that some good ideas come from areas other than their chief observers and advisers sitting under the gallery and perhaps one or two

other members of the cabinet who take a small interest in what they are attempting to do.

Anything surely that bolsters this sort of an approach, that makes the work of this parliament relevant and, if I may use the word, meaningful, has to be valuable, and I criticize the Premier for not accepting that value. This attitude, as I understand it, reaches back well beyond his predecessors—even his predecessors in the Conservative administration that was first elected in 1943. It is more like the attitude of the Conservative party in the twenties, a tough political attitude which does not even recognize the role of opposition or the role of the backbench member even in support of his own party. I think that is unhealthy. I believe that is a retrograde step on the part of the leader of the government and I wanted to express my views as frankly and personally as I could before we vote this $684,000.

**Mr. Chairman:** The member for York South.

**Mr. D. C. MacDonald** (York South): Mr. Chairman, the leader of the New Democratic Party is fulfilling long standing commitments in the public service of the Province of Ontario which will make it possible for him to deal with the Prime Minister's estimates from the right seat next year. Therefore I have the pleasure—

Interjections by hon. members.

**Mr. MacDonald:** Therefore I have the pleasure of a little pinch-hitting. For old time's sake, I must say I rather enjoy it. Let me say at the outset, Mr. Chairman, that I could not care less whether the first minister of the Province of Ontario wants to be called Prime Minister or Premier. As a matter of fact, I would be willing to support an appropriation to get this issue settled so that its weary repetition on the political scene in the Province of Ontario, distracting attention from the really important things, might be settled once and for all. So if—

**Mr. E. Sargent** (Grey-Bruce): What a ridiculous statement!

**Mr. MacDonald:** If the Prime Minister is paying—

**Mr. Sargent:** You know what the answer is going to be, do you not? What a ridiculous statement!

**Mr. MacDonald:** Will the member listen to me?

If in truth the Prime Minister is asking Professor Careless for a recommendation one way or the other so that we can get it settled, then the money will be well spent.

There are just two or three points that I want to make, Mr. Chairman, in a debate that is a little unstructured because each year one never knows exactly what is going to be dropped into the so-called Prime Minister's estimates, and the Leader of the Opposition has brought in a few other things.

I think one important point that must be raised this evening quite legitimately is what is happening to the complement of the Prime Minister's department. It would be interesting to have the Prime Minister tell us how many new appointments have been made and how many departures—I was going to say dismissals, but I did not want to use that term—how many departures have taken place. Though I suppose if we are operating in terms of estimates for this year and the departures may have taken place prior to April 1, my question really is how many new appointments.

But more important, on the basis of the present complement, what Treasury Board orders for increased money is the Prime Minister going to need, assuming he were in that position until next March 31?

In short, how much has the complement been increased and how deficient will the appropriation be that happens to be before this House in terms of meeting that new complement? I think the public is entitled to know; because I have not taken the time to investigate, but the rumours I hear around Queen's Park these days about the number of new faces in the Prime Minister's department are almost a little unbelievable, except that I am tempted to think maybe they are believable. So I am seeking a little bit of confirmation.

**Mr. Peacock:** He has cleared out the Minister of Highways.

**Mr. MacDonald:** Let me make a brief comment on this issue of the business of the House. The Leader of the Opposition is right, of course, that in the final analysis the business of the House becomes the responsibility of the Prime Minister, whether he wants to deal with it directly or whether he wants to delegate it. If there is one man whose position I have not envied during this session, it is the House leader, the hon. Minister of Financial and Commercial Affairs.

**Mr. Peacock:** He has abandoned him to the mercy of the wolves.

**Mr. MacDonald:** On occasion he is so sensitive to those of us who stand on this side of the House that he tends to be flexible—sometimes, I would say, even a little indecisive. But I am persuaded that his indecisiveness this year and some of the difficulties that have flowed from it are for the most part not his fault.

**Some hon. members:** Hear, hear.

**Mr. MacDonald:** The simple fact of the matter is that this government is not operating as a team—and you may pound your desks and argue otherwise but everybody knows it is the case. You are not operating as a team!

The Prime Minister did not order, as he should have; and the House leader could not command as he, if he were going to operate efficiently, should have had the power to do, to find out how the estimates were going to be processed.

Instead there was a sort of a childish game going on as to who was going to be last, and nobody could get a commitment as to when the estimates were going to come down. There were ministers who were not here when bills were called. Including indeed the House leader, I suppose to his profound embarrassment. There were ministers who made commitments to be here at 10 o'clock in the morning to deal with their bills and then casually walking in at 10:30. I have been around this House for a few years; I have never seen the business of this House in such complete shambles as it has been this year.

**Some hon. members:** Hear, hear.

**Mr. MacDonald:** And the proposition that the government should in the final analysis, when we are now entering about the 13th or 14th week, in other words when we are just escaping, just escaping from the pattern that used to characterize the sessions of this Legislature back in the early days of Leslie Frost, when legislative sessions were fitted in between the end of ploughing in the fall and seeding in the spring—we are just escaping that, and yet we have had this ludicrous proposition of sitting until after midnight—until 3 and 3.30 to conclude the business of the House.

Do not tell us that we needed the time. The fact of the matter is that the business of the House has not been ordered efficiently. Either the government could not get it prepared so it could be brought in and dealt with in an efficient manner, so that the public before the standing committees, could come and make representations; or once again you were willing to abuse the position of the House by bringing it all in at the last moment in the hope that you would have some dazzling legislation on the eve of an election; and in the hope that if it were not subjected to the kind of scrutiny that the Throne Speech, the budget and a few other things have been submitted to, perhaps it might be able to stand the test of time for a few days. It certainly cannot stand it for a few weeks, and it will not stand it through the election campaign.

In the final analysis responsibility rests with the Prime Minister. He is the man who either directly, or if he wishes to—I do not necessarily go along completely with the Leader of the Opposition that the Prime Minister must always be in the House here, I think an efficiently operated team involves delegation and that some of the delegation for the business of the House is going to be to the House leader—but it is the responsibility and the obligation of the Prime Minister to stand behind the House leader so that he, in effect, can speak and speak with authority so that the rest of the members of the cabinet will not each go his own way.

It has not been a cabinet and a cabinet team. It has been a group of individuals who to a considerable extent were doing as they pleased—as they pleased!

**Hon. J. Yaremko** (Provincial Secretary): Would the hon. member permit a question?

**Some hon. members:** Oh, no! No!

**Mr. MacDonald:** Mr. Chairman, on the basis of past—

**Hon. Mr. Yaremko:** Does this not exemplify the kind of work we have been doing?

Interjections by hon. members.

**An hon. member:** That is right!

**Mr. MacDonald:** You know, there is an old adage that says a fool is not known until he opens his mouth. This minister has never caught onto that—never caught onto the significance of it.

Interjections by hon. members.

**Mr. Peacock:** The Prime Minister should look behind him!

**Mr. MacDonald:** Mr. Chairman, let me move to the third area, and I am going to raise this with some detailing but primarily as a buildup to a question. The Leader of the Opposition is preoccupied with the reshuffling of the government departments, and his preoccupation came in connection with this department, too.

In this one instance I think he is dead right that the federal-provincial secretariat should be in the Prime Minister's department, because the Prime Minister is, for the most part, going to be the spokesman for the Province of Ontario on important federal and provincial matters. There is enough in the empire of the provincial Treasurer already; indeed far too much. I think it would be appropriate that this secretariat should be moved to the Prime Minister's department.

When the provincial Treasurer's estimates were before the House, we asked a number of questions in connection with the secretariat for federal and provincial affairs, particularly in relation to the Victoria constitutional conference. When we began to get down to the real substance of it, and I do not blame him, the provincial Treasurer opted out. He said, "I guess those questions really should be put to the Prime Minister and perhaps you can do so when his estimates come up." So I do so, because I think the Prime Minister unwittingly altered the course of this nation in Victoria and did not alter it for the good. If I am aiming my point rather bluntly at the outset, the absence of the member for London North was felt far more than Bill Davis's presence, because Bill Davis, the Prime Minister of the Province of Ontario, did not speak up. He did not speak up, because the stories we got back from Victoria were that he felt this was a sort of a routine conference to formalize what had been in effect decided in principle back in Ottawa in February and then we would get onto the real business.

I am not blaming the Prime Minister for saying the real business is to get on to the question of reshuffling of responisbilities between the federal government and the provinces and matching the fiscal capacity to meet those responsibilities. That is the real business. But the Prime Minister must have been living in another world, up on the moon, not to have realized that while he thought that—and while I might agree with him—the fact of the matter is that the Province of Quebec, for reasons that have a lot of validity, placed the decisions in Victoria as being matters of prime importance that had to be settled first.

**Hon. A. F. Lawrence:** Nonsense!

**Mr. MacDonald:** And what happened was that the Province of Ontario went to Victoria with nothing to say. They sat it out.

**Hon. A. F. Lawrence:** The hon. member does not know what he is talking about.

**Mr. MacDonald:** I know what I am talking about, because everybody who was around Victoria came back and said the same thing.

When the tragic trend of the Victoria conference began to emerge—a polarization on the one hand with the redneck approach of Wacky Bennett, with Strom tending to go along with it, with certainly Thatcher or his appointee willing to go along with it, and the rest of the provinces tending to go along against Quebec—that is where the Premier of the Province of Ontario should have spoken up.

**Hon. Mr. Davis:** On which issue?

**Mr. MacDonald:** On every issue, on the whole complex of the issues, and may I say Mr. Chairman—

**Hon. Mr. Davis:** For once, the hon. member is making no sense.

**Mr. MacDonald:** The Prime Minister will have his chance to speak in a moment.

**Mr. W. Ferrier** (Cochrane South): He is making a lot of sense.

**Mr. MacDonald:** And that is the place, Mr. Chairman, where if the member for London North had been there it would not have happened, and the course of Canadian history would have been altered, at least in this current chapter.

Interjections by hon. members.

**Mr. MacDonald:** Because the one thing that became a remarkable development in the member for London North was that he had an intuitive sense that the interests of Canada were not going to be served by a polarization of the nation against the Province of Quebec.

And even when he knew that it was a delicate issue politically back home, that the Wasps on his own back benches were going to be buzzing around his ears, he had the courage to take a stand; and I have heard him reiterate the stand in the House here when some of his own backbenchers, from

Durham and a few other places, for example, were mumbling audible objections to his views. I have listened to them, I have heard them in the House.

But he took a stand, because in Canada's interest nothing is going to be served by a polarization of this nation against Quebec. If the secretariat of federal-provincial affairs, as I am sure they must have been, had been in touch with Quebec, it must have known that the Prime Minister of Quebec simply could not go back to Quebec with the kind of decision that emerged in Victoria.

As a matter of fact, unwittingly the Prime Minister of Quebec did a service to the nation as a whole by refusing to accept the Victoria charter, and I will tell you why: Because if the Prime Minister of Quebec had accepted the Victoria charter it would have meant all of the opposition parties—and as has now become evident, most of his own party who were in opposition—would have had only one constructive outlet for their protest, and that was through the Parti Quebecois, and therefore the cause of separatism would have been given its greatest boost.

Let me be very, very frank about this situation. We in the New Democratic Party are opposed to the separatist movement in the Province of Quebec because we do not think that the Province of Quebec's interests are going to be served by the separatist movement, and we are convinced that Canada's interests are not going to be served.

In short, the whole nation is going to be worse off. We would emerge as a sort of a Pakistan. Balkanized, with another at best associate state in the midst of the nation.

Anybody who has the interests of Canada at heart and grasps those interests is going to take a stand to make certain that kind of thing does not take place.

Therefore the Prime Minister of Ontario was not fulfilling the historic role of Ontario in terms of understanding what Quebec's needs are within Canadian Confederation, at least the historic role that was played so nobly—let me use the adjective or the adverb —so nobly by the member for London North.

He did not, and the whole situation, all the trends, were toward a polarization.

Now whether or not the situation can be redeemed, we shall just have to see. With his inflexibility, Trudeau is now saying the matter will just sort of sit; and the ball is in Quebec's court and Quebec can take the next step since they rejected the Victoria charter.

I want to come back and deal with the Prime Minister and his role now, since he failed to fulfil the role on behalf of the Province of Ontario out at Victoria. That brings me to the whole federal-provincial area.

I ask the Prime Minister, frankly and bluntly, was the kind of position that he took —or lack of position that he took on the issues that were immediately up for consideration in Victoria—was this the advice, was this the considered view of the secretariat of federal-provincial affairs in the Province of Ontario?

If it was, quite frankly I think the secretariat should have been shaken up. They were either not in touch with what was going on in Quebec or they did not assess the situation correctly. But since that secretariat is used so extensively by the Prime Minister, I think it is his obligation to report to the House in specific relationship to its operation now and to its role in connection with the Victoria conference.

**Mr. Sargent:** Mr Chairman—

**Mr. MacDonald:** Can we not hear the Prime Minister's response before the member gets on his feet?

**Mr. Sargent:** Well, did he respond to my leader? Are you special?

**Mr. MacDonald:** On a point of order, Mr. Chairman. Have I got the floor for a point of order?

**Mr. Chairman:** Point of order! State your point of order.

**Mr. MacDonald:** I thought it was the traditional approach and accepted approach in this House that on estimates the Prime Minister, if he chose, or the department head, if he chose, gave a leadoff; the opposition spokesmen then spoke and we got a response from the Prime Minister so we know what the government thinks on the issues. Then anybody on the opposition side of the House can get into the picture.

**Mr. Sargent:** Are you the deputy leader?

**Mr. MacDonald:** I am presenting this observation to the chairman of the—

**Mr. Stokes:** You do not have to answer to him.

**Mr. MacDonald:** —committee as to whether we proceed in that traditional approach.

**Mr. Chairman:** The point of order is well taken. The Prime Minister will speak.

**Hon. Mr. Davis:** Mr. Chairman, I assure the member for Grey-Bruce, he will be given every opportunity to ask, I am sure, very important questions. I shall endeavour to reply very briefly to the observations of the Leader of the Opposition and, in particular, the member for York South, as they relate to federal-provincial matters.

I am always intrigued by the observations from the member for York South, because he deals with some of these things in a very excellent fashion from time to time. I have to say, with respect, tonight was not one of them.

**Mr. MacDonald:** I can understand how you come to that conclusion.

**Hon. Mr. Davis:** It is very easy to stand up in this House and in a general way—and I fully recognize his sincerity on most issues—to get up and be critical of this government's position and my personal involvement as it relates to the Victoria conference and the on-going matter of federal-provincial relations. I would only say to the member for York South that I could not help but feel here tonight as I listened to him that for once his homework had not been done. He generalized in a way that was not becoming to his intellectual capacity and he indicated to me a very real lack of knowledge of the real and basic issues this country faces.

**Mr. MacDonald:** You will find it all in the Treasurer's estimates.

**Mr. J. Renwick** (Riverdale): Answer the criticism.

**Hon. Mr. Davis:** It is true and he knows it! To say that this province did not participate constructively, in a meaningful way, in the previous conferences and in the agreements made by all provinces and the federal government in February, is just a complete negation of the facts. And he knows it!

**Mr. MacDonald:** No, I do not know it.

**Hon. Mr. Davis:** I would say to the hon. member that Ontario did participate. This province provided leadership over the years and did again at Victoria, but in a way that was consistent with what we feel should be the on-going directions of Canada

Mr. Speaker, while I was disappointed, as we all were, with the decision by the Province of Quebec not to accept the agreement made by every single province there and the federal govrnment—with an undertaking from the Premier of the Province of Quebec that he would endeavour to get some positive reaction to this—I thought this was one of the very positive conferences that we have held.

So it did not work! But Mr. Speaker, I said out there, and I say here again tonight—in spite of the fact that we did not finalize matters in Victoria, and in spite of the fact there may be still some on-going difficulties—this country is going to survive and it will survive in a very meaningful way and the member for York South knows it.

**Mr. MacDonald:** In spite of Quebec's great difficulties!

**Hon. Mr. Davis:** And if he is saying to me that all of the provinces should have said to the federal government, "Yes, we agree to a very significant alteration in constitutional responsibility, that we agree with the Province of Quebec that all social programmes should be administered by the provincial jurisdiction", if that is what he is saying—now this emerged to be the very basic issue and disagreement—

**Mr. P. D. Lawlor** (Lakeshore): Not at all, not at all!

**Hon. Mr. Davis:** —in Victoria—if that is what he is saying then let him put this forward as the policy and position of the New Democratic Party: That all social programmes should be within the provincial purview of jurisdictional responsibility.

**Mr. MacDonald:** That was not the issue.

**Hon. Mr. Davis:** That is exactly what you have to say, MacDonald! And if the member for York South really wants to get into these issues, that is what he has so say. Mr. Chairman, the Province of Ontario has always said that we believe that matters of constitutional alteration, division of responsibility should be assessed. We were not going to put ourselves in the position in this province of opposing all the other provincial jurisdictions—the Maritimes and the others who are less wealthy than ourselves, and who are not in a position to move into some of these fields—because we might have the financial capacities, because it might be in our own economic interests to do so. It might have been but we were ready to say at this stage of the game we were prepared to make that kind of decision.

**Mr. MacDonald:** Your provincial Treasurer has demanded it and he is stuck with it in his estimates.

**Hon. Mr. Davis:** We think, Mr. Chairman, that the whole thing has to be put into the pot—the whole question of reassessment. Ontario's participation at that conference was not as noisy, not as loud as the member for York South might have made if he had the responsibility—and I am the first to admit this—but I think history will record that it was indeed constructive, and I think we still have reason to be optimistic as to the eventual outcome.

**Mr. Peacock:** The Minister of Justice—

**Hon. Mr. Davis:** Mr. Chairman, let us put this fact on the record as well. The federal-provincial secretariat in this government, as it relates to the research and the material that is given to me and my fellow ministers who participate in these federal-provincial conferences, is one of the most dedicated, one of the most intelligent and one of the best working groups within this government. They have provided us over the years with the best information—

**Mr. Peacock:** And did the Premier rely on them for that quick decision?

**Hon. Mr. Davis:** —that is available, I think, from any source.

**Mr. Peacock:** And the Premier relied on them?

**Hon. Mr. Davis:** We have been in the position time and time again to make suggestions to the federal authorities of ways and means to do better those things which we all ultimately want to achieve. And as I say—perhaps, it is my own personal approach to some of these situations—the noise was not as significant in Victoria, if that is what one is looking for. But I can tell you this, Ontario's position was right. It was consistent and it was in the best interests in the long-term of this country, and I hope the member for York South is prepared to accept it.

Mr. Chairman, I will deal in a much briefer fashion—

**Mr. Lawlor:** The member for London North (Mr. Robarts) would have found an accommodation.

**Hon. Mr. Davis:** —with the other points that were raised—

Interjections by hon. members.

**Mr. Chairman:** Order!

**Hon. Mr. Davis:** —that were raised by both members opposite. I recognize, and I am the first to recognize, that there are days when they feel that the business of the House is not ordered in quite the fashion that they would like.

**Mr. T. Reid** (Scarborough East): Three and one-half months of disorder.

**Hon. Mr. Davis:** Mr. Chairman, I would only say this to the member for Scarborough East, I have been a member of this House a shade longer that he has been. I have been a Minister of the Crown now for close to nine years—

**Mr. T. Reid:** That is too long, Mr. Premier.

**Hon. Mr. Davis:** —and I look back over the—

**Mr. Sargent:** Costing us billions of dollars too!

**Hon. Mr. Davis:** —size of the estimates, the length of the legislative programme, and I say in spite of the change in leadership, and there has been a change—and in spite of the fact that there are only three ministers who had their portfolios prior to March 1, that we started this session roughly April 1, and that we have been here not yet four months, we have nearly completed all the estimates and the $4 billion plus budget, we have completed a great deal of legislation. I would say if you look back in the history—

**Mr. Nixon:** The Premier can take no credit for that, the clock ticks it off.

**Hon. Mr. Davis:** That is fine, that is fine!

**Mr. MacDonald:** Three ring circus; two committees going while the House is going!

**Hon. Mr. Davis:** It may not have been in quite the order that you people would like; but I would say this, Mr. Chairman, that the kind of legislation, the bulk of the legislation and the fact the estimates have gone through in this period of time are a very real indication of the progressively conservative nature and the enthusiastic support that characterizes this government.

**Mr. C. G. Pilkey** (Oshawa): Chaos! Three ring circus!

**Hon. Mr. Davis:** I want to make this personal observation. There have been very few leaders of a political party who have had

the kind of enthusiastic support, the kind of co-operation that I have received as the leader of my party, and as the Prime Minister of this province from my colleagues, both in cabinet and out.

I would say to the Leader of the Opposition, if he were nearly as blessed as I am—

**Mr. R. M. Johnston** (St. Catharines): Verbal pollution across the floor!

**Hon. Mr. Davis:** —his own political future would be somewhat brighter than that which I see for him at this precise moment!

Interjections by hon. members.

**Hon. Mr. Davis:** And I say that very kindly!

**Mr. MacDonald:** Do not pick on the Liberals!

**An hon. member:** This is the time for the member for York South to stop lying.

**Hon. Mr. Davis:** Mr. Chairman, I will not make any observations except to say that as I see the member for York South—and I do—go down the halls in this great building here, he bears that stiletto mark in the back very well.

Interjections by hon. members.

**Hon. Mr. Davis:** He may be critical of us from time to time on this side of the House—

**Mr. Stokes:** He is being very nice, for him!

**Hon. Mr. Davis:** But when we make changes here, we do it in a way that everybody understands with a very fair and open approach to it.

**Mr. MacDonald:** If you think you can hide the weaknesses in your team by that kind of statement then you are mistaken—

Interjections by hon. members.

**Hon. Mr. Davis:** No way! And what is more, you know it!

But let us get around to some of the specifics of the estimates just so the hon. members will have some rough idea. I do not want them to feel that we are too extravagant in the Prime Minister's Department.

Actual estimates for 1970-1971—actual expenditures—for your information, were $518,517.17. The estimates for 1970-1971 were $407,000. That was the actual expenditure. The estimates being asked for here are $684,000.

Complement in 1970-1971—and this was in the Prime Minister's Department prior to the division into the Prime Minister's office and the secretary to the cabinet—the numbers in 1970-1971 were 44; in July, 1971, it is 58.

To give you some indication of the kind of activities, that I am sure you would all support, going on within the Prime Minister's office at the moment, here are just some rough comparisons.

In 1970-1971—and this requires a fair amount of administrative work and a fair number of people to assist in it—the first-class mail coming into the Prime Minister's department, 19,127 pieces. The estimate based on actual figures for the first three months—

**Mr. E. W. Sopha** (Sudbury): How many were answered?

**Hon. Mr. Davis:** —of 1970-1971, is 34,000. That is based on actual figures for the first three months of operation.

**Mr. MacDonald:** Sure, half of those came because of your mistaken policies.

**Mr. Sopha:** How many were answered?

**Hon. Mr. Davis:** All of them!

**Mr. Sopha:** All of them?

**Hon. Mr. Davis:** All of them, and this requires a great deal of effort. That is first class mail, Mr. Chairman.

**Mr. Stokes:** They were all protests against government policy.

**Mr. MacDonald:** Or lack thereof!

**Hon. Mr. Davis:** It is very intriguing, Mr. Chairman, the number of letters that are coming in in support of many of the government programmes. I know that would upset members opposite, but it happens to be factually correct.

**Mr. Sargent:** Money can buy anything.

**Hon. Mr. Davis:** Yes, that is right!

**Hon. Mr. Yaremko:** The Spadina Expressway accounts for 20,000.

**Hon. Mr. Davis:** Mr. Chairman, the number of write-ins—these are not first-class mail—in 1970-1971, was 3,000; projected for 1971-1972, 100 per cent increase or 6,000. As it relates to invitations, in 1970-1971—and these are all replied to, I might say, to the member for Sudbury—the number of invitations, 909

in 1970-1971. Projected for 1971-1972, based on actual figures for the first three months, 2,400.

**Mr. Sargent:** You make up most of them.

**Hon. Mr. Davis:** Mr. Chairman, I am just trying to explain to the hon. members the reason for the 14 increase in staff. The number of appointments requested and attempted to be set—we cannot handle them all—was 316 in 1970-1971; based on projections from the first three months of actual experience, it will be 800 for 1971-1972.

As it relates to numbers of cabinet meetings—just to show the gentlemen opposite, Mr. Chairman, how hard my colleagues are working in 1970-1971, it was 65; projected on—

**Mr. Nixon:** Like last Friday morning. Who called that one last Friday morning?

**Hon. Mr. Davis:** —the basis of present experience, of first three months of actual for 1971-1972 would be 120. Once again, roughly 100 per cent increase.

**Mr. Peacock:** Sounds like he is being programmed like a computer!

**Hon. Mr. Davis:** I am sure the members opposite will feel that it is not absolutely necessary, but nonetheless this is just a rough idea of the extent of the workload and its increases in the first four months in the operation of The Department of the Prime Minister. But what is also important is the very basic decision that was made, and that is to have a Prime Minister's department separate and distinct from a cabinet secretariat.

We have, Mr. Chairman, accepted the general concept of the CGOP recommendations related to the function of cabinet and the cabinet committees. We have increased, in a very minimal way to date, the complement as it relates to the—

**Mr. Stokes:** A 30 per cent increase in staff.

**Hon. Mr. Davis:** —functioning of the cabinet itself.

But I would say, Mr. Chairman, when one is the head of a government responsible for a $4 billion plus budget—one of the most aggressive, and I think one of the most enthusiastic provincial jurisdictions you will find in Canada—to say that we have a complement of 58 people involved in the kind of work that we are presently doing is not, shall we say, excessive as it relates to the circumstances.

As the CGOP recommendations are forthcoming, as we see better ways and means, we think, of expediting the decision-making process within government, I think it is fair to state, Mr. Chairman, that I will be back a year hence when I am once again passing the estimates of the Prime Minister's Department and have for you certain programmes and suggestions as they relate to the functioning of both the Prime Minister's office and the cabinet secretariat in a way that will be more productive for the people of this province.

So, Mr. Chairman, I do not want to prolong it. I have several other thoughts here that I might express. I would only say that in my brief tenure as the Prime Minister of this Province, or Premier—and, I would point out to the member for York South, the information is coming through the advisory committee on federal-provincial constitutional situations—that when determination is made as to whether it is Prime Minister or Premier and when all the research is available I will certainly let him know.

But I know he would agree with me, as would the Leader of the Opposition—that it would have been wasteful to have thrown out several hundred of the existing pieces of stationery with the words "Prime Minister" on it. We certainly have compromised; it was in neither red nor blue as in the history related by the Leader of the Opposition. It was in gold, and I thought that this was a tradition that we might carry on at least for a period of time.

Mr. Chairman, I am sure that there might be some specific questions, but I would say in a general sense the Prime Minister's department is functioning reasonably well and with enthusiasm. We are really making very excellent progress with the establishment of the secretariat of the cabinet in a—

**Mr. T. Reid:** Get it ready for us.

**Hon. Mr. Davis:** —way that I think will help in the governmental process in this province.

**Mr. Sargent:** Mr. Chairman, I really do not want to discuss these estimates too much because our—

**Mr. S. J. Randall** (Don Mills): No subway in Owen Sound!

**Mr. Sargent:** —leader in the next four or five months will be dispensing the money in the Prime Minister's office anyway, but—

**Hon. Mr. Davis:** Dispensing? I would hope investing would be the term he would be using.

**Mr. Sargent:** –but for the Prime Minister to say that this is–

Interjections by hon. members.

**Mr. Chairman:** Order!

**Mr. Sargent:** –that this is the most enthusiastic, the finest government in Canada! He did not tell us that they have the biggest debt, that they are $4 billion in debt and are almost insolvent, thanks to the former Treasurer (Mr. MacNaughton) and his past performances.

In view of the fact, Mr. Chairman, that there is a 50 per cent increase in the cost of administration of the Prime Minister's department–

**Hon. Mr. Davis:** We have not.

**Mr. Sargent:** Well, he has–

**Hon. Mr. Davis:** I gave the member the figures.

**Mr. Sargent:** Well he has 14 more staff. His budget in 1969-1970 was $407,000 and now it is $684,000.

**Hon. Mr. Davis:** Actual expenditures were $518,000 in 1970-1971.

**Mr. Sargent:** But the Prime Minister overspent by $150,000. Now he is asking a 50 per cent increase and 14 more employees, 33⅓ per cent more staff. The guidelines across the nation are 6 per cent increases, but he is going to bring in a 50 per cent increase right across the board in this department.

**Mr. Ben:** Patronage.

**Hon. Mr. Davis:** The member for Grey-Bruce has obviously studied the new math and it does not matter what the answers are as long as you understand what you are doing and I do not think the member does that either.

**Mr. Sargent:** If the Prime Minister is going to be democratic about this, there are people like me who are elected too, and we have to know the answers. There are a lot of words the Premier uses I do not know the answers to but my words get across to my people pretty well, so the Premier should not talk down to me ever, I do not like it.

**Hon. Mr. Davis:** No, but I am just asking the member to use the exact figures or the accurate figures.

**Mr. T. Reid:** He cannot even budget.

**Mr. Sargent:** The exact figures show the Prime Minister overspent $150,000 last year and he is asking 50 per cent more than his budget of 1970-1971.

But the fact is, Mr. Chairman, I am concerned as a taxpayer–well a lot of people are concerned–about the powers of the Prime Minister. If he walks down the hall the Prime Minister has a phalanx ahead of him like a bodyguard, et cetera, almost as big as the Minister of Justice has with him. But I say, how far can his powers go? If I were to classify this first minister, Mr. Chairman, insofar as his performance as a Prime Minister is concerned, if 10 were the tops, in my estimation as a person involved in government over the last 30 years, I would say his rating would be about minus-four. But if I were to judge him as a manipulator, all these things he has done, the goodies he is giving away–$18 million to Wasaga, $3 million to Hamilton and $6 million to Brampton today, and God knows how many more millions. Brampton gets the chronic alcoholic institution that was just announced today, and maybe there will be another $100 million before the election is called.

**Mr. R. Haggerty** (Welland South): That is getting close to home.

**Hon. Mr. Davis:** That is home.

**Mr. Sargent:** I would say that as a manipulator he is about a plus-10; he is tops in manipulating. I can believe this of people like the Minister of Transportation and Communications (Mr. MacNaughton), that type of a person, but for an ethical man like the Premier–

**An hon. member:** An ethical man like him! Get that point?

**Mr. Sargent:** –to dole out public funds as he does in this province, I think is asking a bit much.

**Mr. W. G. Pitman** (Peterborough): Did the minister get that profound remark?

**Hon. C. S. MacNaughton** (Minister of Transportation and Communications): That was so profound it went right over my head.

**Mr. Sargent:** He has not heard the rest yet!

**Mr. Pitman:** I just wanted to make sure he caught that.

**Hon. Mr. MacNaughton:** Too profound for me!

Interjections by hon. members.

**Mr. Sargent:** So I am concerned when he asks us for $20,000 more in entertainment for his department. He is paying a man, Dr. Reynolds, $34,000 or $35,000 a year as his aide.

**Hon. Mr. Davis:** No, he is deputy minister, a very good one.

**Mr. Sargent:** Deputy minister?

**Hon. Mr. Davis:** Yes.

**Mr. Sargent:** Well, how far can you go? The heads of state in the United States are responsible to someone. But how far can you go, in going across this province—have a good laugh at this; this is great. How far can you go spending my money to buy votes? How far would you go? Every day we pick up the papers; there are goodies every day! And the people are watching it now, and I say, you keep it up, because this is verging on corruption.

**Mr. G. E. Smith** (Simcoe East): Jealousy will get you nowhere.

**Mr. Sargent:** No other head of state in the 50 states below us has the power that you have to walk out and spend our money to buy votes. This is verging on corruption, and you watch it.

**Mr. M. Shulman** (High Park): He is saying none of the American governors can spend Ontario's money.

Interjections by hon. members.

**Mr. Sargent:** You have the powers under the guise of Lands and Forests; now you have—

**Mr. Randall:** You are going to get headlines tonight!

**Mr. Sargent:** —maybe 40 or 50 aircraft in this department.

**Mr. Randall:** In the obituary column.

**Mr. Peacock:** Things are tough only here.

Interjections by hon. members.

**Hon. Mr. Davis:** What was the Leader of the Opposition saying about orderly business of the House?

**Mr. Nixon:** Is the Premier saying the member has not got the right to express his views?

**Hon. Mr. Davis:** Certainly he has.

**Mr. Sargent:** Well, I asked the Prime Minister in the House a while ago—

**Hon. Mr. Davis:** You have not asked me anything yet!

**Mr. Sargent:** I asked you how you could use executive aircraft to take ministers home for the weekend. You have four or five plush aircraft with bars and all the things in them that are not used for Lands and Forests; they use amphibious aircraft up there. But the aircraft that you have in the "Davis air force," I ask you—

**An hon. member:** "Davis air force"!

**Mr. Sargent:** Would you give us a breakdown of the pilots' salaries in your own personal air force, the fuel cost, the number of miles logged, the names of passengers taken? Now you recall that when Gaglardi was the Minister of Highways in British Columbia, he took some people in a government aircraft down to Texas, and they found a log of the airplane and found that he was using it for personal reasons.

I would like you to do me the honour, the justice, of filling out the logs of people you carry on these aircraft, because I see the aircraft taking off at the Island airport, and sure as hell that is not government business. As I mentioned before, they drive their cars 100 feet across to carry the whisky out of the government limousines into the planes. The minister said he could not—

**Mr. Pitman:** We have heard this somewhere before.

**Mr. Sargent:** The provincial Treasurer said he could not carry the cases of whisky; he had to have the car take them to the plane.

**Mr. MacDonald:** The member did not get headlines the first time he said that.

**Hon. E. A. Winkler** (Minister of Revenue): Yes. Do not rehash.

Interjections by hon. members.

**Mr. Sargent:** Well, I am concerned about the fact that they admit to this.

Interjections by hon. members.

**Mr. Sargent:** Oh, I know you fellows do not like this, but this is a fact of life: it happened. Your back-benchers would not know these things happened. God knows the amount of money that has been spent like this. We will never know. You hide all this stuff under travelling expenses and communications. You do not say entertainment or booze parties, you say it is communication and travelling expenses.

**Hon. L. Bernier** (Minister of Mines and Northern Affairs): Same thing.

**Mr. Sargent:** This is just dandy, but the taxpayer does not like it. I do not like it.

**Hon. A. F. Lawrence:** You talk about people not liking things. Look around you.

Interjections by hon. members.

**Mr. Sargent:** What do you mean?

**Hon. A. F. Lawrence:** Are you not ashamed of it?

**Mr. Sargent:** No.

**Hon. A. F. Lawrence:** Well you should be.

**Mr. Sargent:** I am sorry that you feel that way. I speak for myself. Do not worry about me; I will be all right.

**Mr. Nixon:** Do not worry, you are doing all right.

**Mr. Sargent:** I just think some time, somewhere along the line people should ask where in hell do they get off with spending that kind of money that way? Does nobody check them? Is there no checking you guys?

**Mr. MacDonad:** You should have the provincial Treasurer here to clean up this House and this language.

Interjections by hon. members.

**Mr. Sargent:** I would like you to give me the purpose of all the trips and the purchase dates and the capital costs involved of the four aircraft used for these jaunts you do on campaigning. Are you allowed to use government planes to campaign for you and all your ministers?

**Hon. Mr. Davis:** No.

**Hon. J. W. Snow** (Minister without Portfolio): Down to four? It was 50 a while ago.

**Mr. Sargent:** You do not? Are you allowed to take them home for the weekend? To fly them around the country like this for speaking engagements, for campaigning, for nomination meetings?

**Hon. Mr. Davis:** We do not take them home at weekends.

**Mr. Sargent:** Are these things allowed to our leader, to the leader of the New Democratic party? Can members of Parliament use aircraft? These things are important to me as a taxpayer.

**Mr. Shulman:** They took me up for a ride.

**Mr. Sargent:** I think it is time that you had a good look at what is going on in this province, because we are getting fed up with the fact that you can walk out and every day in the press you read that you are getting more goodies around the province at election time.

**Hon. Mr. Davis:** There is no election.

**Hon. Mr. Winkler:** Wait until Pierre gives us his 747.

**Mr. Sargent:** Mr. Chairman, in this vote here he is asking $684,000 for 58 people to run this office. I think it is a waste of manpower and it is a big steal on the taxpayer.

**Hon. Mr. Davis:** Mr. Chairman, I have only one observation to make. As some members know, during the past two or three weeks we have had some slight physical difficulty and I can only say—

**Mr. T. Reid:** The royal "we"?

**Hon. Mr. Davis:** —in that the hon. member for Grey-Bruce himself was a former athlete —he still plays rather well—that if one has to suffer from some sort of disability as it relates to his experiences in the athletic field of some years gone by, just thank heavens I have a bad back not a continuing concussion like the hon. member for Grey-Bruce.

**Mr. Sargent:** On a point of privilege. I do not get the concussion?

Interjections by hon. members.

**Mr. Sopha:** Since the matter was raised by the Prime Minister, I want to crave the indulgence of the House to make a brief outline of my views of the constitutional conference that was referred to. I have the modest advantage that whatever I say—speaking independently and as a student of the constitution for the past 20 years—will not make a great deal of difference to the complexion or the future of this country. It will not cut any ripples.

But there are two or three things about that conference that I want to get off my chest and there will not be another opportunity to do so, and who knows, the fates may be such that if an election is called I will never get the opportunity to say them again.

Now its strikes me that to be the head of the government of Ontario and to go to a conference like the several that have been held, must itself, by the presence, be a position of great prestige. Ontario being the linchpin and a founding province of the nation; that, without downgrading or denigrating from the personalities of the leaders of the governments of other provinces, the personality of the head of the government of Ontario must tower above what by reasons of geography and economics are people of less political stature in this country. Therefore it is all the more important in respect of the future of this experiment that the head of the government of Ontario perform in unequalled fashion among his equals by law. It is from that point of view that I express a reservation of disappointment about the performance of the head of this government at Victoria.

Now let me put it in this parenthesis. It was very disappointing that at least two of the heads of government in the early days of the session apparently did not want to talk about the constitution. I refer to Bennett, the head of the government of the host province; in his first speech he got off the observation that the greatest problem facing Canada was unemployment. No one disagrees with him at this time, in this juncture of our affairs. No one can argue with that proposition. But one can say if the government of Canada, working in concert with the provinces, wants to hold a conference about the constitution, then it is to be hoped that the 11 assembled heads of state will talk about the constitution. And if Mr. Bennett wants to talk about unemployment, he can perhaps persuade Mr. Trudeau to hold a conference on unemployment, but let us get down to the business of the constitution. Mr. Schreyer fell into the same train of thought, and he talked about guaranteed income supplements, aid to the aged, federal government donation of funds to various social programmes that are of interest to the government of Manitoba.

**Mr. Nixon:** Farm prices.

**Mr. Sopha:** And farm prices. Now, it is interesting to note that out in the east, which we central Canadians are inclined to look down our nose at just a little bit, the three Maritime Premiers—the fourth, Mr. Smallwood, I rule out I must say, because without fail he always uses the occasion to put on a clownish performance. He is a man who likes the television cameras and he has a high conception of his own sense of humour and his ability as a comic. I leave him out.

**Mr. H. L. Rowntree** (York West): He always spoke nicely of you.

**Mr. Sopha:** The other three, Regan, Hatfield and Campbell of Prince Edward Island, in their statements indicated a great desire not only to solve the problems but to me, a centralist, they all enunciated philosophies that they were willing to give up some powers to the central government. Now that strikes a resonant chord with me, because it seems to me that Ontario and Quebec and some of the western provinces, notably Alberta, and British Columbia, always go there asking for a donation of funds It is a money price that Ontario always puts on it. This Premier, like his predecessor, talks about the immense responsibilities that face the government of Ontario and the inequity and iniquity of the division of the tax revenues. I do not mean to paint pictures or elaborate upon that. I can leave it at that point. But it is always a price tag.

Now my own private view—and it seems that only Dr Forsey, the public prints, and I share the view—is that this country would be far better off if this simple approach was made by the province. That they said, right in line with the Rowell-Sirois commission report of more than a generation ago, "Look, we agree that the federal government should be armed with the necessary powers to influence the economic health of this nation as a whole.

We reinvent the wheel here every day. The Globe and Mail writes editorials. Its editorials on the constitution are usually better than those of the Star or the Telegram, but it is reinventing the wheel. This was all said more than a generation ago—that the federal government is bereft of power to influence the economy on a nation-wide scale. And that is where Mr. Bennett's illusions to the unemployment problem come into that greatest significance of focus—that only the federal government can properly tend to the economic health of this nation.

So what does it mean in real terms? It means that the provincial Minister of Agriculture and Food (Mr. Stewart) would get out of the marketing field. Much of our

economic health—much of the dependence of our people in this country depends directly on the sale of our agricultural products in world markets. And I have never been able to understand, that being a basic fact of our economy, that we should have two sets of marketing agencies. That should be given over entirely to the federal government.

Complete control of monetary matters should be given to the federal government. The province should get out of the field of governing or—what is the word I seek?—of controlling the operations of such things as trust companies, loan companies, near banks, financial institutions.

The federal government, it is agreed under 91—I think it is 13—has control over coinage and currency—monetary matters. It has the central bank as an instrument of imports and it should have in my view complete control over all monetary and financial matters.

Labour relations is another one. Industries now operate on a nation-wide scale. Replications of industrial activity are to be found in every province of the nation. It seems to me that a good argument can be made that the federal government should have control over the regulation of labour relations from one end of the country to another.

All right now, what should the provinces say in return? If they showed a smidgen of interest of getting out of some of these fields that would permit the federal government to act effectively in respect of the unemployment problem, which apparently is becoming chronic with us, the provinces could justifiably take the stance of saying to the federal government: "All right, you are responsible for the health of the country from an economic point of view. We are responsible for the welfare of our people, because we are closer to them. We are in a much more intimate relationship and we insist that we have the power of the decision-making progress to determine what shall be the programmes in the province for the assistance, education, welfare and health of our people."

Now that to me seems to be a sound distribution of power. I put it in a very constricted way. I do not want to use the time of the House. But you never at any constitutional conference ever hear the provinces ever offer to give up one iota of their powers.

It has been said many times in the constitutional history of this country, that the provinces are too powerful, that they have too much power, that the pendulum in the interpretive role of the Supreme Court should swing the other way and apparently it is. The trade and commerce clause was all but emsculated a generation ago. Even the balance in the pendulum seems to be going the other way. For example, look at the chicken and egg case recently tried that arose out of Manitoba.

One more thing I want to say: I was disappointed that the head of government here did not give strong support to Quebec. I put it on this basis, that one of the strongest features of this country is its bilingual and bi-national character and I dare say a thesis could be made that one of the reasons we do not have the lawlessness and the disorder in the streets of this nation is that we are two cultures; that we are not the melting pot of our neighbours to the south. Evidence could be summoned to support that proposition.

That is the strength and beauty of our country, the fact that we have two peoples with two histories, two religions, two languages; two different peoples—not two solitudes, in the words of MacLennan, but two peoples who form a catalyst and each strengthens the other. It is right and proper and just that the government of Quebec should have the power, the right, the discretion, to determine what shall be the flavour of the society within that province.

It is forgotten, it is distressing, it is sometimes almost overpowering, that we confuse the fact in this country there are six million people living in one province who pay homage to this one language and the one culture, they are in one province. We confuse the issue, confuse our thinking, in equating them with the many cultures that have come from other lands.

They too have enriched this country but they are spread out across the nation. You can find them in Kamsack, Saskatchewan, you can find them in Cornwall, Ontario, and in Chilliwack, B.C., but the French are located in one province and people like Levesque, those who support him and attend to his philosophy, they say: "We do not care what goes on in Edmonton. We do not want to speak French in Kootenay, B.C. We want to speak French in our province and we want to be French."

With Bertrand the significance was lost in this country—it was lost on the editors of the Globe and Mail—that Bertrand in the February conference went there, he looked the other

10 leaders of the government in the eye and he said: "Look, what we are saying to you is that we are different. We are different in our Frenchness. We are different people. We want to remain different and we want to strengthen our differences."

As the neighbour of Quebec, as the interpreter of Quebec to the rest of the nation, Ontario has a moral obligation to support them. In my view, the Prime Minister ought to have supported Mr. Bourassa at that conference instead of shilly-shallying, equivocating, trying to be all things to all people to the other leaders of the government.

It was no surprise to me that Mr. Bourassa went back to his native province and turned down the Victoria charter. He would have had disorder in the streets probably. Do you note—and here the Toronto Star comes under review—do you note the leading voice in threatening him to turn it down? He was threatened by Claude Ryan. Did you notice that? That before he made the decision Claude Ryan let it be known that if he accepted the Victoria charter he and Le Devoir would do everything in their power to defeat him at the polls?

And what was that the legacy of? That was the legacy of the activities of Peter Newman and the Toronto Star in the October events when Claude Ryan was villified, when the most gross and egregious things were said about him and his intentions to lead a cabal to replace the lawful government of Quebec. No wonder Ryan reacted in the way he did, quite apart from the significance that the decision came closer to St. Jean Baptiste day.

**Mr. Peacock:** He was not the only one.

**Mr. Sopha:** He was not the only one, but he was the focal point. It was almost universal. Did you read where every party applauded in the legislative assembly of Quebec when it was turned down? But I say this in this Legislature that there is a little game that goes on in this country—I have said this on public platforms before—there is a little game that goes on and that is criticize Quebec, vilify Quebec. That is popular with people who do not think, people who do not read, people who are not conscious of the history of this great country, people who do not realize that this country began in 1608—1608 is when it began.

Those Anglo-Saxons who came here after my forebears, think it began on that September day in 1759 when Wolfe's team happened to be up for the day. Like Argos they could have lost; they just happened to win. You have thought ever since that that is when Canada began, and the great Sir John A. used to say to your forebears, he used to say, "The trouble with you English is that you cannot forget that you were once victorious."

You cannot get away from that conqueror mentality that you won everything on the Plains of Abraham. Notwithstanding the two titanic figures, the products, the scions of two cultures, who battled it out on that September morning; you should remember that the history of Canada goes back to the day when Champlain put the blue and gold on the ramparts of Quebec. That is when it all began.

It is a fact of life you know, the farther west you go in this country, the more anti-French Canadian it becomes. That is true. Victoria. You get to Victoria and they will stand cheering in the Empress Hotel when Pierre Elliott Trudeau tells them that one of his missions in life is to put Quebec in its place. That brought them to their feet in applause.

I heard a man from Edmonton talking to Joe Greene one day and he said, "What do you think about the Quebec problem?" What problem? What problem have we got with Quebec? Quebec has a tremendous problem with us, with the rest of us and the vilification that we descend on that great and noble province. It is no accident, you know, that in the emergence of the new renaissance, the renaissance in Canada, that the greatest flowering of culture is taking place in Montreal, far ahead of Toronto and some of the other provincial centres of this nation.

Well, I do not extol Quebec except for this purpose, that what I want is sympathy and understanding. I want Ontario to be the go-between, to be the broker, of that understanding with the rest of the country.

One other thing that I want to say. We do not make any progress. I remember the former Prime Minister said that it may take us 10 years to come around to a formula. Apparently it is going to.

They talk about unimportant things. I never knew as a lawyer that the question of the personnel of the Supreme Court of Canada was important. I did not know that until the heads of government in Victoria spent a lot of time in discussing that. I thought that we got as good lawyers there as we could expect in the Supreme Court. I

did not know anybody was bothered about their qualifications, but that apparently is a big issue as who is to appoint them.

For me, if the federal Minister of Justice wants to ask the Ontario Minister of Justice what he thinks about candidate A, that is all right I suppose. The provincial minister may want to get his man in—I got one in one time, you know. I got one in. I made a special trip to Ottawa to see Mr. Turner when I heard who the candidates were. They horrified me and I did the best I could to persuade him to appoint the one I thought should be appointed, and he was appointed.

I did care. It had nothing to do with whether he was a provincial appointment or not, because I would not want people on the Supreme Court who were not neutral and objective in their viewpoint. I do not want partisans up there that hold the view of the provinces. I do not want partisans that promote the gemini of the federal government. I want people of good, quick intelligence, of learning, of skill, of honour and integrity, who will call it the way it should be, in an objective and fair and impartial way, and if we can get that type we stand a chance.

We have never had a literary judge you know. We have not had one in our whole history. The Americans have had several.

**Mr. Peacock:** The member for Lakeshore. Would the hon. member speak for him the next trip he makes—

**Mr. Sopha:** Mr. Lawlor, I would be for Mr. Lawlor someday.

**An hon. member:** No fear after the next election.

**Mr. Sopha:** Someday.

Interjections by hon. members.

**Mr. Sopha:** You see the light fashion in which my remarks are treated by the House when I talk about—that is what the Premier has talked about—

**Mr. Peacock:** Not at all.

**Mr. Sopha:** —the appointments to the Supreme Court and the important things and the health of this nation go wanting, they go wanting.

The truth is—and I conclude on this note—that if Mr. Bennett says that unemployment is the most important problem facing this nation today, then the answer is that if we got around to rearranging the distribution of powers to give the federal government the decisive and the effective means of influencing the economic health of this nation, then Mr. Bennett's problem might be solved. It stands a chance of being solved.

**Hon. Mr. Davis:** The hon. member is being completely contradictory.

**Mr. MacDonald:** Two contradictions in the last two minutes.

**Mr. Peacock:** A centralist and a patron of Quebec.

**Mr. Sopha:** All right, I want to deal with that. I want to deal with that because no one—let me make my speech—

**Mr. MacDonald:** The hon. member said he was finished.

**Mr. Sopha:** —no one recognizes the dichotomy more than I do, but when you are talking about giving powers to the federal government then I have to come down to this qualification, that Quebec must be treated differently. If that is the solution, then so be it.

**Mr. MacDonald:** What party does the hon. member belong to? Has he ever heard of Trudeau?

**Mr. Sopha:** The truth is, of course, that Quebec has always been treated differently, it always has, throughout the constitutional history of this country—

**Mr. Peacock:** But not this last time.

**Mr. Sopha:** —and the problem is that we have to make some suitable accommodation to Quebec which is based upon a recognition of their difference.

**Mr. Peacock:** But not in June—never in June.

**Mr. Sopha:** I am glad that matter was raised so that the record would hold my views about that important aspect of it, that we have but one home of a different culture and we have nine other provinces, nine other provinces that might very well begin to make the concessions that are necessary for the encouragement of the prosperity of this country on a nationwide basis. I wish, as I sit down, that the Premier of this province, like his predecessor before him, would stop talking in terms of dollars.

He puts a price tag on it at every occasion and the literature disseminated by that secretariat that he extols so highly. They talk

about nothing else and I have read it all. They talked about dollars they want more from the federal government, and if they would but turn around and start to talk about a realistic, sensible distribution of powers between the federal government and the provinces, we would have a hope, our hope would quicken, that this experiment—the success of which in 1971 is still in doubt—we would have a hope, that when the year 2,000 dawns that we will still be around as a separate nation and still have that wonderful divergence of cultures that makes the nation great.

**Mr. MacDonald:** Mr. Chairman, I am not going to prolong this debate unduly and I am certainly not going to range discursively over so many aspects of the federal-provincial relations that theoretically I suppose are appropriate here.

I want to respond to two specific points that the Prime Minister raised. One, I am a little puzzled as to the exact scope of the Prime Minister's department, and my puzzlement was really sharpened when the Prime Minister gave as an explanation—or a justification for the increase in the personnel and the expenditures of his department, work in connection with the committee on government productivity.

As I understood it, the committee on government productivity was going to be reporting to, and most of the consideration and implementation of their recommendations would be going to, the so-called management committee of the government, namely the Treasury Board and its secretariat. In short, it seems to me, there is where any added expenditure is going to arise. Therefore, I wonder why it is going to be in the Prime Minister's department.

Just en passant, the Prime Minister talks about 19,000 letters that have gone to 33,000 letters and says therefore there is a justification in his department for going from 44 to 58. An equivalent increase has been experienced by the opposition parties—but I have not seen the same flexibility introduced this year in dealing with any reconsideration of the appropriation of the opposition parties. The Prime Minister is correct that there has been that kind of increase, partly because of the nature of government today and partly because this government has goofed so badly on two or three basic policies that the flood of mail on those policies has been almost unprecedented, and we all have to deal with it. You have to deal with it; so do we have to deal with it.

However, I will not go off on that tangent any further, but unwittingly the Prime Minister justified a consideration of the estimates for the opposition parties as well as for his own office because the letters come to his office, rather than going to the Conservative Party office, which on the formula that we have worked out for legislative appropriations already gets almost more than it can use decently.

The second point that I wanted to raise is that I agree with the Prime Minister that the federal-provincial secretariat is a good group. I am persuaded that they are a good group, because I assume that the former Premier operated on their advice in the years that have gone by and I think it was built up under his jurisdiction—at least under his Prime Ministership. I repeat, without going into detail, my puzzlement as to why this Prime Minister did not act on their advice, because I just cannot believe that the people in the federal-provincial secretariat did not know what the mood of the overwhelming majority in the Province of Quebec was. And if they knew it and communicated it to the Prime Minister, I can only conclude that the trouble began when the Prime Minister did not assess accurately what he should do in Victoria.

Now, let me deal as unprovocatively as possible—but I am not going to back off from the challenge of the Prime Minister at all—with what the New Democratic Party believes. The Prime Minister may try to dismiss the thrust of my comments as less prepared than has been the case in the past. They were not unprepared. If he wants to see the prepared version—he said it today—

**Hon. Mr. Davis:** I just said less prepared. The member is never unprepared.

**Mr. MacDonald:** If he wants to see a more carefully prepared version, it is in the provincial Treasurer's estimates. When I tried to drive the points home, he opted out and said I had better ask the Prime Minister because this more appropriately belongs to him—and perhaps he was right.

The basic point I want to make—and I make this in all sincerity as to the future prospects of this nation surviving—I would like to believe as everybody does in his optimistic moments that this nation is going to survive. Indeed, as an incorrigble optimist I would not entertain any other area until

the last year or so. But nobody can realistically know what is happening in Quebec when the dismissal of the Victoria charter received 98 to 99 per cent of the people in the Province of Quebec.

Beyond any shadow of doubt, nobody can examine without worry the transition in the thinking of people like Claude Ryan, who bridged Quebec and English-speaking Canada. He now says—following in part from what happened in the traumatic experiences of last fall—that when the next election comes in the Province of Quebec, not because he is a separatist, not because he wants Quebec to separate, he may have no other alternative but to vote for Parti Quebecois in the interests of liberty and freedom in the Province of Quebec. We do not understand what a traumatic experience the repression that took place last fall in the Province of Quebec has had among those who are going to count as the years go by in the province of Quebec—the younger people, the more activist in the trade union movement, the teachers. All the establishment, the English establishment and the French bourgeois establishment, they did not respond that way. They consolidated and frighteningly they sort of held tight, but the people upon whom the future of Quebec rests, are not going to forget last fall and we, someday, may find that it is going to be very difficult to forget the tragedy of what took place last fall.

However, the point I want to make without going into much more detail tonight is this. The Globe and Mail sums it up in the concluding sentence of an editorial, I think it was April 28—I quoted it during the Treasury estimates—that if we are going to have any federation in Canada, it may well have to be a looser federation.

What does that mean? The Prime Minister challenges me and says: "Does the New Democratic Party want all social policies decentralized to the provincial level?" In terms of meeting the needs of the nine provinces outside Quebec my answer is "No." But I will tell you what my belief is fast becoming. If we are going to retain the unity of this country with Quebec as a part of Canadian confederation, we may have to concede it to Quebec. We may have to concede it to Quebec.

And what does that simply mean? It simply means that we are flexible enough to permit an opting-out with a fiscal equivalent for Quebec and that Ontario should not follow the same course. But Ontario is now talking about opting out and demanding fiscal equivalence.

There lies the destruction of the future of this country, because the historic role of the Province of Ontario is that it is willing to give leadership to the so-called English-speaking provinces. And if Quebec demands jurisdiction over social policy, whether we agree with it or not, let us deal with political realities. There comes a time when you have to stand back and say: "I do not agree with that but I have to accept it as a political reality."

That is the point we have reached in terms of certain views in the Province of Quebec. I have no reason to doubt the fact that the overwhelming majority of every party in the Province of Quebec today demands its social policies must become a provincial responsibility.

Okay, what is our reaction to it? To say: "No, it cannot be done, because every province must be treated the same"? That is the Trudeau approach. That is the Wacky Bennett approach. That is the Strom approach. That was the Ross Thatcher approach.

**Mr. Sopha:** When he was a socialist, or before, or after?

**Mr. MacDonald:** He never was a socialist—

**Mr. Sopha:** He was a member of the House of Commons.

**Mr. MacDonald:** —anymore than the hon. member was a socialist when he sat on the CCF benches back at the university.

Interjections by hon. members.

**Mr. MacDonald:** Pardon?

**Hon. Mr. Davis:** In fairness, I think it was Manitoba's approach.

**Mr. MacDonald:** Which?

**Hon. Mr. Davis:** What the hon. member has just been saying.

**Mr. MacDonald:** Sure it is Manitoba's approach because the fact of the matter is that Manitoba is a have-not province that simply cannot meet the needs of its people on its own.

**Hon. Mr. Davis:** That is not the point I am making.

**Mr. MacDonald:** What is the Prime Minister's point, I am sorry.

**Hon. Mr. Davis:** The member was cataloguing all of those who were, you know for equality for everybody. Include Manitoba!

**Hon. Mr. Davis:** And Schreyer too.

**Mr. MacDonald:** The nuances would take another—

**Hon. Mr. Davis:** Why does the member not say it? Why single out some provinces and not others?

**Mr. MacDonald:** Nuances would take another hour or two to sort out here and I started out by saying that I did not want to prolong this debate. But the point I want to make is, that if the circumstances, whether we agree with them or not, have developed to the point in the Province of Quebec where Quebec insists that they will have control of social policy, we may have to, to save the Canadian confederation, concede that control.

And that is where the role of Ontario becomes absolutely critical and decisive. Because if Ontario then says, as the provincial Treasurer has been saying in recent months, that Ontario is going to opt out and demand the fiscal equivalents, then the federal government has not got the capacity to be a strong federal government on behalf of the nine provinces outside of Quebec, or the eight provinces outside of Quebec and Ontario. Certainly, you are not going to have equality of standards across this nation, which I think are a must, if we are going to remain a Canadian nation.

Ontario's role is in terms of giving leadership to the other provinces, and in terms of sitting with them because we are geographical and historical neighbours, so to speak, participants with the Province of Quebec, and therefore must understand the situation in the Province of Quebec more fully to sit down to understand it and to work out, in a flexible context, meeting what is now the overwhelming demand of the great majority, virtually unanimous majority of the people; in the Province of Quebec. Ontario could say firmly: "We are not going to opt out. We are going to work with the federal government for a strong central government, because only in that way can the needs of the other eight so-called less-advantaged provinces have an opportunity to have equality of standards."

That, I think, is the role of the Province of Ontario; and that did not emerge in Victoria.

The Prime Minister may for obvious reasons, political and otherwise, chastise me for being unfair, but that did not emerge in the Victoria.

**Hon. Mr. Davis:** No, but you are saying it is right. That is your opinion. And you are making a mistake!

**Mr. MacDonald:** I am saying it is right, and if there is any other alternative in terms of saving this nation other than a sort of an easy optimism that says this nation will survive, ignoring the realities that we are getting closer and closer to a dismembering of the nation, then I would like to hear it from the Prime Minister sometime.

There are people in his own party—I do not normally place very much credence in his leadership, because I do not think it has very much force—I am talking about George Hees and I think George Hees did a service in suddenly speaking up a few months ago, at least briefly, and saying to English-speaking Canada in effect: "Pull your head out of the sand, do not assume that everything is going well just because Trudeau says everything is going well in the Province of Quebec."

What happened following the Victoria conference was a revelation of just how deep is the chasm between Quebec and the rest of Canada. And the one province that historically has the major role in solving that kind of a situation, is the province of Ontario.

Indeed let me put it rather simplistically: If Ontario can sit down with the province of Quebec and resolve some of these problems and then have them accepted by the federal government, the rest of the provinces will likely fall in line. The simple fact of the matter is that the western Canadian provinces do not really understand the Quebec problem and they do not want to be worried with the Quebec problem; and if you can come up with a solution they will accept it.

**Mr. Sopha:** The archdeacon up there does not agree with that!

**Mr. MacDonald:** As a matter of fact yes, he agrees with it.

**Hon. Mr. Davis:** No; the member is contradicting himself.

**Mr. MacDonald:** Pardon?

**Hon. Mr. Davis:** No; the member is contradicting himself again.

**Mr. MacDonald:** Why am I contradicting myself?

**Mr. R. F. Ruston** (Essex-Kent): Not again!

**Hon. Mr. Davis:** Very simply, Mr. Chairman, the member for York South is saying to me, that Quebec and Ontario should sit down and work some of these things out, and that if we can work them out the other provinces will accept. He says this five minutes after he says the federal government should have complete control, shall we say in the area of social programmes, so that we can make a separate arrangement for the Province of Quebec.

**Mr. MacDonald:** That is not a contradiction.

**Hon. Mr. Davis:** Well it certainly is!

**Mr. MacDonald:** Oh no! It is just a little extreme.

**Hon. Mr. Davis:** If Ontario were to sit down tomorrow—

**Mr. MacDonald:** If you think it is a contradiction—

**Hon. Mr. Davis:** I have not finished; I was asked and I am now going to explain.

If Ontario sits down tomorrow with the Province of Quebec, rationalizes the points of view as they relate to social policy where economically it could be in our interest to do so, and we could then go to Ottawa and say: "Fellows, here; we have made this determination, these two big provinces in the middle. It may cost us economic hardships in the Maritimes, and in one or two western provinces, but we have decided. Now you fellows please fall into line."

(a) They will not do it; (b) It is a contradiction.

On the points of view you have expressed tonight and the member for Sudbury has expressed, the answer to many is that you cannot have it both ways.

**Mr. Peacock:** You are assuming withdrawal!

**Hon. Mr. Davis:** Well it is a contradiction.

**Mr. MacDonald:** Okay; let me try to explain why I think it is not a contradiction.

I am not suggesting that Ontario is going to agree in terms of adopting the same policy as Quebec—

**Mr. Pitman:** That is the point.

**Mr. MacDonald:** But Ontario may say to Quebec—

**Hon. Mr. Davis:** But you have to agree on something.

**Mr. MacDonald:** —whether that Premier of Quebec happens to have been a Lesage or happens to have been a Johnson—

**Hon. Mr. Davis:** Or Bertrand!

**Mr. MacDonald:** Or Jean-Jacques Bertrand, and now Bourassa—the significant thing is that they all talk the same line, even the nuances were not very different; and therefore I think one concludes this is the authentic voice of the Province of Quebec.

All right, what I am saying is that when you sit down and express an understanding with the Province of Quebec, you do not permit the polarization that took place in Victoria; and you say to Quebec: "Okay, if that is the only way any government can survive in the Province of Quebec, we are willing to work for an acceptance of that solution"—an acceptance of that solution, which obviously has got to involve the federal government. And if Ontario is willing to say, "All right, a certain greater decentalization is needed for Quebec than the rest of the provinces want—the Maritimes or western Canada—or that we in Ontario will ask for," there you have the basis for a looser federation, if I may borrow the Globe and Mail's phraseology. Having said that I was not going to roam the fields discursively—

**Mr. Sopha:** That is not a very good authority, because they predicted that French would disappear. You know the Globe and Mail predicted that at one time?

**Mr. MacDonald:** Oh well, that is not—

**Mr. Sopha:** They predicted—

**Mr. MacDonald:** As the hon. member conceded earlier on this issue, normally the Globe and Mail—

**Mr. Sopha:** —that everybody would speak English.

**Mr. MacDonald:** Normally the Globe and Mail are fairly good. They have reached the depths which I trust they will never plumb again in the editorial they wrote after the Quebec rejection of the Victoria charter. Suddenly they just had no idea at all of what was happening in Quebec and spoke from a profound ignorance.

**Mr. Sopha:** Who is that?

**Mr. MacDonald:** The Globe and Mail editorial writers in the editorial the day after Quebec dismissed the charter. It was out of keeping with their normal editorials. I just do not understand it. It is like my trying to understand the Minister of Health when suddenly, having tried to bring the doctors into relationship with public expenditure of funds, he throws in the towel when it really counted. But I will leave that, Mr. Chairman.

**Mr. Sopha:** That is enough of the constitution.

**Mr. Chairman:** The member for Scarborough East.

**Mr. T. Reid:** Mr. Chairman, I would just like to ask the Prime Minister a simple question. How many officers does he have in his department? Did he mention 14 persons who would be considered senior officers of this department?

**Hon. Mr. Davis:** No, Mr. Speaker, I think I said the complement was 58. It was 44 and I think it is now 58.

**Mr. T. Reid:** And of those 58 officers in the Prime Minister's department, how many would be francophones?

**Mr. Peacock:** Does the Premier realize that is one for every seat he needs for a majority?

**Hon. Mr. Davis:** How many?

**Mr. Peacock:** One for every seat he needs for a majority.

**Hon. Mr. Davis:** Well, it has not been so considered. It is not a bad thought.

**Mr. T. Reid:** How many are francophones?

**Hon. Mr. Davis:** Mr. Chairman, I would have to find out the exact number. There are several—when I say several, there are two or three who are quite bilingual; whether one could classify them as francophones, I will find out for the hon. member. I will not find out for him matters of sex, citizenship or what have you, but I think what he is asking is relevant. Some of the other things he asks from time to time, I do not believe are.

**Mr. T. Reid:** Do I understand the Prime Minister correctly that out of those 58 senior officers in the Prime Minister's office, which is supposed to deal with problems of Confederation in this country, no more than two or three are francophones? Is that what I am to understand?

**Hon. Mr. Davis:** I am not saying that there are two or three. I said I think there may be and I will find out.

**Mr. T. Reid:** You mean you do not know?

**Hon. Mr. Davis:** That is correct.

**Mr. T. Reid:** That is terrible.

**Hon. Mr. Davis:** It may come as a bit of a surprise to members, but I do not ask the background of everybody in the department.

**Mr. T. Reid:** Okay. Let me put the question another way. How many of the Prime Minister's senior officers who are engaged in these federal-provincial conferences can speak French?

**Hon. Mr. Davis:** Well, Mr. Speaker, that is quite a different question and that will require a little more research because the bulk of the people who are involved in the federal-provincial conferences are not in my office. They are in the federal-provincial secretariat under the jurisdiction of the Treasurer. But I will find that out for the hon. member. It is quite a different question from the first he asked.

**Mr. T. Reid:** When the Prime Minister goes to these conferences, does he have to use the interpreters or does he use the equipment or what? Does he understand French himself?

**Hon. Mr. Davis:** Mr. Speaker, I would not want to be in any way in the position of misleading the hon. member. I do not purport to be bilingual. I do understand a certain amount of French, but in order to be fully informed at the conference, I by and large use the services of the interpreters. In this way, I am relatively sure that I understand what is being said.

**Mr. T. Reid:** Mr. Chairman, who are the ministers who went with the Prime Minister to Victoria to the conference?

**Hon. Mr. Davis:** Mr. Speaker, the Minister of Justice and Attorney General, the Treasurer and Minister of Economics, and the Minister of Social and Family Services (Mr. Wells). I hope that I have not neglected anyone but I think that includes all the ministers who went with me.

**Mr. T. Reid:** But none of those ministers were able to speak French?

**Hon. Mr. Davis:** Mr. Chairman, the hon. member would have to ask each individual minister. I can only go from my knowledge of those three very able, very capable gentlemen; I doubt that they are fluently bilingual, but I would not presume to speak for them.

**Mr. T. Reid:** But in the Prime Minister's cabinet, Mr. Chairman, there are two very well-known Canadians who are perfectly bilingual and yet the Prime Minister did not deem it worthwhile taking them to Victoria so that they might converse in the French language with their friends from Quebec, is that correct?

**Hon. Mr. Davis:** Mr. Chairman, in that we went to Victoria, I did not take any of those ministers with me to Quebec. You are quite right.

**Mr. T. Reid:** Somewhat of an oversight.

**Mr. Chairman:** Carried?

**Hon. Mr. Davis:** Leave that answer over for a while.

Vote 1501 agreed to.

**Mr. Chairman:** This completes the consideration of the estimates in the committee of supply.

Hon. Mr. Wishart moves that the committee of supply rise and report it has come to certain resolutions.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of supply begs to report that it has come to certain resolutions.

Report agreed to.

**Clerk of the House:** Mr. Speaker, the committee of supply reports the following resolution:

RESOLVED,

*that* supply in the following amounts and to defray the expenses of the government departments named, be granted to Her Majesty for the fiscal year ending March 31, 1972.

[Reading dispensed with; see appendix, page 4862.]

**Clerk of the House:** The fifth order, House in Committee of the Whole; Mr. A. W. Downer in the chair.

## PUBLIC HEALTH ACT

House in committee on Bill 119, An Act to amend The Public Health Act.

**Mr. Chairman:** Are there any questions, comments or amendments to any section of the bill? If so, what section?

**Mr. R. F. Nixon** (Leader of the Opposition): Section 1, Mr. Chairman: I would like to ask the minister for further information on the matter pertaining to subsection 2 of section 6a as enacted in section 1 part (b), where he refers to bonds and the forfeiture of bonds associated with the disposition of proceeds in these outdoor festivals. Surely he must agree with criticism that has been put forward in this House and elsewhere that the very broad reference to bonds in this regard would bring the whole concept of this legislation into question.

I want specifically to ask for further information as to how the size of the bonds will be established and just how he will control the establishment, not only the size but the control of forfeiture if such were to take place?

**Hon. A. B. R. Lawrence** (Minister of Health): Mr. Chairman, the plan is in the regulations to relate the bonds to scales involving the number of people who are attending and the period of time they are expected to attend.

Broadly speaking, there will be virtually no administrative discretions built into the regulations, but a sophisticated system of bonding setting out amounts, population, attendance, will be the basis.

**Mr. Nixon:** On the same section, Mr. Chairman, will the minister explain to me, and perhaps the other members of the House, why the regular sections in The Public Health Act already established, leaving the responsibility to the medical officers of health in the areas that might be concerned with such a festival, would not be sufficient to administer the basic requirements? Would he not feel that the sort of advice that his staff might make available to the medical officers of health would, in fact, not be sufficient under the circumstances that we have experienced in the past?

**Hon A. B. R. Lawrence:** I am advised not, Mr. Chairman, because from a practical point of view if that capacity had existed in the past several years one would have pictured it being exercised consistently, and as far as

I am aware there are no bonding or penalty provisions of this type—certainly no bonding—involved in the general health provisions.

**Mr. Nixon:** It has come to your certain knowledge that one of the big criticisms of these outdoor festivals has been that insufficient sanitary facilities have been provided and that has been the criticism?

**Hon. A. B. R. Lawrence:** That is one of them. The other criticism has been that as a matter of public health this department has taken the responsibility of providing medical services for those who are poisoned or crippled by drugs and those who are physically injured, and that involves having tents and physicians and assistants on the ground and it involves having ambulances available between the site and the hospitals themselves being available and planned as being available at the other end. So it is not just a question of sanitation, it is I think more significantly a question of the health of the young people involved.

**Mr. J. Renwick** (Riverdale): On the same clause, Mr. Chairman, we stated our view as clearly as we could on second reading of the bill. I am still at a complete loss, even assuming that the minister insists on going through with this bill, as to how he is going to determine the person who is responsible for the health and safety standards at a particular outdoor festival.

**Hon. A. B. R. Lawrence:** That will be an administrative assessment. Presumably we will have the persons interested nominate who will be responsible if it is not the promoter or organizer himself or the corporation involved.

I think, Mr. Chairman, it is a question, from an administrative point of view, of identifying that person and of course if the identification is wrong then as with any other matter in the law the court will point it out.

**Mr. J. Renwick:** Mr. Chairman, I do not think that is particularly adequate. The minister is engaged in attempting to provide an administrative procedure by which he can require the person responsible for the health and safety standards to be bonded, and he has made no provision whatsoever in the bill for any procedure by regulation or otherwise for designating a particular person as the person responsible.

We have been over this before and it is just a straight defect in the bill. But even granted that defect in the bill, is it the intention that the bonds will be in such terms and with requirement of such collateral security that in fact there will not be any such rock festivals held?

**Hon. A. B. R. Lawrence:** No, Mr. Chairman. I understand that some of them are, from the point of view of sanitation and health, very well run. So I would picture, as they gradually settle into some kind of pattern and as we develop our regulations, that no particular problems will be involved. Certainly I can asure the hon. member that the regulations will not be drawn in any way to endeavour to harass these people in operating their entertainments.

**Mr. Nixon:** Mr. Chairman, I hardly know how to word the question, but has there been some consultation with other members of the administration, such as the Attorney General (Mr. A. F. Lawrence), that there might be a bonding procedure required so that the costs of police protection, which have also apparently been inordinately high, with comparable problems of collection which the minister's colleague, the Attorney General, has experienced—is there some thought that this might be expanded so that a single bond would cover the objections that the Attorney General has been expressing with his concept of the problems of rock festivals?

This minister has his own concept of the problems, which he is sticking to very wisely, but the same concept, if it becomes government policy, arguing the way that this minister has argued for the applicability here, the application of a bond, would work just as well to solve the problems that the Attorney General faces.

Can the minister indicate to the House if in fact the bonding procedure is going to be extended to cover other responsibilities that the administration might feel that the entrepreneur should accept?

**Hon. A. B. R. Lawrence:** No, we have all heard discussions of bonding in relation to police enforcement and the Minister of Justice can speak to that, but implicit in this bill there is nothing that would lead it as a bridge into other departmental patterns for the same thing.

**Mr. Nixon:** The pattern is precisely the same.

**Hon. A. B. R. Lawrence:** Well, it may be precisely the same but it does seem to me, Mr. Chairman, that in relation to public

health, the application of this approach finds a clarity of purpose that is not immediately apparent in relation to other governmental functions. Therefore, it struck me that this was a responsibility that we could discharge without involving ourselves—myself and the Minister of Justice—in any protracted debate as to how general controls might be involved, because basically I think the key of this legislation is that it is not essentially control legislation, it is health legislation and only for that purpose so—

**Mr. Nixon:** The minister gave us his personal and ministerial undertaking that that was so.

**Hon. A. B. R. Lawrence:** Yes, because I think the quickest way you would find whether this were not so would be if you found that the bonding, for example, and the regulations themselves were penal in nature or developed in a way that was not reasonable under the circumstances, but it does allow us in this particular field of public health to come to grips with what is a real problem.

**Mr. B. Newman** (Windsor-Walkerville): Mr. Chairman, I wanted to ask the minister if two festivals that are presently conducted on an anual basis in the city of Windsor would fall under the minister's jurisdiction according to the Act. One is the Freedom Festival held in conjunction with the city of Detroit and it lasts approximately one week, which will have rock entertainment or bands and so forth scattered through various sections of the city. The second is one that will be held this week, and that is the Emancipation celebrations in which the coloured people of the community and from the city of Detroit and environs do come into the city and celebrate their freedom obtained years ago.

**Hon. A. B. R. Lawrence:** Well, I would have to know more in detail, I think, Mr. Chairman, before giving an interpretation of section 6a (1). They may be held off and on for a period of a week, but not be held in the terms of this section for a period of at least 24 hours which, as expressed here, envisages a continuation of 24 hours of activity for the provision of musical or theatrical entertainment. Now the purposes of the outdoor festivals in this Act are limited to those two purposes, and again we come into a question of interpretation. Beyond that, if these have been run in the past and the local health authorities have found them adequately served, I cannot see why this statute or regulations under it would impinge and create any greater nuisance than we have in the ordinary control of public health.

**Mr. B. Newman:** Mr. Chairman, they are not run on a 24-hour basis. They are intermittent, run over an extended period of time instead; so they would not fall into the gambit of this legislation.

**Hon. A. B. R. Lawrence:** I would judge not, Mr. Chairman.

**Mr. R. J. Boyer** (Muskoka): They do not stay up all night then?

**Mr. Nixon:** They have to look after their crops.

**Mr. T. Reid** (Scarborough East): I understand the 24-hour provision of the section, Mr. Chairman, but why do we stick to musical and theatrical entertainment? Why do we not talk about Ski-Doos or rural feasts, eating, motorbike races or other activities that might also take 24 hours? Why discriminate against musical entertainment?

**Hon. A. B. R. Lawrence:** We are not discriminating, but I do not know how often you would be gathering 2,000 people on Ski-Doos for 24 hours.

**Mr. T. Reid:** Well, in that case we do not have to mention the purpose of the meeting at all. If it is a known fact, why bother mentioning musical and theatrical entertainment? Why discriminate?

**Hon. A. B. R. Lawrence:** We do not discriminate but these are identifiable as a phenomenon.

**Mr. T. Reid:** Well, would it fake any difference in terms of the legislation, Mr. Chairman, if the minister simply had that section read, "In this section an outdoor festival means a festival or assembly for the more than 2,000 people out of doors for a period of at least 24 hours." Period.

**Hon. A. B. R. Lawrence:** Well, Mr. Chairman, I do not know—

**Mr. T. Reid:** What has the minister got against musical entertainment?

**Hon. A. B. R. Lawrence:** Well, does the hon. member wish to spread the net of this particular legislation and regulation to cover a much broader field of public activity?

**Mr. T. Reid:** Well, I think that is an interesting point. My point is a fairly simple one: What has the minister got against musical festivals?

**Hon. J. W. Snow** (Minister without Portfolio): You asked a simple question.

**Mr. J. Renwick:** It is poor legislation. Who would want to extend it?

**Hon. A. B. R. Lawrence:** Well, my answer again is that this phenomenon exists and we know it creates problems in the field of public health and personal safety. If the hon. member wishes to make a case for controlling snowmobiles or picnics, let him make the case, but at the moment I know of no public health hazards or responsibilities thrown upon my department, that have been drawn to my attention.

**Mr. E. Sargent** (Grey-Bruce): Mr. Chairman, I know that this is helpful legislation, but my colleague has a point in that last week the member for Lakeshore (Mr. Lawlor) made a very valid point on behalf of these people, and I feel we are out of touch with this age group that we are talking about.

In other words, the minister is saying that there is a $10,000 penalty for contravention of the health regulations; he is pointing at one group of people, the young people who want to go to this type of festival, and he is saying, "We are watching you. We are going to make legislation that is going to cover you." Why does he not make the same type of legislation available for a three- or four-day golf tournament where there are perhaps 10,000 people and—

**Mr. T. Reid:** Just a young group.

**Mr. Sargent:** —the brewery is putting on a $50,000 deal. I mean this may be pretty broad, but I think he has got a point in that the minister is singling out a section of our people because, say, he does not like the way they dress, the long hair they have got or something like that. I am not saying the minister is saying that, but this legislation is saying that.

**Mr. T. Reid:** He does not like their hair.

**Mr. Sargent:** Am I getting across what I am trying to say?

**Hon. A. B. R. Lawrence:** Mr. Chairman, I accept the point, and that is a question of assessment of motives. If the member believes that it is the purpose of this particular legislation, there is nothing I can say that will change it. But I will say this, that we do not require tents, ambulances, doctors, nurses, facilities, antidotes for golf tournaments.

**Mr. T. Reid:** You should have one of your drying-out centres.

**Hon. A. B. R. Lawrence:** We do not have people who really need, and have an immediate need, for medical treatment in the way we do from the excessive use of drugs. We do not need ambulances to whip them as quickly as we can hospitals. We do not need beds set aside after golf tournaments or Ski-Doo meets.

So we are just dealing with the thing on a very pragmatic basis. This phenomenon in fact exists. It does create a public health problem and a personal health problem and a substantial cost to the ordinary taxpayer.

On that ground, purely pragmatically, I defend it Mr. Chairman.

**Mr. Sargent:** One more point. The member was just stating that it is pretty logical in that regard, but supposing you extend it to—it is a changing world and this law may be outmoded five years from now—suppose you get into a religious festival.

**Hon. Mr. Snow:** We will change it. We will still be here, we will change it.

**Mr. Sargent:** Why specify the musical or theatrical when you can put in an embracing term that would say "a mass meeting." But do not single this group out. That is what you are trying to do.

**Hon. A. B. R. Lawrence:** Well the problem, I would say there Mr. Chairman, is that you immediately start to impinge upon—

**Mr. T. Reid:** The freedom of other people.

**Hon. A. B. R. Lawrence:** And are required to weigh in the balance the fundamental right of assembly.

**Mr. T. Reid:** That is right. Of course this does not mean that!

**Hon. A. B. R. Lawrence:** That should be avoided, in my opinion. It is one of the most sensitive rights and freedoms that we possess. Therefore as far as I am concerned, that is a much broader, much more difficult field, because certainly I would be very hesitant myself in supporting anything that impinged upon the right of free assembly. That is why

I am happy to sponsor this particular legislation which can stand on its own feet, can have a dollar sign put on it, can be related to what actually happens, is not a matter of theory and stops where it does.

**Mr. Sargent:** Very briefly then, Mr. Chairman, may I ask this, this may have come up before. In effect the minister then is in bed with the law enforcement factors. If someone levied $108,000 assessment against someone for policing and so on, where do you draw the line and what are your powers when you can say to the Attorney General that we can crack the whip at these people and say they have not got certain health facilities?

You have the power to make that assessment under this law. The point I am making is that you have wide powers to hit this one group only; there are maybe dozens of other types of groupings you could have in our society in years to come, but you are saying just one group now. I think it is wrong.

**Hon. A. B. R. Lawrence:** Mr. Chairman, this is not not quite a fair interpretation.

**Mr. T. Reid:** Dead on!

**Hon. A. B. R. Lawrence:** Because with regard to musical and theatrical entertainment generally, right throughout the city, the health unit in this city and the health unit in any area in this province has strictures as to how wide corridors must be available. The health of the people at the O'Keefe Centre, CNE Stadium, Maple Leaf Gardens—you name it—is a responsibility that we are accustomed to having some control over. And this is general throughout the province.

So I do not see the discrimination as being there. I think is is part of a general health control pattern that we are used to in this province and have been living with in the field of musical and theatrical entertainment, certainly for a generation or more.

**Mr. Chairman:** The hon. member for Brantford.

**Mr. M. Makarchuk** (Brantford): Mr. Chairman, I have just one small point. What confuses me about these places is how you could in this bill, after knowing what goes on at rock festivals, classify what happens there as either musical or theatrical?

**Mr. Chairman:** The hon. member for Riverdale.

**Mr. J. Renwick:** Mr. Chairman, I would like to ask the minister by just what process of reasoning they determine that any breach of these regulations would liable to a fine on summary conviction up to 10,000?

**Hon. A. B. R. Lawrence:** My advice is that there is a general effort being made to raise the minimum levels, or the maximum levels of fines generally throughout our legislation.

**Mr. J. Renwick:** You have certainly taken the lead.

**Hon. A. B. R. Lawrence:** Well I would judge that this is general, that over the years the penal amounts in our regulatory statutes have tended to suffer from inflation. This is an effort to catch up.

**Mr. T. Reid:** Mr. Chairman, may I ask the minister, what research is behind the specifications of more than 2,000 people? Why is it not 1,500 people or 1,000 people? And what research went into his determination of at least 24 hours duration? How did he arrive at that conclusion? Surely 1,000 people for 48 hours might be worse?

**Hon. A. B. R. Lawrence:** The conclusion was arrived at on the basis of quite a bit of research. The Addiction Research Foundation has been participating in virtually all of these functions and the emergency health services people have as well, so they have over the last year or 18 months developed what I would consider to be the best basis for judgement and that is. Their judgement, from their experience at these festivals, is that a good practical figure where the question of control, expense and difficulty become real, is at the 2,000 figure. It has been done, as I say, from actual participation by the foundation, by the emergency health services and by the public health authorities themselves right on the ground.

**Mr. T. Reid:** Would the minister be worried if they had 4,000 people for 12 hours? Would that not pose a tremendous problem, having 4,000 people for 12 hours?

**Mr. B. Gibertson** (Algoma): Oh, quit monkeying around. Let us get on with it.

**Mr. T. Reid:** No, I would like to know what the minister thinks about that.

**Hon. A. B. R. Lawrence:** It is new legislation and I cannot see anything much more that I can add. Those who had the greatest experience in the field—

**Hon. Mr. Snow:** Sixty-four thousand for—

**Hon. A. B. R. Lawrence:** —are in my department, who have been working with these young people, who have been there with their facilities. Their assessment as practical men and women on the ground is that this definition is about where the thing becomes a problem.

**Mr. H. Peacock** (Windsor West): That is the kind of research the minister has been doing?

**Hon. A. B. R. Lawrence:** The numbers game could go on. Next year we might find that the phenomenon had changed enough that we would have to have different figures, but we only learn by discharging our responsibilities in this field.

**Mr. Chairman:** Are there any further questions or comments? All in favour of the bill being reported say "aye."

**Mr. J. Renwick:** No.

**Mr. Chairman:** Contrary? In my opinion the "ayes" have it.

Bill 119 reported.

## LIQUOR CONTROL ACT

House in committee on Bill 101, An Act to amend The Liquor Control Act.

**Hon. Mr. Snow:** The member for Grey-Bruce woke right up when they mentioned liquor.

**Hon. R. T. Potter** (Minister without Portfolio): The member would not force that on his people up there would he?

**Mr. Sargent:** Do you want to bet?

**Mr. Chairman:** Bill 101. Are there any comments, questions or amendments to any section of this bill?

**Mr. Sargent:** Mr. Chairman, may I speak on this?

**Mr. Chairman:** On which section?

**Mr. Sargent:** Section 1.

**Mr. Chairman:** Section 1. We will call section 1. The member for Grey-Bruce.

**Mr. Sargent:** There is only one section. There are four sections, but my concern is that—if I can recall what happened before when this came before the House—I was talking to the Attorney General about it. He specified there would be 11 centres in Ontario. Is this the same bill we are talking about?

**Hon. A. F. Lawrence** (Minister of Justice): Yes.

**Mr. Sargent:** He specified that there would be only 11 centres in the province where this legislation would be effective, and my point was that in any of the hundreds of outlying centres in the province there would be two sets of justice.

If a man was arrested, for example, in Owen Sound for drunkenness, he goes to jail, but in any one of the 11 centres outlined in this legislation he would not go to jail, he would be taken to a detoxification centre

I would ask the minister to qualify, as outlined here, that a detoxification centre is listed as the local hospital. He could amend this legislation to read—I have not got the wording in my mind, Mr. Chairman, but it could read that the local hospital in any area about the province could be the detoxification centre, to give equality of justice across the province. I would like to ask the minister that he would consider this amendment which I would like to submit to the House at this time.

**Mr. Chairman:** Any comment now?

The minister.

**Hon. A. F. Lawrence:** Ultimately we hope that these facilities will be available through general hospitals throughout Ontario, as I have said before. In the intervening period, until the entire programme is implemented, benefits will be available to those priority areas in a way that will permit services to be given as soon as they are available. These priority areas are the 11 counties—not necessarily areas—11 counties where the situation at the moment is the very worst.

If my hon. friend wants to say that every county and every district in the province should have this available immediately, I just say that is impossible of fulfilment. There is simply not the money, No. 1, and I do not think my hon. friend wants that much, but we simply do not have the money available to do that at the moment, and, No. 2, it is not possible of implementation—it may not be possible even for three years in those 11 counties in which we feel the situation is crucial.

Interjections by hon. members.

Mr. Chairman: The member for Middlesex South.

Mr. K. C. Bolton (Middlesex South): Mr. Chairman, I have some amendments to offer. I would like to read them first and then comment on them. They all relate to section 106a, sections 1, 2, 3 and 4, and the proposed addition of section 5.

I think they are all consonant with the spirit of the interim report on the interdepartmental committee on chronic drunkenness offenders. I think they are rather simple and straightforward amendments.

In section 1(a) delete the word "designated" under subsection 2. This anticipates the next amendment to delete subsection 2 and substitute therefor the following: "that each public hospital be required to maintain a detoxification centre whereas any organized municipality or unorganized territory in which no public hospital is available, that each such municipality or unorganized territory be required to establish and maintain a detoxification centre."

I want to speak on that for a moment, Mr. Chairman, and I am referring now to page 18 of the interim report. This touches on a problem raised by the member for Grey-Bruce. I quote from the report, after they have listed the 11 judicial districts.

> A difficult problem remains. How can a health and welfare procedure be arranged in communities too small for separate and specialized facilities to deal with inebriates? Several different solutions might be worked out. One possibility is to have an arrangement with the closest hospital to provide supervised detoxication for severe cases. Other inebriates could be detoxicated at home or in the local police cells.

The intent of this amendment is merely to say, instead of designating just one public hospital, that each public hospital should have the responsibility of having a detoxification centre. It might be just one bed or two beds, but the facility would be set up there. This would avoid some of the discrimination between the 11 areas that are listed and the rest of the province.

Further, that subsection 3 be deleted and the following substituted therefor: "Where a constable or other police officer or any person believes on reasonable or probable grounds that a person is suffering from the illness of alcoholism, he shall, in the case of another citizen, escort such person to a detoxification centre.

This too, is in the spirit of the interim report, and here I quote from page 9:

> The police appear to be the only agency equipped to rescue large numbers of inebriates from the streets and transport them to a detoxication centre.

Incidentally, I notice that the report refers to detoxication, whereas the Act has detoxification. I take it the terms are interchangeable.

> No feasible alternative to police intervention has been suggested. In the long run the task of the police might be further lightened by an increasing tendency for the inebriates to find their own way to a detoxication centre or to be taken there by friends.

Anyhow the point is that we suggest that when a constable or any other person on reasonable or probable grounds feels he is dealing with a person who has the illness of alcoholism, he shall have the authority to take him to detoxification centres.

A further amendment suggested is that subsection 4 be amended by adding thereto the following: "Provided, however, that nothing in this subsection shall prevent any suit or claim for malpractice or negligence." That, you will remember Mr. Chairman, is the section that deals with no action being taken:

> No action or other proceedings for damage shall be instituted against any physician or any hospital or authorized employee thereof in respect of the examination or treatment of a person in a detoxification centre under subsection 3, who is brought to the centre by a constable or other police officer.

We recognize the validity of this but we also want to add that a suit for malpractice should still be applicable there as in any other hospital or treatment situation.

A further amendment, that subsection 5 be added thereto as follows: "Each detoxification centre should be required to provide continuing care and treatment as long as the person brought to the detoxification centre desires to have such treatment."

In the interim report, again I quote:

> The members of the interdepartmental committee decided it would be advisable to provide the director of a detoxification unit with statutory authority necessary to hold patients for a specified period. An interval of 24 hours seems to be long enough to

allow for detoxification in most cases, but not so long as to result in hardships for most patients of this type.

There is nothing in the Act that indicates the length of time that the people shall be kept and this rather surprises us so we suggest this amendment.

I think there is no need to elaborate on these amendments unless there are further questions.

**Mr. Chairman:** The member for Brantford.

**Mr. Makarchuk:** Mr. Chairman, speaking to the amendments and to the bill in general, in the first place it seems to me that the minister is going to have one heck of a time trying to implement the provisions of this Act.

The general hospitals in the Province of Ontario at the moment do not have any spare bed space. This is point number one that should be borne in mind, and if you establish them or call them a detoxification centre, it does not in any way create any bed space or no beds will be made available for any extra patients. Most of the hospitals—I would say all of the general hospitals in Ontario right now—are operating at capacity.

The same situation applies to the Ontario psychiatric hospitals. They have exactly the same problems. Most of them, all of them as far as I know, are also operating at capacity and they also lack the required bed space for people who may or could possibly be taken to those particular hospitals.

The third point that I am concerned about is the fact that some of these hospitals, the general hospials, have a list of people stating specifically that these people under no conditions are to be admitted to the hospital while they are in the state of intoxication. There are no provisions in the Act to overcome this kind of provision or this kind of local ruling made by the hospital authorities prohibiting their entry or admittance to the hospital.

The fourth point that is of concern is that before a person is admitted to the hospital I believe the physician has to agree to the admission of that person. Again there is nothing in this Act to resolve that difference that may develop; on the one hand where the policeman who picked the person up says he should be admitted to the detoxification centre and on the other hand a physician who has to be responsible for admission and finding a bed for this person, says no, he cannot be admitted to the centre. There is nothing mandatory in this legislation to say that they should accept it or that the physician on duty at that time, assuming there is a physician on duty at that time, will admit the person.

As a result, I cannot see—though you have a bill with rather a noble purpose behind it, or a very much-needed purpose—how you can really implement some or any of the provisions in this particular bill for the time being. It may happen, as the minister said earlier, about three years hence or four years hence. But I doubt that at the moment, taking into account your hospital building programme, the expansion programmes the Minister of Health has going on for the hospitals, he is not even barely at the moment meeting the needs for ordinary patients or the people who have to go to the hospital for required surgery or other treatment.

I would suggest in conclusion, Mr. Chairman, that perhaps one of the ways we could overcome the slack is that a certain percentage of the revenue that is generated from the sales of liquor, or liquor licences and so on, should be set aside and should go toward the general hospitals so they would be able to provide these beds or the facilities required to operate these detoxification centres. Otherwise, I feel we are talking about something which to me at the moment looks like nice, beautiful legislation but without any hope of it being implemented for quite some time.

**Mr. Chairman:** The member for Grey-Bruce.

**Mr. Sargent:** We support 100 per cent the member for Middlesex South; we are 100 per cent behind that in this party. I congratulate him for his research into it and I think in all truth he has put a hell of a lot more thinking into this than the Attorney General has. This is half-baked legislation and you have to believe it. Mr. Chairman, if this minister would go to the people of Ontario in his next election and say in effect, "You can get plastered only in the 11 centres in Ontario and you do not go to jail; but try it in hundreds of other places here and they would throw the book at you."

I ask the minister if he does not agree that this is not equality before the law? He is the first citizen so far as justice is concerned in this province, and I think it is unequal justice. I am opposed to it. If the people in the outlaying parts of Ontario know that this is his way of justice, this is not good law to go to an election with.

The minister complains that the money is not available. I say nonsense. How much

money does he think it would take to set this up on a standardized programme across the province—province-wide? How much money are we talking about for that? The minister must know the figure or he cannot knowledgeably say he does not have enough money. How much money are we talking about? Does the minister know that?

**Mr. Chairman:** Would the minister care to answer?

**Mr. Sargent:** How much money are we talking about?

**Hon. A. F. Lawrence:** I will answer it when I get around to it.

**Mr. Sargent:** All right. The fact is then that we have this multi-million-dollar giveaway programme in effect now before the people of Ontario, who are watching the papers. We have the liquor business controlled by the government. They are making the biggest profits in history. You owe it to the people of Ontario to give them the programme that the member for Ontario (Mr. Dymond) has been talking about over the years. He probably could not get the money; he has been talking detoxification for years in this House, and so you bring into us an election dodge that is going to sound good before the people of Ontario, but it is hogwash. They are not going to buy it any more than I am, or the hundreds of other municipalities that say that they do not have the same justice as the city of Toronto or Sudbury or Peterborough or Windsor.

**Mr. W. G. Pitman** (Peterborough): Peterborough is not included.

**Mr. Sargent:** Peterborough is not included? Well then there is an area, it is a big populated area—

**Mr. S. J. Randall** (Don Mills): They drink milk up there—a great town!

**Mr. Pitman:** It is a great town, the hon. member is right.

**Mr. Sargent:** The minister, Mr. Chairman, is a very successful lawyer who would never prepare a case like this for a client, but he brings something before the people of Ontario that is going to serve about one-half of the population, if that is the figure. I say if that is his figure, then 50 per cent of the people of this province are getting unequal treatment, and I would like to ask minister first what is the figure in dollars that we need to standardize this programme across Ontario?

**Hon. A. F. Lawrence:** I will answer the member.

**Mr. Chairman:** Any other speaker?

**Mr. R. Haggerty** (Welland South): Yes, Mr. Chairman, I was a little bit alarmed at the minister saying it will take about three years to implement this programme.

I can recall discussing in the estimates of Correctional Services that they are building their new regional jail in the Niagara peninsula at a cost of some $5 million, I believe, and of course this was a matter again where we are providing jails for alcoholics. I suggested at that time to the minister that I thought this programme could well work out in the Niagara regional municipality. There are a number of schools that are closed down; they are exceptionally good buildings and some of them, built only in the last four or five years, are four- or five-room schools. I am sure if these facilities could be used and capitalized on there could be a saving to the taxpayer in this programme. We could take a four-room school and provide many beds in this particular area which also could be used for rehabilitation.

I think this is what is missing in this bill here. It is not good enough just to take a person to the jail; I think the bill says, "may escort the person to a centre"—"may." That is not saying that the police officer is going to take them to the hospital.

Again I think what we should have is a complete rehabilitation programme.

A couple of years ago also, during discussion of the estimates dealing with the Liquor Control Board, I believe it was stated they only spend about three per cent of their total intake and revenue for rehabilitation of alcoholics in the Province of Ontario—peanuts!

As the member for Grey-Bruce says, we cannot get the revenue or the money for this to implement the programmes in Ontario—but the money is there! All we have to do is go and get it.

I think the most important thing is that we have a rehabilitation centre, and I suggest to the minister he has included the Niagara Peninsula. I suggest that perhaps he should start there and use the existing facilities without any cost to the province or to the taxpayers of this province.

**Mr. Chairman:** The member for Peterborough.

**Mr. Pitman:** Mr. Chairman, I just want to say a word. I suppose I could begin by adding to what the member for Grey-Bruce has already stated in relation to the need for equal justice across the province. At the same time, I recognize the minister's concern about money, the problem of cost in terms of trying to provide this service for everyone in the province. I would assume that eventually it would be—

**Hon. A. F. Lawrence:** Money is not the main problem. We are concerned about education, personnel facilities, all as indicated by the member for Brantford. This is a start.

**Mr. Pitman:** Well, the problem that I see here, and perhaps the minister might consider this as a part of the problem, is that we have in the 20th century, I think, a propensity, almost an obsession: we are trying to create a new institution to deal with every problem. Now we have the whole problem of alcoholism; therefore we create a detoxification centre. We have the problem of drug use; therefore we create the crisis centre. And I think you can find this in every area of our governmental process.

What I am wondering is, would it not be possible for the minister to sit down with the Minister of Health and work out a way by which virtually every hospital, not to have this high, intense kind of, hothouse kind of detoxification—a full complement, et cetera—but whereby every hospital could have at least in a very small way some kind of convenient facilities for taking in people who are in a state of intoxication.

**Mr. Sargent:** Right!

**Hon. A. F. Lawrence:** That is what we want.

**Mr. Pitman:** Yes, but what I am suggesting to the minister in terms of his announcement and in terms of this legislation, is that one gets the impression that you almost have to have a certain level of facility, a certain level of people available, of personnel before you can call it a detoxification centre; and then we have to put a sign across the top, put a special pile of bricks up and say this is where the constable drives the individual to put him in.

What I am suggesting is that I think we have to make our institutions as flexible as possible. Now I would say that probably in two years, maybe I will be wrong, I hope I am right, I would think that you will find the whole area of drug use may be going down. It is going down in some parts of Ontario, that is the use of chemicals of the type which really put kids into that kind of a crisis where they have to be talked down and where they need a lot of medication.

Therefore what you are finding is that these crises may very well not need as much space and facilities as they do at the present time. Do not think it would be better if you assigned this responsibility to the hospital; provided them with fairly minimal grants and assigned them the kind of facilities which are already being run in these hospitals by the alcohol and drug addiction centres throughout Ontario. There is one in nearly every region of the province.

What I am suggesting is that instead of this kind of boxing up of the problem and putting in a specific facility and sort of tying it into sort of a very highly special and presumably costly detoxification process, why not make it possible for every hospital to provide at least minimal services in this area.

I am sure the minister realizes what a problem it is going to be for magistrates right across Ontario, when one magistrate, one judge, realizes that he happens to be just outside an area where he can send somebody to a detoxification centre.

What is this going to do to the handling of justice? How is any judge in Ontario going to be able to provide any kind of treatment when he has someone come before him knowing that 15 miles away this person would have been taken gently and kindly to a detoxification centre, provided with all the medication and with all the facilities? But just because this person happens to live in this county and not that county, he is flung in jail; if the judge takes any action at all.

What I am suggesting is that I think it is going to have a very detrimental effect on the process of justice, on equal justice across the province. I think that without the high cost of specialization which the minister is suggesting in this detoxification centre programme, he can very easily make at least a minimal response in each of the hospitals. One of the things I think the minister will find in dealing with his fellow colleagues is that the hospitals are ready for this kind of a process and this kind of a philosophy.

There was a time when hospitals regarded themselves as a place for physically sick people. Now you have hospitals with a psychiatric wing, with crises centres, with

social workers. You have a whole spectrum of services being provided by a hospital.

And really, adding this to the end of the spectrum is not going to really be terribly costly and a great burden on the normal large hospital that you find. Today, really, most of the smaller hospitals have been phased out, that is the small Red Cross hospitals you saw in the rural areas. You do not find very many of those around any more.

All I am suggesting is that I think it would be to the minister's advantage, and it certainly would be to the advantage of the people of this province, to make it possible for this detoxification programme to be available in all parts of the province; and I think it can be done in a much more casual manner and on a much more minimal level than he is suggesting in this bill.

**Mr. Chairman:** The member for Wentworth.

**Mr. I. Deans** (Wentworth): Mr. Chairman, the points I want to raise may not be particularly related one to the other, but they are related to the bill.

I want first to say that what we have suggested in the amendment certainly appears to me to be reasonable. There does not appear to be anything in that amendment that the government could not, with minor adjustment and with a little bit of planning, incorporate as government policy.

It is not acceptable for the government to say that the cost would be prohibitive. I looked at the revenue to be obtained from liquor control sources for the coming year and for this current year it ranges at the level of $201.5 million. Last year, we had revenue in the Province of Ontario from the sale of liquor at $192.5 million.

The advertising that is done by the many liquor and beer companies ranges into the many millions of dollars and it seems to me that we have a rather warped view of the purposes for which the money might be used.

I have a little difficulty understanding in my mind how it is that we can countenance the continued advertising of liquor products in the province, recognizing that it does, at least in part, entice a great many people into excessive use. I mean the kind of advertising that goes on is certainly the kind that leads one to believe that a drop of whisky is no different from a drop of Coke. Just take a little drink and it does a lot of good and you are well on your way to happiness. This seems to be true of all things. You watch the great advertisements that are run by the beer companies, the advertisements that show everyone sitting around the log fire drinking beer—and man, that's living!

Many people are weak, many people are not either emotionally or physically capable of handling it. And as a result of the continuous barrage of pressures that are exerted upon them by the advertising of the product, they fall into the use of it, perhaps the excessive use of it and then we seem to cast them aside. We seem to feel that we have no obligation towards them and we do not seem to be prepared to spend the kind of money on the person who has alcoholism as a sickness to try and make him well or to try and bring him back into society in some meaningful way.

I do not think that it would be possible for the government to at this point talk in terms of not being able to raise the necessary finances to engage in the kind of programme —and we recognize that it would be phased in over some time—but to engage in the kind of programme that we have suggested. There ought to be facilities available in every major centre across the Province of Ontario for the purpose of dealing with the problems that exist in every centre right across the Province of Ontario.

I do not think there is a place that does not have people who suffer from the problem of alcoholic illness, to use the phrase. And I just feel that the government is not looking too seriously at the problem from the way which they have introduced this legislation.

We are not talking about dealing with the chronic drunk, in actual fact. We are not talking about the guy who goes out and gets drunk and disorderly, or who is drunk in a public place and I had some difficulty in thinking about what one could do and the role of the law in dealing with the drunk. My first tendency was perhaps to eliminate drunkenness, drunk in a public place, as an offence, because in actual fact it is not much of an offence. To have been drunk in a public place is hardly something worthy of being thrown in jail for; it is hardly worth the time of the police to arrest the person for having done such a thing.

But as I thought it through, I could see some particular merit in maintaining that charge—not for its own worth, but simply for the worth of it being used to perhaps

keep an individual who may have, because of the influence of alcohol, committed some other crime or misdemeanor of some kind. The police officer in his wisdom, recognizing that it was done because of the alcohol, could charge him with being drunk as opposed to charging him with assault, or perhaps with mischief, or some other charge that would be more serious before the court.

So I say to the minister that somehow or other, in dealing with people who are drunk and also in dealing with people who are alcoholic, on the one hand we have to find another way to deal with the problem of the guy who is drunk in a public place other than by virtue of arrest and taking him into a court—or not taking him into a court, but simply fining him before a magistrate or a justice of the peace.

On the other hand, when a person is obviously sick, when he is known to be sick, it makes no sense to throw him into jail, because the minister knows, the police officer who arrests him knows, the magistrate before whom he appears—if he does—or the justice of the peace knows, that he is going to be back there. He is going to be back there in another week or two weeks' time. He is going to spend his time in and out of the drunk tank and to continue that kind of a structure is of little value.

If we are not prepared to make facilities available, even at considerable cost—but a portion of the cost ought to be borne by the people who are benefiting directly from the sale of alcohol—if we are not prepared to set up the kinds of centres where people can be taken and where they can be given understanding and treatment, hopefully to benefit them, although in many instances perhaps not, but nevertheless at least to look after them during that period, rather than just to drag them in for 24 hours and throw them back out on the street.

If we do not set up those kinds of facilities and institutional facilities, then it seems to me that we are just turning our backs on what the major problem is. The major problem has nothing to do with the arrest. The major problem has nothing to do with putting a man in jail. The problem is that in this society it seems to be good for our peace of mind simply to get them off the street, to drag them in and throw them in the tank and pull them out in the morning and throw them back out on the street.

This is what happens. So many people go through that rigamarole, that procedure, on a regular basis. We are not helping them, we are not helping ourselves, and we continue to subject them to all of the pressures and encourage the kind of, if I may use the word, profiteering from the sale of alcohol which has caused their problem in the first place.

As I said when I started, it is difficult to tell you what I think about it at this time of night. I thought a lot more about it earlier some weeks ago when the bill was first introduced, but I tell you that this kind of an amendment that will guarantee the provision and the providing of facilities across the province where people can be treated for what is wrong with them, rather than simply picking them up to salve the conscience of the neighbourhood in which they happen to be residing, is much more valuable than the way in which we presently deal with things, and much more valuable than the provisions contained in the bill.

**Mr. G. Bukator** (Niagara Falls): Mr. Chairman.

**Mr. Chairman:** No. The member for Windsor West.

**Mr. Peacock:** Mr. Chairman, a number of members have pointed out—

**Mr. Bukator:** I was not standing on my head. I was on my feet too, earlier.

**Mr. Peacock:** Mr. Chairman, a number of members have pointed out the inequity of the bill, insofar as it affords in a number of geographical centres of the province the possibility that a person apprehended by a police officer will go to a detoxification centre, but not in a much larger number of geographical centres in the province, and I would think in that respect the bill merits to be opposed. My concern—and a concern in which I agree wholeheartedly with the member for Middlesex South in the amendment which he has moved in respect to subsection 3 of section 106(a) of the bill—is that the constable, or other police officer, is given discretion herewith. I am having difficulty, Mr. Chairman, making myself heard. I am sure you are hearing it, but I am not hearing myself, and I know the minister is probably not.

The constable is not only given discretion in this legislation to take a person to a detoxication centre or alternately to take him to jail—I am sorry. He is given that discretion in addition to the discretion which he already has, which was to determine whether or not

an offence had been committed. The addition of this new power to determine whether or not a person should go to a detoxification centre is one which I do not find acceptable.

The minister has really placed a police officer or constable in the place or role of a physician or some other person skilled in the treatment of persons suffering from alcoholism, except where the person is, shall we say, a one-time drunk; the person who on a particular occasion or for a particular reason, winds up being drunk in a public place. It may well be that that person being apprehended by a police officer and taken to a detoxification centre, will be able to use to advantage the facility that is there provided to him.

He will recover in the morning or sometime the next day and be released and be on his way, and as far as anyone will know that will be the only occasion on which that person has ever been drunk in a public place, unless the pattern begins to develop into a repetitive one and he keeps coming back into the hands of the police, or into the particular detoxification centre, hospital, or a number of them.

It is the person who is the chronic drunk with which this bill is concerned, and it is the question, Mr. Chairman, that one police officer on one corner may send a drunken person, a person suffering from alcoholism, to a detoxification centre, but on another corner blocks away, in the same particular section of town, or perhaps an altogether different section of town, perhaps quite a different neighbourhood, the police officer may say "Here I apprehend a drunk in a public place but I should send this man to jail."

I would much rather, Mr. Chairman, that the officer not be asked to undertake that second task of deciding, first of all whether or not the person who is drunk should be afforded the opportunity to dry out in a detoxification centre or to dry out in jail.

Certainly I have no quarrel with the maintenance of the first action of the officer in apprehending the person for the offence. But it must be that for successful identification of the person who is drunk, an identification of his injury, which is often sustained by way of falling or running into a lamppost, or suffering injury in a fight with another person who is drunk, or a person who is sober, it is not the police officer who should make the determination as to what the medical needs of the drunk are or what the medical needs of the drunken person are in respect to his problem with alcohol.

That should only be done by a doctor at the admissions or emergency section of the hospital, or qualified staff at the detoxification centre. It is only after a stay in the hospital or the detoxification centre, whichever it may be, that the staff there should make a determination. I just do not think any such determination should ever be made, but there are some treatment authorities who think that it should be, as to whether or not the person remains in the detoxification centre or goes on to jail, there to await sentence and perhaps a continued term in prison as part of the sentence.

**Mr. Sargent:** Tory justice!

**Mr. Peacock:** Some authorities, Mr. Chairman, say that a person suffering from alcoholism at some point must be made to face his responsibilities. They might well argue that one of those is to accept sentence and to spend time in jail. But as we know, in respect to those people who are inhabitants of skid row, the deterrent of jail really does not provide many of them with the opportunity to face up to the problem of alcoholism from which they suffer. They rarely, if ever, are brought back to sobriety and a normal, healthy life.

I had the experience last fall of driving to the Parliament Buildings for the 8 o'clock sitting and narrowly avoiding hitting with my car a person who left the sidewalk outside the Wellesley Hospital. On stopping, and the motorist behind me stopped, we both aided this man back into the emergency section of the Wellesley Hospital from which he had obviously come. It was also quite obvious that he was inebriated at the time, that he had rolled off the sidewalk because he was inebriated and in doing so had gashed his head.

We took him straight inside, past the waiting room and the people lined up there to find the nearest doctor and we said to the doctor: "Why in heaven's name have you released this man? He is intoxicated!" And the doctor got very angry and said: "Well what do you want me to do? This is a general hospital, we cannot keep him here. The detoxification unit is closed at this hour and I would have to send him off to the drying-out cells in the Don Jail, that is the only place I can send him. I have been trying for years," he continued, "to find some way of getting persons like this treated and not released.

"We are not a hotel," the doctor said, "'we cannot keep him here."

As the member for Brantford has pointed out, general hospitals do post lists in their emergency sections denying admissions to certain persons such as those suffering from alcoholism and other complaints associated with alcoholism. They may be very valid complaints, they may be a chronic heart ailment, hypertension, some other chronic illness, but if alcoholism is also a factor the general hospital will not admit that person. I have seen such lists posted in one general hospital in the city of Windsor.

So in this particular situation which I am describing there was no recourse. Yet, Mr. Chairman, it was obvious that this doctor knew the needs of the man who was drunk, and I would say it would be much preferable to have a doctor in that position determine the outcome of the person's charge rather than the police officer.

So I support the amendment of the member for Middlesex South and say to the minister that kind of discretion on the part of the police officer should not be afforded in the bill.

**Mr. Chairman:** The member for Niagara Falls.

**Mr. Bukator:** Mr. Chairman, recently, some of you may have read in the paper the case of Major Hill of Niagara Falls. He was the son of Red Hill, who did so much for that city in the rescues in the Niagara River, among other things.

Major Hill was a man who served the country in the service and then he had a leg amputated when he left the service. He became quite an alcoholic, by his own admission, and from time to time found himself in different jails. He called me on occasion when he was drinking to tell me of the book that he was writing about his family and the historical events of that area, especially by his father and older brother.

Recently, he would go to the General Hospital in Niagara Falls when he was drinking and ask for attention by the doctors there. They finally found him a regular caller in the hospital and took him in with a minimum of examination. On the last visit to the Greater Niagara General Hospital they called the police, naturally, because they had no place for him, such as this bill would provide for some areas of this province. They took him to jail that evening and the next morning they found him dead in his cell block. That is a fairly recent case.

As a matter of fact, the coroner's office investigated the death and all they reported was that he was found dead in his cell. They could not find the cause. But everybody in the city of Niagara Falls knew Major Hill, and they felt it was one of those things that would finally catch up with any man who was drinking continuously. Yet I think if we had a centre such as the one that the minister is planning to bring about, this man might have been living today. He had no place to go, and naturally he would attend at the hospital and wind up in jail, as he did so often.

I appeal to the Attorney General to consider this amendment, because it certainly made sense to me when it was read. I was looking at the subsection 2 that the amendment would delete, and I felt that the subsection as it reads: "The Lieutenant-Governor-in-Council may by regulation designate any public hospital as a detoxification centre." I thought we could take the "may" out and put "shall" in, and take out "any" and put "all hospitals" instead of just the few that were mentioned in this House.

**Mr. Sargent:** Hear, hear!

**Mr. Bukator:** I do not think it is too difficult for a hospital, or the police especially, to take a man who is drunk or drinking into the emergency ward of a hospital to find out how sick that man is before they put him in the cell block. That could be done even today.

I happened to have a small accident here not too long ago; I went down to the emergency hospital here and a man was really kicking up his heels. Apparently he was not happy with the treatment that he was getting in the general hospital here, but I understood from the doctor the man was drunk and the police had brought him in for examination before they took him to jail.

That is the course that should have been taken in Niagara Falls with Major Hill and apparently, from what I gather from the evidence of that coroner's jury, they did not examine the man because they felt it was just another visit from this friendly Major Hill to the hospital.

If we would have had this, and if we do have this—and I am sure hat my colleague from Owen Sound makes a good case—I do not think it is that costly. I can see where the Attorney General, with the authority

that he has, can notify all police stations immediately that they pick up a man who is intoxicated to take him to the hospital and have him examined properly before they put him in the cell block, if they must, until these centres are established throughout the province.

**Mr. Sargent:** Hear, hear.

**An hon. member:** Hear, hear.

**Mr. Bukator:** I think most hospitals have semi-private rooms; two rooms surely, or four rooms, could be set aside in any hospital immediately with very, very little extra cost to the province.

I appeal to the Attorney General to consider this amendment and to consider it well. I have known this to happen in this House before where amendments are brought in, reasonable amendments, and the government has conceded to them. I realize that overnight the minister cannot bring this about, but this amendment would assist in bringing about the results that we all want much more quickly than the bill in its present form.

**Mr. Chairman:** The member for Riverdale.

**Mr. J. Renwick:** Mr. Chairman, I only want to comment briefly. Most of the points have been made that are covered in the amendment. There are two or three specific points that have not been specially mentioned.

We did mention on second reading the clause which would protect the hospital and the doctor or the attendant at the hospital from any claim. We pointed out at that time that it was just not proper to draw a clause that broadly and not provide for protection that a person needs to have in the event that in fact there is malpractice or negligence in the treatment which is prescribed for him.

Basically we wanted also, Mr. Chairman, to draw to the attention of the government the ambivalence or the lack of clarity in thinking about the problem of alcoholism in the province. I think it reflects itself when, first of all, you have a bill which is the result of a committee study rather than an actual policy of a particular minister of government, or of the government itself. This is very clear because we have the Minister of Health on the one hand concerned about the question of alcoholism and drug addiction in the province through the Addiction Research Foundation. We have the Provincial Secretary (Mr. Yaremko) responsible for the administration or reporting to the Legislature about the activities of the Liquor Control Board, who is in a sense charged with the responsibility for administrating The Liquor Control Act. The provincial Treasurer collects the money raised by way of taxes on the sale of liquor in the province, and we have the Attorney General involved to the extent that it moves into an area of behaviour in this society.

We think that the bill therefore was unwise not to have come to grips with the question, and my colleague, the member for Middlesex South, has carefully pointed out that when we tried to use in the framework of the bill the phrase, "the illness of alcoholism," so that there is an overt statement by government in this kind of an amendment that, finally, alcoholism as such is recognized as an illness.

We wanted also to draw the attention away from the question of the drunk in a public place. We are not all that certain ourselves about whether or not that provision of the bill should be eliminated, mainly for the reason put forward by the member for Wentworth. But we certainly do not think that it is a social problem confined only to whether or not a public place is involved and that the amending clause should be drawn broadly enough to permit any person to have the option or to have the statutory support which would enable him to escort another citizen, if occasion presented itself, to a detoxification centre, as well as requiring or forbidding a constable or other police officer to do it.

We think that flowing from these particular amendments would be a very definite improvement in the bill which the minister has put forward. I think the one possible criticism the minister could have about the bill would be the question of the immediacy of the clause with respect to spreading throughout the province these facilities or centres. We happen not to think that there is any difficulty in dealing with it through the public hospitals, and that it would be—

**Hon. A. F. Lawrence:** That is not what the member for Brantford said.

**Mr. J. Renwick:** I realize that, but if we had a statutory requirement about this, then the practices of the hospitals, to which the member for Brantford has referred, would have to give way to the statutory requirement as set out in the Act. Therefore we consider that each public hospital should be required to establish such a centre.

We have gone further, of course, in it to indicate that a particular municipality or unorganized territory, where there is no public

hospital, should be charged with the responsibility of providing similar facilities within ts own jurisdiction. It did, however, of course, cross our mind that we are not able to introduce a clause in a bill which would provide for the expenditure of public funds. We therefore want to make it perfectly clear that we assume that if any municipality was required to provide these facilities it would be done at provincial expense, because it is the Province of Ontario that derives the immense revenue which comes from the sale of liquor and from the promotion of the sale of liquor, in which the government is involved with the liquor industry, which provides the funds from which the care and treatment for this particular illness should derive.

There is no wish on our part to saddle the municipal organization or the municipal structure with this additional expense without it being clearly understood that we would expect the provincial revenues to provide the funds that are required for these purposes.

It would appear to us, Mr. Chairman, that without there amendments we have the lack of clarity as to whether or not is it a social problem, or whether it is a health problem; whether it is a problem that relates only to the orderliness of the streets, or whether it is in fact a problem which can be dealt with in terms of the treatment of individuals who suffer from this particular illness, bearing in mind that there is a point beyond which compulsion in these areas cannot be used.

We tend to disagree with the comment that the minister made on second reading of the bill, that the case of the chronic alcoholic, the member of the subculture of skid row is not, generally speaking, a person who is engaged in violent activity. Indeed, I think it is fair to say that members of skid row are by and large quite passive people.

If what the minister is endeavouring to do here is to provide at least an initial stage for the treatment or assistance of such persons then he is not dealing with the guy who is out on the town and gets drunk or in difficulty with the police, fighting or obstructing the police, or indeed on many occasions assaulting the police. What you are really engaged in is dealing with a particular membership of a particular subculture which in my judgement has not had the kind of careful study which it deserves.

I think there are many contradictions in the report of the committee that was studying this problem which would indicate that they have not in fact done the kind of thorough study that is available, certainly in other jurisdictions, throughout the whole question of the culture of members of skid row.

We urge the minister to consider each of the points which are covered in the amendment and to say this evening that he would adopt them, and not to put it off, because otherwise the bill will continue to reflect the incapacity of the government, indeed the incapacity of our society, to face up to the question as to whether or not they are prepared to recognize that alcoholism in certain instances is an illness which requires medical care and treatment.

For these reasons we would ask, Mr. Chairman, that the amendments when they are put before us—and we felt that they can all be put as part of one amendment to the main clause in the bill—that they would derive the support of the minister as well as the other members of the Legislature.

**Mr. Sargent:** Mr. Chairman, one more point before this amendment is put. I think that we have not stressed the fact that the amendment goes a lot further than we had asked for here. It asks for "detoxification centres in any organized municipality or any unorganized territory in which no public hospital is available." This makes it all-embracing across the whole province, especially in those areas where there is a lot of this going on.

I think it is important to realize that this is an all-embracing amendment covering the whole province. We had thought that the amendment of clause 2 of 106 changed the word "may" to "shall" and "any" to "all": The Lieutenant-Governor-in-Council shall by regulation designate all public hospitals as detoxification centres. The only other point: I would like to say that in clause 3—and the lawyers may know the answer for this, which I do not know—it says: "May escort the persons to a detoxification centre". I think that should read "shall", because it gives the police officer the right to decide whether or not the person he is apprehending shall go to jail or go to the hospital.

If the contravention is drunkenness, then it should be mandatory that he "shall" go to a detoxification centre and the police officer should not have the power of God to decide, to the judge and jury himself.

I am not hopeful that the minister will accept this amendment, we are going to support, and my leader has agreed too, the member for Middlesex South; but I think, as my colleague, the member for Niagara Falls

said, when any reasonably justifiable case comes before the House I think the minister should buy it, because this is an all embracing thing giving equal treatment across the province. I hope you will support the amendment; we do.

**Mr. Chairman:** Has the minister any comment?

**Hon. A. F. Lawrence:** I think we can deal with them as five separate amendments in the hope that we can clear these matters up.

I just want to say this, that I hope no one at any time will accuse me or the government in respect of this bill of coming along and saying that this is the ultimate. All during the discussions in respect of the interdepartmental matters implicit in the report itself, implicit in what I said the other day and what other have been saying about it since this bill was introduced, is the fact that this is a transitional bill, transitional only. I indicated on first reading of the bill that it was the government's way of committing itself to the concept that alcoholism is an illness. It is the government's way of committing itself to a long-range programme that is going to take many—

**Mr. Sargent:** It is a piecemeal approach!

**Hon. A. F. Lawrence:** —years to be brought into effect.

It is a programme that has already been started in other fields here in relation to this concept of alcoholism, which is one of the gravest problems facing our society today in my estimation. It is transitional however. There is still much work to be done relating to the treatment; there is still much work to be done relating to the overall programme; there is still much work to be done in educating the public, the police, the courts, the medical profession, hospital people—everyone—that this is an answer.

It may not be the answer, but it is the government's hope that at long last we are on the way to finding the answer. This is one way of moving along and this is the way that has been chosen. I think from what little I know about it it makes sense to me. It is an approach and it is a start, and it is only a start.

**Mr. Sargent:** The government is measuring in dollars and cents though!

**Hon. A. F. Lawrence:** All right, but by no means is the money—please forgive me if I gave that impression that money is the greatest problem here—money is not the greatest problem here. If we thought—

**Mr. Sargent:** The minister said they could not afford it across the province.

**Hon. A. F. Lawrence:** I said that was a problem, but there are others. The staff, training people for these centres is a problem. There was indication from the member for Brantford respecting the mammoth job that is before our general hospitals in relation to our hospital building programme in this province right now, and even the availability for beds right now, the education of the public. The education of those who work in the hospitals is an immense problem. The education of the police force, as I have said, is a problem. We have got to gain experience in this field so that we may be best able to use existing facilities and the staff in the crucial areas.

**Mr. Sargent:** Every area is crucial in this province, every area.

**Hon. A. F. Lawrence:** We have got to see if the programme is going to work as expected before it can be expanded into other areas. Nowhere in the bill is there any limitation of these areas. I say to my friend from Owen Sound if he feels that Owen Sound has a particular or peculiar problem in this field at all, and if he convinces the—

**Mr. Sargent:** Do not give me that stuff! What is wrong with you? Why do you not grow up?

**Hon. A. F. Lawrence:** All right, wait a minute. If he feels that Owen Sound needs this type of facility and if the Owen Sound general hospital, or whatever the name of the general hospital is in Owen Sound if it is not the Owen Sound general hospital, then there is no limitation in the bill whatsoever that that hospital can be so designated as a detoxification centre. And I can assure my friend that if any community that has a general hospital wants to get involved in this programme, we will be more than willing to consider it and to do it.

**Mr. J. Renwick:** But you cannot leave it on that basis!

**Hon. A. F. Lawrence:** But we do say there are 11 counties or districts in this province right now where the need is the greatest and those are the areas that we intend going to.

**Mr. Sargent:** Will the law back them up?

**Mr. J. Renwick:** There is need where anybody has the problem.

**Hon A. F. Lawrence:** All right, there certainly is, but providing just these 11 centres will cover the areas where there were approximately 44,000 convictions for drunkenness in the whole rest of the province there were only 11,500.

**Mr. Sargent:** I will buy that.

**Hon. A. F. Lawrence:** All right. All I am saying to the member is that obviously when we map out a programme such as this—and it is a beginning; for heaven's sake, it is a beginning—we have obviously got to go to the areas where the need is the greatest.

**Mr. Sargent:** Who says so? Do you make that decision?

**Hon. A. F. Lawrence:** Now if other areas want to come in, we will be glad to do it, but these detoxification centres are only the beginning in it. In a way these are merely the classification and the drying-out centres.

**Mr. J. E. Bullbrook** (Sarnia): You are a poor sister!

**Hon. A. F. Lawrence:** From here on in, we move as well to the rehabilitation farms; from here on in—

**Mr. Bullbrook:** You know the waste of money in one community college on this programme.

**Hon. A. F. Lawrence:** If you had something to say, why did you not get into the debate before? Do you want to stand up and make a speech about it?

**Mr. Bullbrook:** No.

**Hon. A. F. Lawrence:** Well, then why did you not stand up before? Were you out or what? You were not even in the House when this was going on.

**Mr. Chairman:** Order, please. Let the minister reply.

**Hon. A. F. Lawrence:** Come on, now.

**Mr. Bullbrook:** You are the greatest!

**Hon. A. F. Lawrence:** Do you want to listen to me? I have been asked to give these explanations. Do you want me to give the explanations or not? Do you want me to do it or do you not?

**Mr. Bullbrook:** In one community college they waste more money than you are voting this bill.

**Hon. A. F. Lawrence:** All right. I am saying to you that this is a beginning programme only. These detoxification centres will be run in conjunction with The Department of Health and the Addiction Research Foundation; as well, we hope The Department of Social and Family Services will be getting into the picture again at a later date in respect of the halfway houses and in respect of the rehabilitation farms.

**Mr. Sargent:** How much money is set up?

**Hon. A. F. Lawrence:** For these detoxification centres it is a $4.5 million programme spread over three years; $1.5 million a year hopefully for the next three years. If the programme proves as beneficial as—

**Mr. Sargent:** What a joke that is! It is all window dressing for an election!

**Mr. Chairman:** Order please! Let the minister reply.

**Mr. Bullbrook:** You waste $4 million in community colleges!

**Mr. Sargent:** That is a lot of nonsense!

**Hon. A. F. Lawrence:** This is not the sum total. If my friend will only sober up for a minute here and listen just for a second—

**Mr. Sargent:** Mr. Chairman, on a point of order—

**Hon. A. F. Lawrence:** —this is not the full extent of the government's programme in respect of alcoholism.

**Mr. Sargent:** —the minister should be ashamed of himself.

**Hon. A. F. Lawrence:** There was an announcement today alone for a $6-million centre.

**Mr. Bullbrook:** Is the Premier prepared to go along with that?

**Hon. W. G. Davis** (Prime Minister): With what?

**Mr. Bullbrook:** What he said.

**Hon. Mr. Davis:** About what?

**Mr. Bullbrook:** About me.

**Mr. Sargent:** You heard the remark did you not?

**Hon. A. F. Lawrence:** I am saying to sober up a minute. Yes. Quite. You are yelling at me. Do you appreciate that?

**Mr. Sargent:** You are pulling another Shulman on us; that is what you are pulling.

**Hon. A. F. Lawrence:** Oh, come on now. Settle down.

**Mr. Chairman:** Let the minister reply.

**Hon. A. F. Lawrence:** Just settle down here. Just settle down and let me finish what I am saying.

**Mr. Sargent:** You are a despicable guy!

**Hon. A. F. Lawrence:** You were not in the House to hear the request for the—

**Mr. Bullbrook:** Are you prepared to go along with this?

**Mr. Sargent:** Sit down Lawrence.

**Hon. A. F. Lawrence:** What is going on here anyway? What is all the yelling from the member for Sarnia about?

**Mr. Bullbrook:** The yelling is basically on a point of order. The yelling is basically that you are talking about the economic advancement of the people of Ontario and the priorities they are prepared to establish. Now, this is what you are talking about.

I was saying to the minister, since he invited me to speak, Mr. Chairman, since the minister invited me to speak—

**Mr. Chairman:** The hon. member was asked to state a point of order. Would he state it?

**Mr. Bullbrook:** There is no point of order.

**Mr. Chairman:** Then would the hon. member resume his seat.

**Mr. Bullbrook:** No, no—

**Mr. Chairman:** The hon. member is out of order then.

**Mr. Bullbrook:** —no point of order at all.

**Mr. Chairman:** The hon. member is out of order. The minister has the floor.

**Mr. Bullbrook:** The minister invited me to make comment. I make comment now—

**Mr. Chairman:** No, he did not. The hon. member asked for a point of order and there is no point of order. Would the member resume his seat, please.

**Mr. Bullbrook:** I make comment now.

**Hon. A. F. Lawrence:** He has asked the hon. member to resume his seat.

**Mr. Chairman:** The hon. member has no point of order. He said so himself.

**Mr. Bullbrook:** No, the minister invited me to speak.

**Mr. Chairman:** Would the member resume his seat!

**Mr. Bullbrook:** I will sir, but I invite you to recollect that the minister—

Interjections by hon. members.

**Mr. Chairman:** The hon. member asked to speak on a point of order and then said he had no point of order. Would the hon. member resume his seat?

**Mr. Bullbrook:** The point of order—

**Mr. Chairman:** I ask the member to resume his seat.

**Mr. Bullbrook:** I will sir, of course—

**Mr. Chairman:** Has he minister concluded his remarks?

**Hon. A. F. Lawrence:** Yes, all I want to say is that this is not the full extent of the government's attack on the alcoholism problem.

**Mr. Chairman:** Would the member state his point of order?

**Mr. Bullbrook:** The minister invited me to make a comment in connection—

**Mr. Sargent:** He did.

**Mr. Bullbrook:** —with his remarks and I was prepared to rise and make a comment.

I interjected in connection with the priorities of his government, in connection with the disposition of welfare, health and education benefits to the people of Ontario, and I am prepared to conclude these remarks right now.

And these remarks are basically that if the people of Ontario are prepared to spend this amount of money in wasteful dispensation with respect to community colleges, how can he get up and say that he is prepared to expend $1.25 million on these detoxification centres?

The fact of the matter is that we in public accounts were confronted with the fact that $5 million were wasted in two

community colleges. This is a question of priorities and I am prepared to stand behind these statements right now, and this is all I ask. My interjections are purely these, purely these—matters of total priority.

The minister is prepared to get up and say that this is all he can spend, but the fact of the matter is that we know the government wastes more money in The Department of Education than its total Department of Justice can spend, really.

**Hon. Mr. Davis:** The hon. member does not really know that, in fairness.

**Mr. Bullbrook:** We know that. The fact of the matter is that people on the public accounts committee know this.

**Hon. Mr. Davis:** The hon. member says that, but he does not know it.

**Mr. Bullbrook:** We know this.

**Mr. Chairman:** The member for Niagara Falls had a point he wanted to make, Mr. Minister.

**Hon. A. F. Lawrence:** I am saying in no way is this a total commitment.

**Hon. Mr. Davis:** The member can blame his education critic and others who would spend twice as much.

**Hon. A. F. Lawrence:** In no way is this the total commitment of the government in any event, as I have indicated already; today there was an announcement, for instance—

**Mr. Pitman:** Do not put others in there now.

**Hon. A. F. Lawrence:** —of a new $6 million cenre in Brampton to replace the Alex E. Brown Memorial Clinic here.

**Mr. Bullbrook:** A pretty 11th hour effort really.

**Hon. A. F. Lawrence:** One of the other members earlier was speaking about the Niagara region and how there was a commitment about a $5 million centre there in respect of the alcohol problem, the sex deviate problem and the drug problem as well, as far as our Correctional Services programme is concerned so that there are many other ways in which we are moving into this picture.

**Mr. Bullbrook:** It is a diversion.

**Mr. T. Reid:** They make the announcement every year.

**Hon. A. F. Lawrence:** I am just saying that this is a transitional measure here alone. It is a good one. It is a start on this. If there are areas in the province where there is a will and there is a way for the local people to come into this picture, well certainly we are going to welcome that and I say that with the utmost sincerity to the member for Owen Sound.

It cannot be done overnight all across the province. My hope is—and it is the government's commitment in respect of this bill—that eventually we will wipe out that charge of drunkenness in The Liquor Control Act, eventually we will wipe it out completely, but it cannot be done yet, simply because there are not the facilities, there are not the means, there is not the acceptance by the public or any other place yet and one of the factors as well is that there is not the money at the moment.

There are simply not the facilities available. This is the main thing. We cannot say that every public hospital in the province should be designated one of these, simply because there is no need for it.

**Mr. J. Renwick:** There is a need for it.

**Hon. A. F. Lawrence:** There is no need for it, because here in Metro Toronto alone we hope that there are going to be three centres that may not be connected to public hospitals.

**Mr. J. Renwick:** The minister does not understand the problem.

**Hon. A. F. Lawrence:** There are other communities where there may be two hospitals and they can centralize these services and facilities in one of the two hospitals.

Interjections by hon. members.

**Mr. J. Renwick:** It reflects his total incapacity to understand the problem.

**Mr. Bullbrook:** It is uneconomic social consciousness!

**Mr. J. Renwick:** In Metro Toronto you cannot centralize it in one place or even three places.

**Hon. A. F. Lawrence:** Those are some of the problems.

In respect of the liability clause, I know the hon. member for Riverdale brought this

up on second reading. We feel that liability clause is quite severely limited at the moment; it is protection from liability for those in the detoxification centre for damages against any physician or against the hospital or an officer in the employ thereof in respect of the examination or treatment of a person in the centre who has been brought there by a policeman.

Now that, in our minds, severely limits it. We want to encourage the people in the hospitals to get into the picture. We do not want to discourage, that is number one.

Number two, if someone, the five per cent of the people we anticipate are going to be brought into these centres who will require intensive care, will be taken out of the centre and then will go into a hospital, into the hospital proper; there the limitation, the protection from liability, will not apply. But while they are in the centre we feel that limitation, the protection from liability, has to apply.

Interjections by hon. members.

**Mr. Bullbrook:** You waste millions on education!

**Mr. J. Renwick:** It is just ridiculous.

**Mr. W. Hodgson** (York North): Vote against it!

**Hon. A. F. Lawrence:** I really think I have covered the five amendments.

Interjections by hon. members.

**Mr. Bukator:** Could I have some clarification, to at least make it clear in my mind?

The hon. minister did say, I hope that I gathered right in his explanation of it, a hospital is geared to render that service, let us say as of tomorrow or whenever this bill takes effect or gets royal assent, and if they have an intensive care unit and if they have personnel who may not be working at this but who do not require too much more experience to take care of an individual who is drunk, did the minister say that no hospital would be deprived of this service if they are prepared in the community, and if the authorities, both the police and the personnel of that hospital, will accept this treatment?

**Hon. A. F. Lawrence:** As long as they can provide the service required by the technical people, and I am not that capable of telling my friend just exactly what those services are any more than I think he is, then certainly there is no problem as far as designating it.

**Mr. Pitman:** What about the grants?

**Mr. Bukator:** Let me finish. I would say that the Niagara Falls General is well equipped and I will take it up with the authorities, both the police and the board, and hope that is one that will be added to the other 13 or so that you have named.

**Hon. Mr. Davis:** Be reasonable.

**Mr. Pitman:** What about OHS?

**Mr. Chairman:** Are there any further comments?

**Mr. Sargent:** In answering my questions regarding costs the minister at the outset said they could not afford to embrace all of Ontario in this programme.

**Hon. A. F. Lawrence:** I said that was a factor.

**Mr. Sargent:** No, you said it was your main reason. You could not afford to.

**Hon. A. F. Lawrence:** Did I not correct that later to say that the money is not the main reason?

**Mr. Sargent:** You qualified it later on.

**Hon. A. F. Lawrence:** Did I or did I not correct that?

**Mr. Sargent:** You qualified it later on. There is one other reason.

**Hon. A. F. Lawrence:** Well, I will correct it now. I am saying that money is not the main factor.

**Mr. Sargent:** Who is yakking now?

Interjection by an hon. member.

**Mr. Sargent:** You say you cannot afford it. How long is this piece of string we are talking about? What is the cost to do it across Ontario? You say you cannot afford it. What is the cost to do it across Ontario?

**Mr. Randall:** Who knows?

**An hon. member:** Not more than $1.5 million.

**Mr. Sargent:** That is number one. I want to know that. What is the cost?

**Mr. Randall:** You are repeating yourself.

**Hon. A. F. Lawrence:** I am saying that this is a three-year programme for these 11 counties or districts that is going to cost about $4.5 million.

**Mr. Sargent:** All right. So I suggest to you, Mr. Chairman—

**Hon. A. F. Lawrence:** Now, as far as putting one of these centres in every public hospital across the province is concerned, I simply do not know—

**Mr. Deans:** That is about three-quarters of one per cent of the revenue for the province from liquor sales.

**Hon. A. F. Lawrence:** —because the people who advise us tell us that we are not ready for that yet.

**Mr. Sargent:** Now, I will agree that the minister has—

**Mr. Pitman:** You mean the hospital people tell you that? Who tells you that?

**Mr. Sargent:** —a problem. This is really a medical-legal situation but the fact is that it is completely unacceptable, Mr. Chairman, that this man who administers the law for us for Ontario can have—

**Mr. Randall:** Call the vote.

**Mr. Sargent:** Will you quit yakking and listen for a moment?

**Mr. Randall:** You sound like a broken record, over and over again.

**Mr. Sargent:** How can this man who says—

Interjections by hon. members.

**Mr. Sargent:** I am not in any hurry.

**Hon. Mr. Yaremko:** What is the inside-out of that coat you have on?

**Mr. Sargent:** I want to ask the minister, in all truth, how can he have two sets of laws in this province? That a policeman in one city can pick me up and I could be picked up just like anybody else in this House—and I do not think it becomes you, Mr. Attorney General, to make any aspersions on the state of anyone in this House. You should be ashamed of yourself for what you said tonight.

**Hon. Mr. Davis:** On a point of order, Mr. Chairman, the member for Grey-Bruce should be the last one to talk about that.

**Mr. Bullbrook:** About what?

**Mr. Sargent:** Aspersions. Oh, listen, you should have heard him earlier.

**Hon. Mr. Davis:** Absolutely, you should have heard him earlier.

**Mr. Sargent:** You know what I am talking about though, do you not?

**Hon. Mr. Davis:** No, I do not. What is the member talking about?

**Mr. Sargent:** If you do not then you had better smarten up, that is all I can say.

Interjection by an hon. member.

**Mr. Chairman:** Order, please.

**Hon. A. F. Lawrence:** Are you referring to my request to the member for Sarnia to sober up?

**Mr. Sargent:** I think that stinks.

**Hon. A. F. Lawrence:** Is that what you are referring to? Because that in no way meant to imply—

**Mr. Sargent:** Fine. I am glad that you said that. Will you apologize to him then?

**Hon. A. F. Lawrence:** I am afraid the hon. member for Owen Sound—

**An hon member:** Grey-Bruce!

**Hon. A. F. Lawrence:** —Grey-Bruce, I am sorry, when he discusses sobering up he has only one thought in mind. There are many other ways in which you can sober up from not necessarily being drunk and in no way did I mean to imply—

**Hon. Mr. Yaremko:** Sober second thought.

**An hon. member:** He is over-excited.

**Hon. A. F. Lawrence:** —and if the hon. member for Sarnia thinks that I meant to imply that he had been drinking or anything like that then I certainly apologize to him.

**Mr. Sargent:** All right.

**Hon. A. F. Lawrence:** I do not apologize to the member for Grey-Bruce.

**An hon. member:** He has said it, what is wrong with that?

**Mr. Sargent:** I do not care what you think of me but I am glad you said that. It needed to be said.

Interjections by hon. members.

**Mr. Sargent:** Because nobody is above reproach in this House that I know of.

**Hon. Mr. Yaremko:** I know one man who is. The member for Grey-Bruce.

Interjections by hon. members.

**Mr. Sargent:** Do you know this problem? That is why I am so concerned about this subject.

**Mr. G. Demers** (Nickel Belt): You apologize to my chum.

**Mr. Sargent:** You should build your jails but you should use them yourself.

**An hon. member:** Why do you not sit down?

**Mr. Chairman:** If the hon. member is ready for the question?

**Mr. Sargent:** I am not. I am still asking the minister some questions here.

**Mr. H. L. Rowntree** (York West): He does not know if he is coming or going.

**Mr. Sargent:** Oh, drop dead, will you. Drop dead.

Interjections by hon. members.

**An hon. member:** You are doing a good job, too bad!

**Hon. Mr. Yaremko:** Admit it, it is a first class piece of legislation!

**An hon. member:** Just about what we would expect from the Provincial Secretary.

**Mr. Chairman:** Order please. We will hear the member for Grey-Bruce.

**Mr. Sargent:** Mr. Chairman, we have across this province tens of thousands of hospital beds and there is no more important area of need for help than this area we are talking about tonight. And there is no reason why we should be talking money; you are talking about $1.25 million a year for three years and we—

**Mr. Chairman:** The hon. member is repetitive.

This has been stated three or four times this evening. If you have some new points to bring up please introduce them, otherwise—

**Mr. Sargent:** Mr. Chairman, will you please listen for a second. We have—

Interjections by hon. members.

**Mr. Sargent:** I am trying to establish—

**Mr. Chairman:** If the member has some additional points to add certainly they will be heard.

**Mr. Sargent:** Mr. Chairman, please listen!

We have been told that the backlog in the courts, the number of cases of drunks taking the time of the courts, run to thousands every week. The cost to the taxpayers of this merry-go-round, the treadmill of the drunk to the courts and to our jails is very great and we know this programme is going to lessen the cost for justice.

The moneys you are saving there would easily pay for this programme across Ontario. I want the minister up on his feet to tell me how he can justify, the one final question, how he can justify a man getting picked up in Toronto and not going to jail; and a man picked up in Owen Sound and going to jail for the same crime, if it is a crime. It is a sickness; and if you are sick in Toronto you do not go to jail, but if you are sick in Owen Sound you go to jail. What is the legal justification where do you draw the line?

**Mr. R. M. Johnston** (St. Catharines): The member does not live in the right city!

**Mr. Chairman:** The Minister has already answered that.

**Mr. Sargent:** I will stand on my feet until I hear the answer again.

**Mr. Chairman:** Well he has answered it a couple of times.

**Mr. Sargent:** Well I did not hear the answer.

**Mr. Chairman:** Well sit down and listen.

**Hon. A. F. Lawrence:** Well, may I try once more!

**Mr. Sargent:** Please do!

**Mr. Chairman:** Once more!

**Hon. A. F. Lawrence:** The hon. member classifies this legislation as a lot of hogwash. He said that earlier—

Interjections by hon. members.

**Hon. A. F. Lawrence:** Well you said it was hogwash, and now you say it is window dressing.

**Mr. Sargent:** It is a must. We must have it across the province.

**Hon. A. F. Lawrence:** You said it was hogwash.

**Mr. Sargent:** The way you are doing it, yes.

Interjections by hon. members.

**Hon. A. F. Lawrence:** You said it was hogwash and now it is window dressing, that it is all an election gimmick. That is exactly what you are saying.

**Mr. Sargent:** The way you are doing it.

**Hon. A. F. Lawrence:** All right! Now if I was to come in here tonight, and say to the House, as my friend has suggested that I should say, that right on the proclamation of this bill, all general hospitals right across this province, in every community, no matter where they are, will be able to present this service, then I would say to my friend that he certainly could castigate me for saying that, because that would be window dressing. I am saying to my friend that that is simply not possible. It is not a case of finding a couple of extra—

**Mr. Sargent:** Is OHSIP possible?

**Hon. A. F. Lawrence:** It is simply not a case of finding a couple of extra hospital beds down in the basement of the local general hospital. There is far more to it than that. Medical science at least has progressed that far. We still have a long way to go yet. It is a question of classification of these people, and diagnosing these people. Some of them are—

**Mr. Sargent:** Such nonsense!

**Mr. J. Renwick:** The minister sees a monstrous problem where there is no problem.

**Hon. A. F. Lawrence:** Some of them are extremely ill and requiring these things. If that was the case we would be able to do it. It is simply one that cannot be done overnight, and that is what I say to my friend—

**Mr. Sargent:** So he is doing it in some places and not in others.

**Hon. A. F. Lawrence:** —this is the beginning of it. We are tackling this problem in the area where we think the need is the greatest.

**Mr. Sargent:** It will not sell.

**Mr. T. Reid:** Mr. Chairman; could I just ask a few questions?

Interjections by hon. members.

**Mr. T. Reid:** Mr. Chairman, I would just like to ask a few brief questions. Do I understand correctly that the number of convictions for drunkenness in the areas covered by these 13—

**Hon. A. F. Lawrence:** Eleven.

**Mr. T. Reid:** These 11 detoxification centres, last year was about 45,000?

**Hon. A. F. Lawrence:** There were 44,000.

**Mr. T. Reid:** Forty-four thousand. Do I understand correctly that the minister has said that the cost of this would be about $4.5 million over three years? That works out to $100 a drunk for three years and $33 in one year. If that is all the amount of money the minister is prepared to spend on drunks to help them, $33 a year, I think that is hogwash.

**Hon. Mr. Yaremko:** That is not so.

Interjections by hon. members.

**Mr. Chairman:** Will the House come to order please? Order please!

We are dealing with section 1 of Bill 101. The member for Middlesex South has moved an amendment to section 1. All those in favour of the amendment will please say "aye."

**Mr. J. Renwick:** Mr. Chairman, has the amendment been put to the House? It is not on the record.

**Mr. Chairman:** Yes, it is on the record. Those in favour please say "aye." Those opposed will please say "nay."

In my opinion the "nays" have it.

**Mr. Bullbrook:** No chance.

**Mr. Chairman:** Should we stack that until we deal—there are three—

**An hon. member:** You cannot stack.

**Mr. Chairman:** Pardon?

**An hon. member:** There are no other amendments.

**Mr. Chairman:** No other? There might be.

Interjections by hon. members.

**Mr. Chairman:** Call in the members please.

All those in favour of Mr. Bolton's amendment will please rise.

All those opposed will please rise.

**Clerk of the House:** Mr. Chairman, the "ayes" are 29; the "nays" are 44.

**Mr. Chairman:** The amendment is lost.

Any comment with respect to sections 2, 3 or 4 of the bill?

Carried.

Bill 101 reported.

## DEPARTMENT OF EDUCATION ACT

House in committee on Bill 104, An Act to amend The Department of Education Act.

**Mr. Chairman:** Any comment on this bill?

Carried.

Bill 104 reported.

## SCHOOLS ADMINISTRATION ACT

House in committee on Bill 105, An Act to amend The Schools Administration Act.

**Mr. Chairman:** We have a proposed amendment to section 2, gentlemen.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): That subsection 2 of section 2 be struck out and the following substituted therefor: "Section 8 of the said section 17 is repealed."

Mr. Chairman, speaking to that amendment, it will allow an action for the recovery of a teacher's salary to be brought in the proper count on the basis of the monetary jurisdiction of the court.

**Mr. Chairman:** Is there any further discussion with respect to the amendment to section 2?

Shall the amendment carry?

Carried.

**Hon. Mr. Davis:** It proves we are accommodating.

**Mr. Chairman:** Section 3 agreed to.

Are there any other amendments to the bill?

**Hon. Mr. Wishart:** Yes, section 4.

**Mr. Chairman:** The minister has a proposed amendment to section 4.

**Hon. Mr. Wishart:** Mr. Chairman, I move that following section 3, that Bill 105 be amended by adding thereto the following section:

4. Section 27 of The Schools Administration Act be amended by section 3 of The Schools Administration Amendment Act, 1968-1969, which is further amended by adding thereto the following subsection:

1 (a). Where under subsection (1) a judge is directed after the expiry of the 30 days referred to therein to act as chairman of a board of reference, the failure to make the direction in the 30-day period does not invalidate the board of reference of the appointment of the judge as chairman thereof, provided the board of reference is granted in accordance with subsection 1; and by renumbering sections 4 to 14 as 5 to 15 respectively.

**Mr. Chairman:** Any discussion with respect to the amendment to section 4? Shall the amendment carry?

Carried.

Are there any other amendments or comments on Bill 105? Shall the bill, as amended, be reported?

Bill 105, as amended, reported.

## CHILDREN'S BOARDING HOMES ACT

House in committee on Bill 107, An Act to amend The Children's Boarding Homes Act.

**Mr. Chairman:** Are there any amendments or comments on this bill? I see, section 1. Mr. Minister?

**Hon. T. L. Wells** (Minister of Social and Family Services): Mr. Chairman, I would like to move that clause (c) of section 1 of the bill be amended by striking out "three" in the second line and inserting in lieu thereof "five."

**Mr. Chairman:** Moved by the minister that subclause (c) be amended by changing "three" to read "five." Is there any discussion?

The member for Wentworth.

**Mr. Deans:** May I say, Mr. Chairman, we are pleased that the minister saw fit to introduce this amendment, that in fact it was the main bone of contention, it was the argument that we were going to put forward, and we are happy that he has introduced it.

**Mr. Chairman:** Any further discussion? Does the amendment carry?

Carried.

Any further discussion or amendment to any sections of this bill?

Shall the bill, as amended, be reported?

Bill 107, as amended, reported.

## FAMILY BENEFITS ACT

House in committee on Bill 109, An Act to amend The Family Benefits Act, 1966.

**Mr. Chairman:** Are there any amendments or are there any points of discussion on Bill 109?

Shall the bill be reported?

Bill 109 reported.

## DAY NURSERIES ACT, 1966

House in committee on Bill 110, An Act to amend The Day Nurseries Act, 1966.

**Mr. Chairman:** Any subjects of discussion, any sections for discussion? Shall the bill be reported?

The member for Wentworth.

**Mr. Deans:** Mr. Chairman, thank you. Very briefly I want to say to the minister that we would like to see the government make some changes in this bill, although we are not going to move the amendments at this time. It seems rather ridiculous that the government should be prepared to pay 80 per cent for renovations while not being prepared to pay an equivalent amount for new facilities.

It seems fairly clear, we suspect, that it will encourage moneys to be spent on old buildings—which may well be money not well spent—rather than the introduction of new facilities that would be more modern and more adequate to meet the needs of the children in the area of day nurseries.

There certainly is a need for legislation to require municipalities to provide day care where a certain level of need is demonstrated within the municipality. We feel that these kinds of amendments, these kinds of changes, should be required in the existing Act.

There also ought not to be the kinds of restrictions that are presently placed on the use of community facilities within the municipalities. It seems fairly obvious that in terms of the availability of community and co-operative groups we will likely see a greater use and a greater availability of nursery services through community and co-operative groups than we will through any other private system or perhaps even any other public system. And there ought to be a removal of the restrictions on those facilities in order to encourage their development.

**Hon. Mr. Wells:** Mr. Chairman, I can appreciate the hon. member's concern about the difference between the 80 per cent renovation and 50 per cent capital, but in our discussions we think this is an equitable arrangement, 50 per cent capital is what is now paid, for instance, to municipalities to build homes for the aged, and it is consistent in that regard. I think that they will still find, if they wish to build facilities, it will be advantageous to take this capital grant rather than renovating some old premises; this is what our research has led us to believe.

Now, insofar as co-operative nurseries are concerned, I think there is some misinformation around that these are not supported and so forth. These in fact can be supported through arrangements with the municipality and indeed there are many of them that are supported. There was a letter in the press that appeared the other day which would lead one to believe that these were not supported at all at the present time and in fact that we did not encourage them. We do in fact encourage them. There are quite a number of them operating them, and they can be supported through a service arrangement with a municipality. I think we will see more of them in the next few years.

**Mr. Chairman:** Are there any other comments, questions or amendments to any section of this bill?

Bill 110 reported.

## HOMES FOR THE AGED AND REST HOMES ACT

House in committee on Bill 124, An Act to amend The Homes for the Aged and Rest Homes Act.

**Mr. Chairman:** Bill 124, An Act to amend the Homes for the Aged and Rest Homes Act.

Are there any questions, comments or amendments to any section of this bill?

Bill 124 reported.

**Mr. E. W. Sopha** (Sudbury): Eighth order; the eighth order!

**Hon. Mr. Davis** Do you want to start Bill 94 now?

**Mr. T. Reid:** Try Bill 23.

**Mr. Pitman:** Let us not bother.

**Mr. Deans:** Why do you not rise and report?

**Hon. Mr. Wishart:** We seem to have run out of numbers here.

Hon. Mr. Wishart moves the committee rise and report and ask for leave to sit again.

Motion agreed to.

**Mr. Deans:** First time you ever accepted my suggestion.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the Whole House reports certain bills with amendments and certain bills without amendments and asks for leave to sit again.

Report agreed to.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, tomorrow on second reading we will take first Bill 122, which is item 10 on today's order paper. Then I would hope that we might deal during the morning, if that is possible, with items 11, 12 and 13 and then we will perhaps return to Committee of the Whole, depending on how the members get along.

Hon. Mr. Wishart moves the adjournment of the House.

Motion agreed to.

The House adjourned at 2 o'clock, a.m.

## APPENDIX

(see page 4835)

Mr Reuter, from the committee of supply, reported the following resolution which was concurred in by the House:

*Resolved,*

that supply in the following amounts and to defray the expenses of the government departments named, be granted to Her Majesty for the fiscal year ending March 31, 1972:

| | |
|---|---|
| **Department of Agriculture and Food:** | |
| Departmental Administration | $ 2,367,000 |
| Agricultural Production | 36,355,000 |
| Rural Development | 15,859,000 |
| Agricultural Marketing | 6,921,000 |
| Agricultural Education and Research | 15,998,000 |
| **Department of Civil Service:** | |
| Department Administration | 731,000 |
| Personnel Management | 893,000 |
| Personnel Development | 1,605,000 |
| **Department of Correctional Services:** | |
| Department Administration | 3,684,000 |
| Rehabilitation of Adult Offenders | 37,919,000 |
| Rehabilitation of Juveniles | 16,272,000 |
| **Department of Financial and Commercial Affairs:** | |
| Departmental Administration | 1,118,000 |
| Ontario Securities Commission | 1,264,000 |
| Superintendent of Insurance and Registrar of Loan and Trust Corporations | 765,000 |
| Consumer Protection | 1,665,000 |
| Business Incorporations | 1,060,000 |
| **Department of Justice:** | |
| Law Officer of the Crown | 11,278,000 |
| Crown Legal Services | 4,746,000 |
| Legislative Counsel Services | 565,000 |
| Courts Administration | 27,225,500 |
| Probation Services | 5,160,000 |
| Guardian and Trustee | 2,832,000 |
| Property Rights Registration Systems | 7,101,000 |
| Public Safety | 7,064,000 |
| Departmental Support Services | 2,096,000 |
| Law Research and Development | 447,000 |
| Supervision of Police Forces | 1,598,000 |
| **Ontario Provincial Police:** | |
| Departmental Support | 1,893,000 |
| Traffic Law Enforcement | 31,557,000 |
| Criminal and General Law Enforcement | 27,731,000 |
| **Department of Lands and Forests:** | |
| Departmental Administration | 8,005,000 |
| Resource Protection and Development | 44,972,000 |
| Recreation | 24,826,000 |
| **Office of Lieutenant Governor:** | |
| Office of Lieutenant Governor | 40,000 |

| | |
|---|---|
| DEPARTMENT OF MUNICIPAL AFFAIRS: | |
| Departmental Administration | $ 1,685,000 |
| Provincial Assessment | 32,902,000 |
| Planned Development of Municipalities | 8,437,000 |
| Effective Local Government | 5,182,000 |
| Ontario Municipal Board | 984,000 |
| Assessment Review Court | 1,023,000 |
| Tax Diminution | 263,597,000 |
| DEPARTMENT OF PRIME MINISTER: | |
| Departmental Administration | 664,000 |
| OFFICE OF PROVINCIAL AUDITOR: | |
| Administration of the Audit Act and Statutory Audits | 1,162,500 |
| DEPARTMENT OF PROVINCIAL SECRETARY AND CITIZENSHIP: | |
| Departmental Administration | 1,470,000 |
| Community Services | 3,271,000 |
| Registrar General | 1,502,000 |
| Legislative Services | 4,706,000 |
| DEPARTMENT OF REVENUE: | |
| Department Administration | 2,627,000 |
| Administration of Taxes | 11,247,000 |
| DEPARTMENT OF TOURISM AND INFORMATION: | |
| Departmental Administration | 610,000 |
| Tourism | 9,661,000 |
| Archives and History and Records Management | 957,000 |
| Theatres | 235,000 |
| The Centennial Centre of Science and Technology | 3,832,000 |
| DEPARTMENT OF TREASURY AND ECONOMICS: | |
| Departmental Administration | 342,000 |
| Policy Planning | 3,317,000 |
| Economic and Statistical Services | 2,000,000 |
| Finance | 273,000 |
| Government Accounting | 1,404,000 |
| Government Benefit Plans | 20,312,000 |
| Computer Services | 250,000 |
| Supervision of Employers' Pension Plans | 229,000 |
| Regulation of Horse Racing | 2,382,000 |
| TREASURY BOARD: | |
| Treasury Board Secretariat | 2,033,000 |
| Committee on Government Productivity | 1,659,000 |
| DEPARTMENT OF UNIVERSITY AFFAIRS: | |
| Department Administration | 900,000 |
| University Support | 441,758,000 |
| University Policy | 1,170,000 |

# CONTENTS


**Monday, July 26, 1971**

**Health Services Insurance Act, 1968-1969,** bill to amend, reported ..... 4799

**Estimates, Department of the Lieutenant Governor** ..... 4809

**Estimates, Department of the Prime Minister,** Mr. Davis ..... 4810

**Resolution,** committee of supply, concurred in ..... 4835

**Public Health Act,** bill to amend, reported ..... 4835

**Liquor Control Act,** bill to amend, reported ..... 4840

**Department of Education Act,** bill to amend, reported ..... 4859

**Schools Administration Act,** bill to amend, reported ..... 4859

**Children's Boarding Homes Act,** bill to amend, reported ..... 4859

**Family Benefits Act, 1966,** bill to amend, reported ..... 4860

**Day Nurseries Act, 1966,** bill to amend, reported ..... 4860

**Homes for the Aged and Rest Homes Act,** bill to amend, reported ..... 4860

**Motion to adjourn,** Mr. Wishart, agreed to ..... 4861

**Appendix,** resolution from committee of supply, concurred in ..... 4862

No. 116

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Tuesday, July 27, 1971

**Morning Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

5

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JULY 27, 1971

The House met at 10 o'clock, a.m.

Prayers.

**Mr. Speaker:** Orders of the day.

## AGE OF MAJORITY AND ACCOUNTABILITY ACT

Hon. A. F. Lawrence moves second reading of Bill 122, An Act respecting The Age of Majority and Accountability.

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker—

**Hon. A. F. Lawrence** (Minister of Justice and Attorney General): If the hon. member would permit me, because I made no statement on this on first reading—

**Mr. Speaker:** The hon. minister has a right to open the debate and to close it.

**Mr. H. Peacock** (Windsor West): It is a right that is rarely exercised in this House.

**Mr. E. Sargent** (Grey-Bruce): We laid a few eggs last night.

**Hon. A. F. Lawrence:** The member for Grey-Bruce is still in the same mood, is he?

**Mr. Sargent:** Come on!

**Hon. A. F. Lawrence:** All right. This bill, Mr. Speaker, follows very closely what I in any event consider to be the well researched recommendations of the Ontario Law Reform Commission study, entitled, "Report on the Age of Majority and Related Matters," which was presented to this House on June 3, 1969. Generally speaking, that report and, therefore the legislation deal with the two broad subjects affecting young people.

No. 1 is what is generally termed the age of majority; what is the meaning of that age at which persons are found to be, in fact, capable of managing their own affairs and, therefore, what should be the age in law where young people today should be deemed to be adults with the privileges and the obligations of adults?

No. 2 is the age to which parents should be required to provide maintenance and under what circumstances and, conversely the age to which children should be subject to parental control.

Briefly, the commission's and our reasons for establishing the age of 18 as the age of majority are as follows:

One, we believe that most young people are capable of managing their own affairs at 18.

Two, in practice, right now, today, they do manage their own affairs by this age.

Three, by 18 most people definitely wish to be independent and to participate in society today as adults.

This is the gist of the whole thing.

I feel that much of the publicity so far in relation to this bill has hinged upon two things—No. 1, the lowering of the voting privilege age to 18 and, No. 2, the lowering of the drinking privilege age to 18. I deprecate that the publicity has almost exclusively focused on those two aspects because, as well as extending the privileges of adulthood to 18, as the government is extending responsibilities to that age—and this has been the facet—the other side of the coin, in effect —that has been almost totally neglected in respect of that matter.

The main reason I wanted to speak first today is simply this: that on the introduction of the bill, the Prime Minister (Mr. Davis), indicated that generally speaking, with a few minor exceptions, the bill was being written today, hopefully to be followed up in the next couple of years by other amendments so that there would be no repercussions or no implications of a financial nature which would require expenditures in relation to a programme.

We have found in relation to subsections 3 and 4 of section 18—this is the section dealing with The Child Welfare Act—that would impose the jurisdiction and direction to the court and to the proper social agencies and mainly the Children's Aid Society, to require a great extension of their facilities—a great extension of the expenditures of the Children's Aid Societies—and that they would

be required—could be required here—to look after people in the 16 and 18-year-old brackets.

Therefore, in the committee stage, it is my intention to introduce an amendment to strike out subsections 3 and 4 of section 18, because of the financial implications involved respecting the increased expenditures and the increased facilities which would be required almost immediately in respect of that particular subsection. In no way, of course, are we backtracking in the general thrust here. We do believe that 18 is the proper age and the correct age and in reality is the age today when most people regard those of that age as adults.

In respect of the proclamation of the bill itself, it is to come into effect on proclamation. Generally speaking, it is the intent of the government that most of the sections can be effective as of September 1 of this year. There may be same areas here where that will have to be delayed beyond September 1.

There is one important aspect of it that may have to come into effect prior to September 1, and that is the drinking age. It seems not logical that the police should continue to attempt to enforce the drinking provisions at this time when everyone knows that the government will be changing the law.

I would suppose that in respect of the drinking provisions and perhaps one or two other provisions there may be a proclamation so that those sections can come into effect almost as soon as possible. The main bulk of the provisions in the Act would become effective as of September 1. There may be a couple of them that will be delayed beyond September 1 because of some of the implications involved.

**Mr. Nixon:** Mr. Speaker, speaking to the last point that the hon. member has raised dealing with the commencement date of this statute, I cannot see that the provisions in his bill readily permit him or the government to bring this bill into force on different dates.

It is quite customary, as you know, Mr. Speaker, to have a commencement date section which has different operative dates if, in fact, there is some reason that it would be inconvenient for the government—for example, in matters pertaining to child care—to proclaim all of the powers of the statue at once. I would suggest that the minister might think about an amendment for section 19 which would make it clear that the drinking provisions will go into effect, if possible, with proclamation. I believe the lowering of the voting age should go into effect at the same time.

The minister knows about, or at least is aware, perhaps, of the sensitivity of this matter. It should not be left in any doubt that the government in its wisdom might decide at the last minute to withhold that proclamation for reasons that it only would understand, to take it over the next election. There should be no doubt in anybody's mind that what we enact here today enfranchises the 18-year-olds for the coming election.

**Hon. A. F. Lawrence:** I agree.

**Mr. Nixon:** I would suggest in order to remove any doubt that the minister might prepare an amendment for section 19. If he does not do that, we would be glad to assist him and offer to—

**Hon. A. F. Lawrence:** May I interrupt the hon. member on that part? This was a worry of mine from the very beginning respecting the breakup of the effective dates of the various sections. I am informed by the law officers of the Crown that the bill was drawn specifically with that in mind so that it does empower us to do just exactly that.

**Mr. Nixon:** Let me just say, Mr. Speaker, that the Attorney General must surely be aware of many pieces of legislation which have the commencement date section divided up with different dates, some being left indefinite. But there should be no indefiniteness in regard to the matters which I put forward.

Mr. Speaker, We have already said publicly that as far as the Liberal Party is concerned, we support the principle of this bill. The province, the government, of Ontario is not breaking new ground in any way. We are one of the last provinces to move in this direction as far as lowering the voting age is concerned. The federal Election Act has been amended to extend the franchise in this way and also, as we are aware, the constitution of the United States now gives 18-year-olds the vote. As I say, we are not breaking new ground.

We could, I suppose indicate our confidence in that group of young people who are being enfranchised and being given the responsibilities referred to by the Attorney General by this statute. We believe that they are ready for such responsibilities and have been for a substantial period of time.

As far as changing the attitude of the electorate is concerned, we believe that it will be changed for the better. There are many people who are trying to predict just how this group will vote. Frankly, I reject even that concern because they will vote as any other group—in different ways. Why should they not? The idealism that I think is a strength to our form of democracy is, I believe, fed on the attitudes of young people. This is a strength that we have lacked for the last few years when it became apparent that the franchise should be and would be extended as soon as the government got around to enacting the statute.

There has been one substantial concern expressed by editorialists and by three or four letters that I have received, and that is that we are perhaps acting too quickly in extending full contract responsibilities to young people under the age of 21. We have heard that the people offering credit contracts and so on are lying in wait for these rather innocent people, as they might be pictured by those who would worry about this concern. We, having considered the matter, as I am sure the government has as well, believe that the protection for our citizens must be through legislation and regulation and affect all age groups. The people who are 18 years old and older, are ready for life; they are prepared, I believe, to take the risks and the responsibilities associated not only with the franchise and the drinking rights but obviously the contract responsibilities that are inherent in these sections.

The statute then sets these out; some of the complications having to do with child care have to be examined rather carefully. It may well be that further amendments will be necessary in years to come in order to make this work smoothly and in the best interests, particularly of individual cases as they come to our attention.

Mr. Speaker, we favour enthusiastically the principle of this bill. I draw again to the attention of the Attorney General the requirement that section 19—the commencement date —be amended so that there is no doubt in anyone's mind of the intention of the ministry and the intention of the members of this House to extend this responsibility and right to young people aged 18 to 21 on the very moment of royal assent, and that there should be no doubt about the government's intentions in this regard.

**Mr. P. D. Lawlor** (Lakeshore): Mr. Speaker, the legislation before us this morning is an embodiment, largely, and a very thoroughgoing one, up until the last few minutes, of what is contained in the Law Reform Commission's "Report on the Age of Majority and Related Matters."

The history behind the age of 21 has a bit of interest. Up until the year 1000, the age of majority, the age at which one was considered to be capable of handling his own affairs basically, in the western world, was 15 years of age. Around 1000, because of the coming of heavily armoured knights and the theory of knighthood, it was changed until it was felt that the skills and strength of body required to carry armour would not be acquired until he was about 21 years of age. That is the historical or biological roots of why this has come down and why for close to 1000 years now this age has been cemented into our law. Today in this province we are turning to change it.

The report itself is largely centred on the role of infants, but it scrupulously avoids making determinations with respect to the precise law of infancy, and obviates or gets around it by simply setting the age of majority at 18 and saying, for instance, in the area of infants' contracts, that that whole area will be left fallow for future legislation and for an on-going study that the Law Reform Commission is making. It is an extremely intricate area with all kinds of complications, but certainly, by bringing the age to 18, it alleviates that particular area considerably.

I may say that it disappoints me a little to see the move made by the Attorney General, Mr. Speaker, not to take the report in its fullness. On the very thing that the minister proposes to eliminate from the Act, this is what the Law Reform Commission report, at page 66, has to say about it:

> It is by far beyond the scope of this report to suggest that the age of 16 in part 2—

This is the Child Welfare Act, part 2 of that Act.

> —be raised generally to, say, 18. Such a proposal would have widesweeping implications.

The very kind of implications of which the minister was speaking a few moments ago.

> —which have to be explored carefully with a number of governmental departments. Some would oppose such a change at this time. For example, The Department of Social and Family Services, which administers The Child Welfare Act, 1965,

> does not consider it has the financial or personnel resources to cope with the increasing numbers of children with whom they would have to deal. The feeling is shared by The Department of Correctional Services which is responsible for the provincial training schools and rehabilitation centres.
>
> Finally, it will be recalled that the report of the Department of Justice committee on juvenile delinquency recommended that a uniform juvenile age of 17 should apply across Canada.

Then the commission goes on and says, "That is true. We do not want to move into that whole vast area of reform of The Child Welfare Act." But it says this:

> The commission proposes, however, to recommend that the age be raised to 18 only with respect to section 19 (1) (b), clause 8, which deals with the child whose parents are unable to control him. Such a change would not add too great a burden to the government agencies that are involved.

There is a long discussion in one of the chapters of the book as to what facilities or what legal redress or control parents have over their younger children. It discusses the Yorkville situation and comes down pretty strongly on the basis that, after they are 16, there is not really much a parent can do. He can take an action in enticement against a person, but that does not bring the child home. It only brings damages against the person who did the enticing.

You can try to have them made wards of the court—a whole host of various alternatives are explored—and the report comes down pretty flatly that in this present condition, it would be a wise thing to raise the age to 18 —this is going the other way—whereby parents can exercise some measure of control over their children through the courts.

While it is felt that the maturing possibilities at 18 are fulfilled, on the other side of the fence it is felt also that parental control should be and ought to be—particularly because of the extended schooling and dependency of the child economically in the modern world—extended until they reach 18 years of age.

For merely utilitarian reasons this morning the minister is seeking to override or delete that provision. I think it is a mistake. He would have to give me very persuasive, both economic and sociological, arguments to make me believe that the benefits accruing to the general society and to the children themselves, within the ambit of the legislation as recommended by the Law Reform Commission, can be so easily set aside and not given proper credence to.

As the hon. minister said, Mr. Speaker, the general gist and genius of the legislation is set forth fairly well at page 26 in which is the summation of the three reasons which the hon. minister paraphrased a few moments ago, as to the reason why this legislation should be in effect. It says in the middle paragraph:

> the commission has concluded that the age of majority should be reduced to 18. It realizes there will be those who disagree, and some will say that the age should remain the same, and others will say that 19 or 20 would be more appropriate. The choice of age is bound to be to some extent, arbitrary. There are three factors which led us to choose the age. First, it was the judgement that most young men and women of that age are capable of managing their own affairs.

I think, you know, by and large it is true.

It is a curious change that has taken place within, I would think, the last 25 years since the last great war—if not before then—coming from the 19th century and the kind of swaddling clothes that the Victorians placed around their children to keep them in puberty as long as they possibly could.

Whereas we do seek to circumscribe them within the educational system and place them in states of subordination and dependency, as was given light to the other day in The University of Toronto Act, the government really believes that they are in a state of swaddling clothes, or would have them so in any event.

Nevertheless there is that other current running through, in which a substantial measure of independence in our children does begin to evince itself in a way it did not with our generation, if I may so speak, Mr. Speaker, through you. We probably belong to somewhat the same vintage, and I think we knuckled under better. It was not that we were more obedient, really, but that we did not question as much and therefore did not achieve as great a measure of intellectual or physical independence as children have come to do in this time when greater sums of money are readily available and they can arrogate their own lives, because they have the wherewithal, by and large to do it, even if it is taken from father. Father

feels some obligation somehow to repose this largesse upon his numerous progeny.

It gives him, I suspect, a sense of aplomb as though he was some kind of a crown prince of the netherworld, because he can dispose of large sums of money to fairly small children.

In any event, that is the way it looks to me that most fathers feel about these things. Parents generally, therefore, also seek, because of a certain creeping enlightenment that is taking place, and have come to know that the value of freedom—true freedom as always, if it is to be freedom operating—is allied to and deeply related to responsibility.

Unless you give the freedom, the responsibility has no room in which to grow. It must be green. It must be fed with springs and we have come to realize that and so we treat our children, right from the earliest ages, with a fair measure of suavity and lightness, hoping that they will flower and grow, as Yeats used to say, "into straight apple trees."

This is particularly so when a child reaches 12 or 13, 14—and then however more so when they reach 18. They are beyond our sway at that particular stage unless we have so entered into their lives and we have a sufficient amount of mutual understanding that we can speak to one another and a certain rationality and a certain goodwill prevail between ourselves and our children. That must be nurtured and nurtured extremely carefully in this time in civilization.

Nevertheless, what they say, it seems to me, is that they are capable of managing their own affairs; secondly, in practice they do manage them; and thirdly, they wish to be independent and participate in society as adults. Now that this boon, as I consider it, is vouchsafed and placed upon their heads, I hope that they rise to the bait; that they give full cognizance to the benefits that we have conferred upon them; that when they come to vote they vote intelligently; that when they come to drink that they drink, never for medicinal reasons or because they are in pain, psychologically or otherwise, but for the sheer health of the thing. Otherwise they will turn sour and the liquor will go awry and be another curse on society.

These are all things that are in the veins of the times and I think that the schools must bring some weight to bear. We, as legislators, must express these opinions and try to disseminate them over the society so that when we confer this kind of honour and blessing—and this is in effect what we are doing—it will be evident on the other side that it requires a reciprocation in terms of the maturity that we are eliciting. With that particular thought, I think that pretty well winds it up, except to say that in the balance of the sections the legislation is fairly forthright. In the first and second section, it says 18 is the age of majority, but then there are a whole host of complications that have to be obviated and dealt with one way or another.

For instance, there are the whole rule against perpetuity, the rule against accumulations and then all that tricky ancient law which has to do with age of 21, or at least with certain set time spans, which to withdraw at this stage would be most deleterious in the formation of a vast body of law that surrounds these tricky matters. So the legislation goes to some length to pinpoint and to take out of the age of majority some of these things. It also has to make provision for next friends, as to how infants previously sued and what is the status of existing actions that have been taken, and what is the position on wills made by young people at an earlier time. It goes so far as to say that one cannot now, because of a will at an earlier time set up a codicil after one is 18 in order to bring the whole thing into good standing. There are, in other words, a host of nice points that the legislation has been careful to deal with and that is basically all to the good.

In winding up, may I say I do again ask the minister to reconsider his position touching these clauses of section 18, that is, subsections 3 and 4, which give the parent the right and the power to control a recalcitrant, wayward child up to the age of 18, not only with respect to the goodwill and to the balance that must exist within a family, but for the benefit of the child since under 18 the child remains, as the Act says, a minor and is very careful to say we must not call them infants any longer.

In this age of minority up until that time I think that the fullest provision should be made for parental supervision and control.

**Mr. V. M. Singer** (Downsview): Mr. Speaker, I do not think there is any more appropriate way to commence my remarks than to quote from the speech of the Premier when he said on July 12, addressing his mossbacks in the back row:

*Hon. Mr. Davis*: To those who have reservations about this legislation, perhaps they will be comforted by the advice of the Earl of Birkenhead who, while

supporting women's suffrage reluctantly, advised his fellow members "to go into the lobby in favour of this bill, if without enthusiasm, in a spirit of resolute resignation."

I think that is the way the government approaches this bill, in the spirit of resolute resignation.

**Mr. Nixon:** It is the way they are approaching the election too.

**Mr. Singer:** The hon. member for York-Forest Hill (Mr. Dunlop) and his colleagues on the election committee got themselves manoeuvred into a peculiar corner, and rather than accept the opposition's suggestion that the age for voting be reduced to 18, they surrounded it with what they thought was an insurmountable task, that of reducing the whole age of majority to 18 right across the board, and that is what this bill attempts to do. They had hoped—and these are the mossbacks that the Premier was appealing to—that the task was so immense in concept that it would take the new Attorney General and the former Attorney General and all of the collective wisdom over on the government benches, several years before they would be able to come up with some sort of a statute. The Premier, I remember, not too long ago said it would be ridiculous just to reduce the voting age by itself—it would have to go along with the age of majority and that all had to be done as one package. It is fascinating—

**Hon. E. Dunlop** (Minister without Portfolio): And we have accomplished all.

**Mr. Singer:** I am sorry, I missed that?

**Hon. Mr. Dunlop:** And all has been accomplished!

**Mr. Singer:** And all has been accomplished! Yes, all has been accomplished—it could not be accomplished before. Now it is fascinating, Mr. Speaker, as one looks at this Act and looks at section 4, subsection 2, and section 19, and listens to the Attorney General and his introductory remarks.

Certainly what they have done has been to make available to them a system of staggering the effective date of the various statutory amendments. Obviously, they are not ready and they are not going to be ready for a long time to come. I think it somewhat difficult to bring together the provisions of 19 and 4 (2) in a meaningful way, and I think it allows the government yet another escape hatch to avoid the responsibilities. Certainly, Mr. Speaker, we are not satisfied at this point with the Attorney General's undertaking that certain sections of this Act are going to be proclaimed.

As my leader indicated, we will be offering an amendment that will bring into effect the Act, and probably the sections relating to voting age and drinking age, immediately. While this was going on—and we say hurrah for the government; this is long overdue—the government is no more ready for this now than it could have been ready two years ago when the report first came down. They obviously have not done their homework sufficiently to enable them to bring in an effective change of the age of majority all at once.

They are going to have to stagger it over a period of several years. We wonder why they had not looked at the same time to various other disabilities that our law contains—the disabilities relating to married women, for instance. On the question of dealing with minors in the courts—the necessity for a next friend or a guardian ad litem—a married woman, for instance, Mr. Speaker, as you well know, cannot be a next friend of a minor in court, or a guardian ad litem of a minor in court.

One would have thought that the brave new wave would have sort have approached all of these things, all of them, at the same time.

It is patently obvious, Mr. Speaker, that this is an election gimmick designed specifically to let the hon. member for Forest Hill off the hook just a wee bit. Hopefully the 11 or 12 mossbacks in the caucus who voted against that—

**Mr. E. W. Sopha** (Sudbury): There are more than that—more than that!

**Mr. J. R. Smith** (Hamilton Mountain): What is the member's category?

**Mr. Singer:** —who voted against this legislation—I think that is the count; that was the last count I got from my advisers! Certainly they are not going to be mollified. I do not know what the Premier threatened them with —perhaps they are not going to get detoxification centres in their ridings too quickly unless they vote for this! But somehow or other, they have overcome the substantial and spirited back-bench reluctance about this. We have the Premier's warning call or admonition to pay heed to the words of the Earl of Birkenhead. I say, Mr. Speaker, when the government pretends to be new and innovative and brave and courageous, it somehow rings

very hollowly. This legislation is long overdue; the legislation is not complete. The government has not had time to do its homework and now is making yet another election gesture and is bringing in, in part, what is needed. We will support the bill. There are certain changes, as I suggested, that are needed to make it a little more sensible. Why cannot the government be frank with the people of Ontario?

**Mr. Speaker:** The hon. member for Peterborough.

**Mr. W. G. Pitman** (Peterborough): Mr. Speaker, I want to say just a word or two about the legislation we are considering this morning. I think there is a good deal of indication that young people are biologically capable of maturing earlier and, thereby, can, indeed, accept responsibilities as set out in this piece of legislation. More than that, I suppose we could say that our educational system has been more capable of providing information and, certainly, the informal education opportunities are far greater now.

In fact, I think one sociologist has said that young people today by the age of 14 or 15 have experienced, at least exteriorly, the life situations of more people—of more variety through the medium of television than probably their parents had throughout a lifetime. As well as that, of course, there is travel, and paperbacks are available. The information explosion, if there is such a thing, is certainly one which has affected young people significantly.

At the same time there are a number of anomalies. The government has a Province of Ontario student aid programme, which over the past number of years has indicated that even 19, 20 and 21-year-olds, who are at a university, are nonetheless related to their parents in terms of the financial situation. Indeed, the problems for a young person who is going to university and who wants to be independent have been very great indeed. As well as that, the difficulties in some municipalities in securing welfare support if one leaves his home at the age of 18 and 19 are quite obvious. So we have these anomalies.

There is an irony to this legislation as well. At the same time as we say that young people are maturing earlier and are able to accept responsibility earlier, our society has developed what could be called the cult of the adolescent. The cult of the adolescent has extended dependency and extended institutionalized "hiving-off" of young people to a far greater degree than perhaps any other time in history. In fact, it was rather interesting a few days ago, as I was sitting about with a group of people in a living room talking about this question of the age of majority. One man said, " It has just occurred to me, my grandfather, when he was 16, was running a mill in rural Ontario." The next man to him said, "My grandfather at 15, was the sole provider for a family of seven." As perforce, quite often, adults died earlier in those days, and children more often worked earlier.

**Mr. Sopha:** And the third one said, "My old man can lick your old man any day."

**Mr. Pitman:** At the expense of engaging the member for Sudbury, the third individual realized that his grandfather had also actually been working in a factory at the age of 14. So we have the rather strange anomaly and the irony that, at the same time we are saying that young people mature earlier, our society has created a situation where they are dependent longer and where, indeed, they are looked upon by their society as being really outside the cut and thrust of the economic system.

So, I suggest to the minister that there are a great many spinoffs in this entire piece of legislation. I am glad that the hon. Minister of Education (Mr. Welch) is in his seat because I think there are going to be some real spinoffs in terms of the educational system, not only in terms of universities and the OSAP arrangements, but in terms of the educational system itself! I would hope that now there will be absolutely no concern in our schools that there should be political education.

For heaven's sake, can we get rid of that awful course we call "citizenship," where politics is looked upon as some kind of weird dance of the mandarins that takes place outside the area of emotion or ambition or any kind of human failings or even human ambitions? It is just absolute nonsense. For heaven's sake let us get rid of that and start talking about political parties. Let young people engage in a dialogue which is meaningful on the whole area of politics in our school system. As for the whole question of compulsory schooling, to come back to that awful subject again, how can one say that at 16 we have to compel young people to stay in a classroom when two years later they are able to carry out the most important, the most serious, the most comprehensive act of

their human existence, that of electing—indeed, of standing for election—in order to participate in the activities as a full citizen, in the Greek sense of that term.

I say that there is a good deal more to this. If you take a look at the legislative side-effects of this, the question comes up—if we are going to say that the age of majority is 18 and from this point on these young people are adults, and we are going to regard them as adults in terms of their economic existence; in terms of their legal existence; then we, of course, have to, I think, look at some of the effects of our society upon them when, for example, we provide them very little opportunity in the area of living arrangements. They have to live at home.

When family formations in the early twenties were recognized by National Housing, for example, it provided mortgages at very low cost so that people who were in their twenties and who were recently married, could acquire a home. That was back in the 1940s of course and the early fifties. The point that I am trying to make is that our institutions have to have some relationship to the realities of our legislation.

We are going to have to talk about youth hostels. We are going to have to talk about youth living arrangements, and we are going to have to be prepared to fund them. In the whole area of employment, as several of the ministers over there realize, it is young people who have the highest level of unemployment. We are going to have to do something very specific about providing opportunities for youth—

**Mr. J. Renwick** (Riverdale): We could give them more of the credit that they are entitled to.

**Mr. Pitman:** —not just during the summer months. After all, young people just do not want to work and contribute during the summer months. They want to look upon this activity as a full yearly opportunity, and for that the government is going to have to take a very real look at the whole area of employment. Indeed, we may very well have to take a look at the possibilities in a society which cannot provide employment for 100 per cent of those who are adults, that is, over 18.

We are going to have to take a look at the whole area of continuing education involving people who are in their thirties and forties and fifties. In other words, young people today are going to have to be injected into their full responsibilities and the full opportunities of maturity and that is not possible under the arrangements that you have at the present time.

I simply bring this to the attention of the minister. May I part by simply saying that one of the things which really presents anomaly is the fact that the next piece of legislation we will probably be dealing with in this Legislature, talks about young people voting by proxy if they are on a university campus.

How can you, in one sentence say that these people are mature adults, and in another piece of legislation say that they are to hand to their parents, virtually—because that is the only arrangement which would likely make any sense—hand to their parents the right to vote for them if they happen to be in a university some distance from their place of residence?

**Hon. E. A. Winkler** (Minister of Revenue): They will be at home for the advance poll.

**Mr. Pitman:** I suggest that will be very difficult. The hon. minister realizes that will be very difficult for many young people who are, after all, in economic exigency during the fall term, and indeed cannot travel back and forth to their place of residence on weekends, or particularly just on the weekend when you might have an advance poll.

Mr. Speaker, I am not going to get into this piece of legislation because you will soon be calling me to order. We will be dealing with this at a later time. But I want to make sure that the hon. minister realizes that there are not only legal side-effects or spinoffs; there are sociological side-effects and spinoffs which will affect every one of the departments of this government. Although we in the Legislature will not be dragooned to vote, because we will enthusiastically support this piece of legislation which we have had as a part of our programme for several years—

**Hon. Mr. Winkler:** That is great! Hear, hear!

**Mr. J. Renwick:** The minister should be careful with his enthusiastic support.

**Mr. Pitman:** —the point is that we hope the government is prepared to accept its responsibilities as to the spinoffs of this legislation represented here this morning.

**Mr. Speaker:** The member for Sudbury.

**Mr. Sopha:** Mr. Speaker, this is a banner day in the history of this Legislature and I,

for one, am glad to have the opportunity to participate in this move ahead, especially as it finally recognizes the facts of biology and sociology.

I was unable to comprehend for a long time that the heir to the Throne was granted by the British House of Commons an annual emolument of some $90,000 when he reached the magic age of 18 and yet, a young Canadian of similar age, supporting his widowed mother, had not ascribed to him the ordinary incidence of adulthood.

I thought that an unfair distinction and I am glad to see that our 18-year-olds come on a par with His Royal Highness, the Prince of Wales, the duke of several other feifdoms.

It is quite wrong, on the other hand, to idealize youth in the way that some of the great writers of literature have done. They have idealized youth for its own sake. I want to make the point here that in many ways our young people very legitimately give cause for frustration and anxiety and irritation—I can do without the background to get the brief remarks completed. They give their elders cause for much irritation.

I am not one of those, let it be said, that because a young person, male or female, refuses to wash his or her feet, dresses in denims, and wears the hair shoulder length, that he or she per se, of necessity, ipso facto, has a hammerlock on all the great ideas of mankind. They are in a position that they have to prove their worth the same as any other member of society. But those things, those symptoms—and they are merely symptoms—are signals of a much deeper philosophy that is held by many of our young and militant people. I look ahead with considerable optimism, to the rest of the decade of the Seventies and the Eighties and I am hopeful that before I go to the great eternal reward for politicians—

**Mr. Nixon:** That great parliament in the sky.

**Hon. Mr. Winkler:** It might be harder than this one.

**Hon. Mr. Dunlop:** The Senate?

**Mr. Sopha:** That parliament in the sky; that is a good way to put it. I am hopeful that I will see, or live to see, a very profound restructuring of the civilization in which we live and its society and largely as a result of the initiative and stimulus of young people.

I am going to end this venture into speculation by saying that it is quite clear among many of our young that they see that their parents, people of our age level, have led largely joyless lives in pursuit of the dingbats and the gewgaws, the tinsel, the flash, the neon, the plastic, and all those other material things that are so trenchant and overpowering in modern civilization.

The fellow who wrote "The Greening of America," Charles Reich, has brought that thesis to the top of the best seller list. As I say, it is quite wrong to idealize youth and to think that they, by reason of the grant of full participation are going to, in themselves, transform the world. This bill is for the young at heart, and the member for Huron-Bruce (Mr. Gaunt) and I are very much of the young at heart.

To give an illustration, very often we sit down at the ornithological range. Do you know what that is, Mr. Speaker? The ornithological range? That is the members' dining room. Every day at 12:40, those two young birds of paradise who work sometimes down in the nether regions of the Conservative caucus—I think one works for the member for Ontario (Mr. Dymond) and the other works for the member for Wentworth North (Mr. Connell)—make the parade through there in their hot pants. When they come through—really they are comely examples of the young—the conversation and the discussion of the profound things of politics just stop.

**Mr. Nixon:** I am glad to hear that happens down there.

**Mr. Sopha:** If you listen closely you can hear the water on the member for Lambton's (Mr. Henderson's) knee boiling! I fear it is jealousy that goads me.

As I say, youth has a very special place in our culture. I fear as a result of the passage of this bill that the 17-year-olds will become the underprivileged group by reason of the drawing of the arbitrary line and you will find pressure coming from the 17-year-olds and probably in another decade or two we will reduce the age of majority to 16 years. I read that the scientists state that it is a biological fact that by reason of the nutrition, the great supply, the cornucopia of those foods that aid the digestion and assimilate strength in the body, that people actually mature at a younger age. Vastly different. All you have to do is look at them and you can see how much taller and healthier and alive they are than the generation that grew

up in the hungry 30s. That is a fact that science buttresses with plenty of evidence.

I want to advert to a couple of things that I think are deficiencies in the bill. As a lawyer, I am unable to determine from reading the sections what happens in the area of wills where it was clearly the intention of the testator, when he used the term "when the youngest reaches 21," or some similar phraseology, clearly it was his intention, he was thinking of the age of majority. I cannot see anywhere in the bill that that is affected one way or the other.

I offer no suggestion but I think it should be dealt with. In saying that, I am referring to those sections 7 and 8 which I think may lead to some conclusion. I hope the Attorney General, when he rises, will clear that up.

**Hon. A. F. Lawrence:** Has the member looked at 3, 1 and 2? Sections 3, 1 and 2?

**Mr. Sopha:** Sections 3, 1 and 2? Well, if it is—all right. What about where the number 21 is used?

**Hon. A. F. Lawrence:** No matter what the age of majority is—

**Mr. Sopha:** Well—

**Hon. A. F. Lawrence:** The testator may believe that 21, or 35 or 47 or 2½—we cannot change that.

**Mr. Sopha:** Clearly many testators when they use the expression "when the youngest child reaches 21" have in mind the age of majority. Now that we are reducing the age of majority—

**Hon. A. F. Lawrence:** Some may not.

**Mr. Sopha:** —the government ought to consider whether the distribution should take place at the age of 18 in estates where the testator has already died. All right.

More important, I do not see anywhere in the bill where the money in the Supreme Court comes out automatically. I think that should be dealt with. The moment the Act goes into force, some direction ought to be given to the accountant of the Supreme Court, to the judges, or whomsoever the person is, that that distribution shall be made. Perhaps some amendment ought to be proffered dealing with that very thing, because I can see that as soon as it become broadcast that this has become part of the law of the land, many people who have reached the age of 18 are going to approach their lawyers and ask if they can get the money. No doubt should be left in that ground whatsoever.

**Hon. A. F. Lawrence:** Section 6.

**Mr. Sopha:** All right, I have looked at that and I do not think it is clear enough. I would like to see us make an order, append a subsection—perhaps it could be subsection 3 of that section—if I may have your attention for just 30 seconds more? Could we consider putting in there a subsection 3 which will meet the point head on?

**Hon. A. F. Lawrence:** We think it is covered.

**Mr. Sopha:** The minister thinks it is covered? Well, if there is any doubt—I do not like to see the bill go forward to those who have to deal with it, so that there might be some confusion.

All right, those are the points that I wanted to make to buttress the argument of the Leader of the Opposition that the government ought, Mr. Speaker, to be left in no position whatsoever where it can equivocate. If the government means business about this bill, then the second last section has got to be changed so that this bill comes into force when the Lieutenant Governor, sitting in that chair that you normally occupy, nods his assent to it. It ought not to be left to the leader of the government especially when we face an election in a couple of months—the election date for the information of all is Thursday, September 23, in this province—and in the month or so, the six weeks—

Interjections by hon. members.

**Hon. A. F. Lawrence:** What year?

**Mr. Sopha:** This year. Thursday, September 23. The minister should arrange that he is not doing anything that day!

**Hon. Mr. Winkler:** Does the member for Sudbury have any loose change?

**Hon. A. F. Lawrence:** I was having a nomination meeting that night—

Interjections by hon. members.

**Mr. Sopha:** I understand the Attorney General is going to be opposed in St. George.

**Hon. A. F. Lawrence:** Well, there is a very narrow constituency that some people are yearning for, yes.

**Mr. Sopha:** Well, the Attorney General is a mere lawyer and we have an artist running

in his constituency. It is a sign of the new wave. The Attorney General is in trouble.

**Hon. A. F. Lawrence:** I will resist the temptation.

**Mr. D. C. MacDonald** (York South): He is in trouble, but not because of the member for Sudbury.

**Mr. Sopha:** All right now, this is an important point, and we are challenging the government—we, on this side of the House, who have advocated and struggled for this change for many years—and the evidence supports that thesis. Our people had a terrific job in the election committee to try to persuade the members of the governing party to go the route that they ought to have taken several years ago.

And we come down to this, that a Premier should not be granted the discretion by this Legislature as to whether those 412,000 will vote in the next election or not. We should signal our intention, put it into the statute and when the writ of election is called, there will be no doubt that they have the right to participate fully. If the government will not see it that way, unfortunately, I suppose the Leader of the Opposition will call for a division of the House to make our position unequivocably clear to the people of Ontario that we are not hedging, we are not equivocating, that we mean business for this important group of people in our society.

**Mr. Speaker:** The member for Windsor-Walkerville.

**Mr. B. Newman** (Windsor-Walkerville): Yes, Mr. Speaker, I would like to make a few comments on this bill, because in my estimation this is probably the most important piece of legislation whose passage through this House I will ever have the privilege of witnessing.

The idea of lowering the age of majority can have extreme complications and cause undue problems as well as provide innumerable benefits to a large segment—if I am not mistaken, approximately one-tenth—of our voting population.

Practically every jurisdiction in the United States has looked at this possibility and has acted so that we in Ontario actually sort of follow other leaders rather than lead the way.

The idea of the age of majority certainly means there is going to be risks as well as rights and responsibilities for those upon whom these responsibilities are thrust. Once this is passed, the power to make a contract itself may lead to a lot of trouble for those who will be given this responsibility for the first time. But by the same token, it has caused exactly that same problem for those over 21, so I would think that those under 21 would accept the responsibility extremely well.

Certainly the most controversial part of this legislation, Mr. Speaker—and it is very nice seeing the member for Kent (Mr. Spence) in that chair; we hope that in the not-too-distant future, Mr. Speaker, you will occupy that on a permanent basis.

Interjections by hon. members.

**Mr. J. E. Bullbrook** (Sarnia): Hear, hear!

**Mr. B. Newman:** It suits him well, does it not?

**An hon. member:** Speaker Spence!

**Hon. R. Welch** (Minister of Education): He wants to get home.

**Mr. B. Newman:** We may have to challenge your ruling there, Mr. Speaker.

Certainly the same can be said for the most controversial part of the bill, and that is the lowering of the minimum drinking age to 18. This right certainly is going to be abused by the 18-year-olds, but it is also abused by those over 18, and those over 21, so—

**Mr. Sopha:** Some of the 18s!

**Mr. B. Newman:** Some of the 18s, that is right, just as some of those over 21 abuse the privilege. But there will be no difference whatsoever at all.

**Mr. T. Reid** (Scarborough East): The detoxification centres will be fuller!

**Mr. B. Newman:** The solid businessman, the solid citizen, also abuses the privilege or the right to drink—

**Mr. Sopha:** The parliamentarians!

**Mr. B. Newman:** Oh, I do not know of that.

In the end, Mr. Speaker, young adults cannot be protected from themselves merely because of age and we should not try to bar them from participating in the full adult responsibilities and privileges.

One of the jurisdictions to the south of us conducted studies as to the frequency of

traffic offences and they found that 2.8 per cent of all traffic offences in that jurisdiction were for drinking or possession of alcohol by a minor.

Law enforcement agencies now will have a significant burden lifted. In that one jurisdiction this represented 14,000 arrests alone; that is, those under the age of 21. So you can see that passing this legislation is no small change in the law.

Perhaps, Mr. Speaker, the action we take here today will force all of us to face the hypocrisy that we have employed in dealing with adult abuses of privileges that come at the age of majority. The opponents who oppose the lowering of the drinking age dwelt heavily on the possibility of its effect on traffic safety. They make a good argument, but we have that problem also in those who are over 21. It would probably be more desirable rather than to criticize those under the age of 21 who will be getting into these difficulty to criticize the enforcement of the law, not the privileges given to them. We can protect them by more rigid enforcement.

The age of majority bill, Mr. Speaker, in my judgement, is a triumph for the philosophy that we ought to provide as much personal freedom as we can for individuals. The corollary to this is that we should hold adults accountable when they do injury or seriously risk injury to others so that we now have dual rights and responsibilities that will go a long way to giving law enforcement machinery a job that it can manage, and encourage good citizenship as well.

Mr. Speaker, I have conducted various surveys throughout my own riding, and I have found that the grown-ups are evenly divided as to whether we should give this type of responsibility to the 18-year-old, whereas the 18-year-old is emphatically anxious to assume this responsibility. I would say that that individual at 18—or between the ages of 18 and 21 now—who will be given these added responsibilities will live up to the responsibilities thrust upon him. I have no fear whatsoever in their judgement. They will always, as they have in the past, lived up to responsibilities as they are thrust upon them, just as we do here in this Legislature.

One of the questions that I would like to ask the Attorney General and the Minister of Education, through you, Mr. Speaker, is what effect will the passing of this legislation have now on students who have applied for student loans? They will now be adults once this takes effect. Will their parents now have to file statements of earnings or will the student be able to get the student award and loan simply by his filing of the application itself? He is no longer dependent upon his parents, and as a result this may have some significant implications as far as that student is concerned.

Mr. Speaker, to give you an example of how the younger folk look upon this legislation, I am only going to read one quote from one individual, 19 years of age, who happens to be a General Motors line worker by the name of Randy Repack, who says:

> I have my own apartment. I pay income tax like the other guys on the line. I think it is about time I should have the privileges that the others have. In Ohio and other places in Europe they can drink when they are younger and I think we should be able to here, too.

So one can see that the young folks will act in an extremely responsible way, Mr. Speaker. I am very pleased to stand up and lend my support to this bill respecting the age of majority and accountability.

**Mr. W. Ferrier** (Cochrane South): Mr. Speaker, I only want to make a very brief comment. I welcome the legislation that will give the vote to the 18-year-old. I think it is long overdue. I was very pessimistic that this would come about during many of the sessions of the select committee on election law, but now that it is before us and to be enacted into legislation I am more than pleased that the government has seen fit to move in this direction and to extend this privilege to the young people.

I find that young people in many respects have a more perceptive insight into the various issues that are before politicians than many of the adults do. Many of the adults do not think very deeply about some of the particular issues. They find that they have always voted one way, or their parents did so before them, and that is enough for them. But you sit down with a group of young people and they want to know why you believe as you do and why you are putting this forward. They examine the particular issues pretty carefully.

I always find that those kind of sessions are most stimulating and very helpful. I think that it will infuse a kind of dynamism into the election process when these young people are involved and are out banging on doors and doing many of the things that have to be done at election time.

I think that, when they are given this kind of responsibility and are so involved, they are more likely to opt into the processes of society

and work within for the changes needed than to opt out completely and protest from beyond the pale.

The other question that I wish to speak on is the question of lowering the drinking age to 18. I find that I certainly can accept this. I know that there are a number of people in churches from the particular denomination that I represent who have had some reservations about this, but I feel that young people are prepared to make these responsible decisions, and I do not think that the privilege should be witheld from them.

The fact that we are enacting this legislation and allowing young people to drink is very different from saying that we suggest that they abuse the privilege. I do not think anyone in this House necessarily encourages drunkenness in any section of the society. This is a problem for anybody and, as the member for Windsor-Walkerville said, while a few young people probably will abuse the privilege, I think a great many will not abuse the privilege and will drink in a moderate way and be as responsible as adults are.

I also feel that this is a good step forward in that there have been so many convictions in every court of young people being caught drunk in a public place, or being in possession of alcohol or being minors drinking under age. It has been a great source of anxiety to parents as things have been. When I was in the clergy I had a number of parents who were extremely concerned about the young son of 18 or 19 who has been caught with a drink and haled up before the court and the probation officer sometimes is brought into it. I just think that it is a good idea to lower the age and get rid of all that.

**Mr. Bullbrook:** The member will not get rid of it all.

**Mr. Ferrier:** We will not get rid of it all, but we will at least get rid of many of the offences that now are there. I think that the age group 18 to 21—

**Mr. Bullbrook:** Until the police are directed not to put these people in jail by the Attorney General, we will not get rid of it.

**Mr. Ferrier:** He can deal with that particular aspect. I think if people are concerned about the abuse of alcohol that they have their ways and means of influencing those with whom they come in contact in making their points in discouraging its use. But I think for the citizens of this province it is a wise and fair move to allow the 18-year-olds to have this privilege. We hope that they, as well as everybody in the province, will be responsible in the way that they exercise it.

**Mr. T. Reid:** Mr. Speaker, I would just like to say a few words and ask a few questions. Ever since the age of 18, I have felt 18-year-olds should have the vote. I think that that is a long-standing commitment that I have had personally. In this House I have made several speeches on this issue.

I have a number of questions, though, and I am not too sure who can best answer these, but I would ask the Minister of Education if he could listen to the question.

**Mr. Peacock:** We are doing second reading.

**Mr. T. Reid:** There is a principle involved here. I would like to ask the ministry, Mr. Speaker, whether other legislation will be adjusted to suit the concept of this bill. For example, the education laws of this province refer to students being in loco parentis—parentis?

**Mr. Nixon:** Yes.

**Mr. T. Reid:** —to the school system. There are many students in our high schools certainly in Scarborough East, who are 18 years of age or over, and they will object very strenuously to having to bring a note from their parents stating that they have been away from school for such-and-such a reason.

In other words, are we going to have the situation whereby 18-year-olds under this legislation will have certain rights as adults, and yet our school system will require them to get a note from their mothers and fathers stating that they have been absent for certain reasons? In other words, has this government thought out, Mr. Speaker, the complications and ramifications to the secondary school system in this province, in giving these rights that have been so long denied to these young adults?

If so, when will the principals of the secondary schools in this province be receiving a memorandum from this ministry stating that 18-year-olds in their schools are adults, mature and capable? Perhaps even capable, Mr. Speaker, of forming political clubs along party lines so that they can have heated and constructive debates within their high schools along party lines, instead of being thwarted at every step by principals who are terrified of anything that verges upon education by dialogue or education by conflict as opposed to consensus.

I think this government must answer that question very soon, and by very soon I mean this September. Will political candidates, Mr. Speaker, have the right to walk into a high school, as they have the right to walk into an apartment building, and canvass the eligible voters in those high schools without being hoofed out by high school principles?

There are many issues involved in this and I suspect this government has not even thought of them.

**Mr. Speaker:** Does any other member wish to speak before—

**Mr. R. F. Ruston** (Essex-Kent): Mr. Speaker, I would just like to say a few words with regard to this. I, like the member for Windsor-Walkerville, feel that this is a major legislation change—and I am glad to be here to play a small part in it.

A couple of years ago, I think, when The Department of Agriculture was sponsoring a vote, I had an amendment to that bill that the age be lowered to 18 for farm people who were active farmers so that they could vote on the forming of an organization. My amendment was defeated by the government and they said they did not want to act on it until something was done with regard to the age of majority.

I do feel that people are capable of voting at the age of 18. I think maybe they have been for a number of years. I do not know that people today are any smarter or anything than we ourselves were 15 and 20 years ago. In fact, maybe the ones who, 25 years ago, went out to work at a young age were well aware or more aware of the pitfalls and so forth that could happen to any of us in the coming years.

However, our young people are maybe more educated today. With the proper education being used to inform people, maybe this would be the time when our schools should go into more education about government, all levels of government and the operations of them. I think this is something that should be done.

I mentioned this a number of years ago on several occasions and I thought our high schools were remiss in not putting in some form of education that would cover administrations of local and municipal, provincial and federal governments. Also I mentioned not too long ago that some kind of a course in credit buying and the ramifications of credit buying should be taught in our schools. Because it is so easy to look at a contract and say, "Well, that is only $35 a month; we can pay that." But at the same time you may be paying 25 per cent interest.

These are things that should be brought into our school system starting probably in grade 7 or grade 8 and then going through the secondary school system.

Another thing probably is lowering the drinking age to 18. In a survey that I have had in my own riding there was some reluctance to approve this, although as far as the adult population is concerned it is almost fifty-fifty—a little lower for drinking; the voting age was about fifty-fifty. But when we had surveys made of the younger generation, of course about 75 per cent of them were in favour. However, I think it is something that we can all live with, whether some people would disagree with it; they feel that it is something that is certainly worth the effort and can be handled.

I would think that probably the drinking age would perhaps be a little difficult to handle at times. Whereas now, the age being 21, if you are 20 you look 21—maybe if you are 19. But if it works the same and if you go to 18, the problem is where do the 17- or 16-year-olds fit in? Probably there is going to have to be a little different regulation with regard to the operations of our liquor control outlets.

One thing I often think that is not enforced enough is the refusal to serve people already intoxicated. Whether they are intoxicated or appear intoxicated, I think that this is one place that the people who have charge of these outlets are going to have to take a little more responsibility for.

But I certainly am in favour of this bill all the way through, and I am sure that young people will be able to show their ability to cope with all of it.

**Mr. Speaker:** Is there any other member who would like to speak on this bill?

**Mr. Bullbrook:** I would like to make a few remarks, if I might, Mr. Speaker. I levitate myself because of the fact that you occupy the chair, frankly.

**Mr. Lawlor:** How many feet is the member above the ground?

**Mr. Bullbrook:** You will recall that three years ago I made a speech in this Legislature, Mr. Speaker, and I at that time directed the then Premier (Hon. Mr. Robarts) to the fact that you were practising to be a cabinet minister—

**Mr. MacDonald:** How far is this dreaming going to continue?

**Mr. Lawlor:** Look, he is floating.

**Hon. A. F. Lawrence:** The way he feels today he used the right verb.

**Mr. Bullbrook:** —and I suggest to you most respectfully that you should not in any way take that job at all, because it is beneath the talents that are available in this party.

I want to, if I might, record just very briefly the fact that during the course of the Premier's remarks in connection with this proposed legislation I left the chamber and phoned my radio stations to make my particular comment on it, as is my wont. And I said in effect at that time that the intention of the legislation, as exemplified by the Premier's statement, was to permit people of the age of 18 and over to contract—that was the first point; to have a legal being—secondly, to vote; thirdly, to hold office; fourthly, to consume alcoholic beverages—and, I said at that time, in descending order of importance.

The fact of the matter is the legislation does not go far enough. We have exhorted, as my leader and others have said, this proposition for years that the age of majority and accountability should be lowered. The Attorney General might recall, when he practised law, many people coming into his office under the age of 21 attempting to involve themselves in the purchase of a home. He probably has faced the proposition that, for example, a wife not being 21 would not be able to sign the mortgage and we had to go through that type of charade, a ridiculous type of setting up a trust arrangement to obviate the difficulty they have.

This is still perpetuated. You recognize there are young people, Mr. Speaker, who are under 18 years of age, who want to undertake the purchase of a home from time to time. We have got to remove these artificial types of barriers to them. I just record that comment. The government should consider the fact that if people are in a position that they want to acquire real property, no matter what their age, they should be entitled so to do. That is the proposition I put there.

As far as voting and holding office are concerned it has been trite and somewhat platitudinous that if we are prepared, as the Americans are, by generation to kill ourselves off at the age of 18, we should be able at least to permit them to elect the people who want to send them to die. This type of genocide, of course, which we participate in from time to time because of our unhappy liaison with that giant to the south, we are prepared about every 25 years to get into.

**Mr. Peacock:** We were not dragged into it by the Americans.

**Mr. Bullbrook:** Oh, absolutely. It is nothing more, nothing less than that—the entire capitalist thrust from the United States.

**Mr. Pitman:** Not in 1914 and 1939, surely?

**Mr. Bullbrook:** Exactly. That is exactly what it is. That is exactly the thrust.

**Mr. Pitman:** The United States did not come in until three years after us in the First World War.

**Mr. Bullbrook:** I am not going to get into a debate at this stage—

**Hon. Mr. Dunlop:** Meanwhile back to the farm.

**Mr. Bullbrook:** —to explain to the member that it was the involvement of American capital that did thrust us into that particular debacle in 1914 and 1918.

**Mr. Pitman:** There was a country called Britain.

**Mr. MacDonald:** That is a very interesting thesis. It is what I call ultra-Marxism.

**Mr. Bullbrook:** It is not Marxism, at all. The fact of the matter is, Mr. Speaker—

**Hon. A. F. Lawrence:** Do your duty, Mr. Speaker. He is calling you to order.

**Mr. Speaker:** Give the member an opportunity to make his speech.

**Mr. Bullbrook:** I would think so, sir. I appreciate that very much, notwithstanding that digression from the Socialists, I am no blood brother of theirs and they recognize it.

**Mr. Pitman:** This historical inaccuracy is bewildering!

**Mr. Bullbrook:** I want to make a comment to close in connection with the lowering of the drinking age itself about one of the tragic circumstances of this bill and one of the things that has happened throughout this province. The government is finally becoming enlightened but if the Attorney General is really going to be an Attorney General of sensibility and vigour and understanding of

problems, it does not serve him well to do that in this House. He has to do it outside.

I say as one lawyer practising in this province that I will stand in my place and from time to time exhort the Attorney General to recognize that he must direct the police in the enforcement of the laws, recognizing that those laws themselves are sometimes archaic.

The fact of the matter is he has sat in court and I have sat in court and seen young people. As late as six weeks ago I walked into the court in Sarnia and there I saw an 18-year-old girl sitting in the prisoners' dock crying. She had been arrested at Grand Bend on a Friday night and it was Monday morning. The police did not bother at all to notify her parents where she was. They did not, of course, give her the benefit of bail. But the fact is that they have that great attitude that they taught her a lesson in point of fact.

So the bill here is a step forward in that connection. We are not going to find at least people between 18 and 21 in those particular circumstances, but the fact of the matter is that some police forces throughout this province might again say to themselves with respect to a 17-year-old who goes in to have a glass of beer that we are going to keep him in jail, not for one night, but maybe for two nights to teach him a lesson. I want to say, peripherally and perhaps not directly on the point, Mr. Speaker, that I exhort the Attorney-General to send out a memorandum to all the police forces and all police commissions in the Province of Ontario saying, in effect, that the bill that was debated in this Legislature yesterday evening was an indication of posture and attitude, contemporarily, on the part of this government.

The fact of the matter is that the onus should be on a chief of police coming before a police commission to say why a person was in jail. The inequity of the situation! I had occasion just last week to speak to a reporter I believe from the Globe and Mail, doing a survey in connection with this. We talked about this aspect, this question of incarceration.

Nobody should be put in jail—no 16- or 17-year-old child or young adult should be put in jail, because he had the audacity to go in and have a glass of beer. I exhort the Attorney General in his remarks to convey to us in the Legislature and to the people of Ontario, but more importantly to the police of this province that, per se, having a drink is not an offence that warrants incarceration. What it wants are basically sympathy, understanding and with a young person returning him, if possible, to a sense of evenness, because I tell you I cannot say to you, Mr. Speaker, how upset I was when I saw that young lady and, frankly, how overcome I was with the lack of concern by the police for the respect and sanctity of the individual. In point of fact, the tragic circumstance was that they did not recognize that they were doing something wrong; that the fact of incarceration became such a commonplace thing to them that they did not understand the significance of it. That is the fact of the matter; they did not understand the significance of it.

So, in point of fact, in keeping with this legislation and in keeping with other legislation that the Attorney General has brought before the House, I would like to hear him make comments in connection with this. I would really like to see something, because this is something that we have asked Attorneys General in the past. We certainly asked his predecessor, the present Minister of Financial and Commercial Affairs, to undertake something of this nature. So I use this particular bill as a vehicle again to exhort the Attorney General to bring to the attention of local police commissions and to bring to the attention of chiefs of police that they not put people in jail unless it is absolutely necessary. The fact of the matter is that chiefs of police should have an obligation put upon them to come to their monthly commission meetings and say, "This is why that particular person was in jail."

In closing my remarks, I say that, with some very minor reservations I do particularly support this bill. I have advised the people of my riding that I am very happy so to do. There are some minor defects but it is a happy trust.

**Mr. Peacock:** Is there not a government supporter to speak to this bill?

**Mr. Speaker:** The member for Niagara Falls.

**Mr. G. Bukator** (Niagara Falls): I would like to add a few comments to what has already been said this morning. I find that there are people who do not approve of citizens 18 years of age voting. As a matter of fact, I have had letters to that effect. I have had people complain to me from way back, that children of 18 years of age should not be drinking. I have letters to that effect also. I was just reading an editorial in one of the city papers that the official party of the

opposition in this House is to oppose whether it believes in opposition or not in order to tell the other side. I have touched lightly on the fact that there are many citizens in the province who do not believe there should be a vote at 18 or drinking allowed at that age. I find it rather difficult to agree with them, simply because the young man or the young women of 18 today is much more knowledgeable than we were when I was 18 years of age and that is quite some time ago. With their knowledge and the world being as small as it is today, and the knowledge that they acquire so quickly, they are at the age of accountability in more ways than one.

Yes, they should be able to sign the contracts for their homes; and purchase their homes; they should be able to buy their cars. Many parents have signed for their children and bought the licences in their own name simply because they were not of the age to be able to contract for a car on credit. So this has been cleared up with this bill.

I think we have a unique situation in the border towns. Just across the border from Niagara Falls where I live, you have New York State with its pubs; the Canadian boys and girls go across that border and drink legally at 18 years of age. It happens in Buffalo. Mind you, when they get a few drinks, they are at the age when they find it rather difficult to contain themselves in a possible argument with our American friends. Many of them have wound up in jail through fighting, through drinking. This problem will be eliminated; not too long ago even the adults were going across that border after 11 o'clock, 12 o'clock at night to be able to drink until 2 a.m. in New York State.

The minister responsible in that particular respect did something about it, and so we at least have the same time for drinking in both countries.

Now, we come to the age limit. If the people of Canada, if my daughters—and they have on occasion gone across that border simply because they could get a drink at 18 years of age, and there it was legal. Immediately they come across the international boundary, they are lawbreakers, and this was a most peculiar law. Finally, after the 10 or 12 years that I have been in this House, arguing on behalf of the 18-year-old citizens, the 18-year-old people of this country, who are serving this country well, and will be running our country in the not-too-distant future, I think they should have the same privileges as all adults because I believe that at 18 years of age they are adults.

You have cleared up a nasty situation, especially in border towns. Now, if our people want to drink they at least will stay in Canada and keep out of trouble in New York State.

**Mr. Speaker:** Is there any other member who wishes to speak to this bill before the minister?

Does the minister wish to reply?

**Hon. A. F. Lawrence:** No, sir, I would rather wait to deal with the specific matters in committee.

**Mr. Speaker:** The motion is for second reading of Bill 122.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading.

**Some hon. members:** No.

**Mr. Speaker:** Committee of the Whole House?

Agreed.

## ELECTION ACT

Hon. Mr. Dunlop moves second reading of Bill 125, An Act to amend The Election Act, 1968-1969.

**Mr. Speaker:** Does the minister wish to make an opening statement on the bill?

**Hon. Mr. Dunlop:** Mr. Speaker, I should like to make a relatively brief opening statement. Members who were in the House on Friday will be aware that the Prime Minister made a statement before the adjournment to the effect that section 7 would be withdrawn. When we come to the committee stage of this bill, I will move an appropriate amendment to that effect.

Bill 125 has one overriding principle and two subordinate principles, and a number of housekeeping amendments. The main principle, the overriding principle, of course, is to render The Election Act, 1968-1969, a more comprehensive electoral code. The Election Act, 1968-1969, was the first fruit of the labours of the select committee on elections law and was based almost entirely upon the first report of that committee presented to the Legislature in February, 1969, and a portion of the second report presented to the Legislature in October, 1969.

The Election Act, 1968-1969, sets forth with some clarity of logic and chronology, the

rights and responsibilities of electors, candidates and electoral officials and sets forth the procedures to be followed. It was important to enact The Election Act, 1968-1969 relatively early so that the chief elections officer could prepare the thousands and millions of forms required for the conduct of an election whenever that election might be called; so that he could prepare these in the full confidence that he knew what the system and procedures would be.

The bill before the House provides new or substituted parts dealing with election offences, penalties, enforcements, corrupt practices and controverted elections.

**Mr. Singer:** I wonder if the minister would permit a question. Did he use the words "election expenses?"

**Hon. Mr. Dunlop:** No, I did not.

**Mr. Singer:** Oh!

**Hon. Mr. Dunlop:** The member will have an opportunity.

**Mr. Singer:** No, I just—

**Hon. Mr. Dunlop:** "Controverted elections" is the term I used. I do not think that these new parts will be a matter of much contention in the House, but I should say a few words of explanation.

As the members will know, I think, most of the serious electoral offences are offences against The Criminal Code of Canada—bribery, forgery, fraud, defacement of electoral documents, and so forth. There are, however, some electoral offences which are not adequately provided for in The Criminal Code and are provided for in the new parts attaching to Bill 125.

Controverted elections are a relative rarity in this century and most of the law dealing with them dates back considerably into the last century. This bill provides a new section dealing with controverted elections in accordance with more modern judicial procedures. The bill also provides, consequentially, for the repeal of The Controverted Elections Act and The Personation Act.

So as to dispose of housekeeping matters at this stage, I would like to give an example of one that is in the bill, and there are several of this nature. This bill makes clear, for example, the exact number of copies of the returning officer's statement of additions and corrections which the returning officer is to provide to each candidate.

Turning then to the subordinate principles or minor principles, these are vouching and proxy voting. These are found in the third report of the select committee on election law presented to this Legislature in June, 1970, some 13 months ago. It would hardly be reasonable that they should be greeted by surprise by members opposite or in the press gallery. Members will observe that some 15 to 16 months elapsed between the presentation of the first and third reports and that gave an opportunity to members of the committee, or, at least, to some members of the committee, to reconsider some of their recommendations to elaborate, confirm, expand, withdraw, as the case may be.

Let me turn to the question of vouching voters in rural polling subdivisions. The Election Act, 1968-1969, restricted vouching to only those subdivisions which might be regarded as in truly unorganized territory—I think what we think of in terms of the distant vastnesses of certain parts of northern Ontario. At the same time, we extended the two-enumerator system for the creation of voters' lists which ultimately become polling lists. The two-enumerator system we are very accustomed to, but it actually was established in urban subdivisions only some 25 years ago, and it is now proposed that this be extended by The Election Act, 1968-1969 to rural subdivisions, in fact, to all subdivisions.

The select committee at its meeting in July, 1969, some five months after it had presented its first report, was privileged to hear the expert testimony of Nelson Jules Castonguay, then chief electoral officer, or recently, chief electoral officer for Canada. At page 1073 of the transcript of the proceedings of that committee, which is available for examination by members in the legislative library —by members and others—Mr. Castonguay commented on our recommendation to withdraw vouching and to substitute a two-enumerator system only.

At page 1073, and he elaborated on pages 1074 and 1075, he said this: "The two-enumerator system is no substitute for vouching in rural areas." My own faith in the capacity of the two-enumerator system to provide an adequate list of voters and an accurate polling list began to be shaken with that statement.

Those of us who live in urban areas have difficulty thinking of the problems that face an enumerator in a rural polling subdivision. It is easy enough in an urban subdivision to make the required number of return visits to each household when that whole subdivision

may be confined within one apartment house or within a very few city blocks.

It is quite another thing to make an accurate enumeration when the polling subdivision may be several miles square, or several score of square miles. Similarly, it is not as easy for the rural voter to attend at the returning officer's office at the time of the revision of the lists. His trip may not be a matter of a few blocks, but it may be a matter of very many miles.

It is for these reasons that vouching is proposed to be retained. This bill proposes the return to vouching in polling subdivisions which are declared to be rural by the chief elections officer, to make sure that the worst of election problems does not arise in which properly qualified electors are not left off the list and thus are denied their right to vote. We will have during the next provincial general election both the dual enumerator system and vouching in rural subdivisions. It will be an opportunity for the next Parliament to evaluate how effective the dual enumerator system was in rural subdivisions, and whether or not vouching should be retained or whether both should be continued in future elections.

I come now, Mr. Speaker, to the second main matter with which this bill, as it will be amended, deals. That is a further extension of proxy voting both to another class of electors and by additional methods of choosing the proxy. Proxy voting has been available to certain classes of citizens or residents in Ontario for many years, notably to mariners. The 1968-1969 Election Act extended proxy voting to certain other classes of persons engaged in transportation industries—the modern mariners of the air, shall we say—to servicemen; and to disabled persons, the so-called homebound persons who expect to be unable to cast their votes in their electoral districts at the advance polls or on polling day for whatever reasons.

My first recollection of any widespread concern about the voting rights of students goes back to the 1962 federal general election; which was continued in the 1963 election and the 1965 federal general election. I am not sure that they developed any really satisfactory solutions. I suppose the concern developed for the voting rights of students at that time because it was only in the early 1960s, perhaps, that students became a significant proportion of the electorate.

This was not a problem with the federal general election of 1968 which was held in June, or the provincial general election of 1963, which was held in September. It was a very real concern before the provincial general election of 1967 which was held in October.

The legislative assembly not being in session at that time, the chief electoral officer produced a temporary solution to that problem in 1967 by an ingenious interpretation of residence to the effect that students, unable to vote at the advance poll or on polling day, at their home electoral districts, could have, in effect, two residences and thus became the one class of residents of Ontario who had the right to choose as between which of two electoral districts they wished to cast their vote.

This principle was carried forward into the 1968-1969 Act. However, in the third report of the committee it was recommended that the proxy voting privileges be extended to students and also that the classes of persons who could act as proxies be extended.

Originally, away back with the mariners' provisions of 25 and 50 years ago, the persons who could act as proxies were restricted to persons of a designated degree of relationship of a rather close character, such as, husband, wife, parent, child, so forth. We recommend in this bill before the House, that any one person in an electoral district can act as a proxy for any person entitled to vote by proxy and for one such person only. That means that it is not restricted, as one Toronto daily newspaper said, to parents, but it is open to select any proxy who lives in the electoral district.

I am aware, Mr. Speaker, that a number of university students find voting by proxy somewhat distasteful—some have mentioned this to me—because one person becomes privy to the way in which you wish to mark your ballot, and one such person, of course, becomes able to frustrate you in the way you wish to mark your ballot if he does not carry out your instructions. This, of course, is a problem. It is a very real problem for people who have not got anyone they trust, but I should think that most people will have people, a fair number of them, right within easy reach, whom they do trust.

The committee gave a great deal of consideration and I have given a great deal of consideration to alternative methods which might have been employed. I come to the conclusion that there are no suitable alternatives in the absence of having a complete system of voter registration or permanent roll or list, such as we find in certain other countries. The committee quite clearly rejected these

systems for the general electoral purposes of Ontario—systems of voter registration and so on.

**Mr. T. Reid:** Nonsense!

**Hon. Mr. Dunlop:** I heard an hon. member say nonsense. I would again direct him to the testimony of Mr. Castonguay on the whole question of absentee voting, in which he points out, both in his report to the federal government, and in his testimony before the select committee here, that absentee voting of this kind or that kind is quite impossible, without voter registration. I quote an expert, sir.

I have not made a study of the residential distribution of students. It is my impression that a majority of them live within easy commuting distance of their homes and will be able to avail themselves of the advance polls or to vote on polling day. Also, many students that I have discussed the matter with, prefer to be able to make their vote be recorded in the electoral district which has been their home, where they feel they know the candidates and issues at their best.

Finally, on the—I am going to be one speaker, Mr. Speaker, in this Legislature who, when he says finally, means finally, because I have lost the page with the "finally" on it.

Finally, Mr. Speaker, I point out that one of the most important features of our voting revisions is an amendment to The Election Act, 1968-1969, which is to be found in Bill 122, not in Bill 125, and which provides for the reduction of the voting age to otherwise qualified voters who have attained the age of 18 years.

**Mr. Speaker:** Perhaps, it being so close to the ordained hour of adjournment, the members might prefer—the member for Downsveiw—to recess for lunch now and resume at 1. Would that be agreeable?

**Mr. Singer:** I was going to suggest that Mr. Speaker might find that it is 12 of the clock.

**Mr. Speaker:** We are going to have to adjourn and I was going to ask the hon. member to adjourn the debate, if it is agreeable to the House. Would the hon. member move the adjournment of the debate?

Mr. Singer moves the adjournment of the debate.

Motion agreed to.

**Hon. Mr. Welch:** Mr. Speaker, just before we recess for lunch, the House leader has asked me to indicate to the House that following the regular opening procedures, which today will start at 1, and when the government goes to the order paper, we would like to go to the Committee of the Whole House to do The Age of Majority Act, clause by clause, and then return to second readings, so that routine—

**Mr. Speaker:** Am I correct then? Question period, routine business and then Committee of the Whole House?

**Hon. Mr. Welch:** Yes, just for the one bill, The Age of Majority and Accountability, and then back for second readings.

**Mr. Speaker:** It is understood, then, that in accordance with the understanding announced yesterday by the House leader, I do now leave the chair and the House will resume at 1 o'clock.

It being 12 o'clock, noon, the House took recess.

# CONTENTS

**Tuesday, July 27, 1971**

**Age of Majority and Accountability Act**, bill respecting, Mr. A. F. Lawrence, second reading ..... 4867

**Election Act, 1968-1969**, bill to amend, Mr. Dunlop, on second reading ..... 4883

**Motion to adjourn debate**, Mr. Singer, agreed to ..... 4886

**Recess**, 12 o'clock noon ..... 4886

No. 117

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Tuesday, July 27, 1971

**Afternoon Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971



*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JULY 27, 1971

The House resumed at 1 o'clock, p.m.

**Mr. Speaker:** Statements by the ministry.

Oral questions.

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker, I have no questions of the ministers present at the moment.

**Mr. Speaker:** I believe the Attorney General has an answer to a question posed yesterday.

**Mr. R. Gisborn** (Hamilton East): You have not heard from the member for Peterborough yet.

**Hon. A. F. Lawrence** (Minister of Justice): Oh, does he have a question?

## PROBLEM OF SPEEDBOATS ON ONTARIO WATERWAYS

**Mr. W. G. Pitman** (Peterborough): I would like to direct a question to the minister, if the Speaker would see me at this point.

I wonder if the minister could indicate whether he has sufficient legislation, and whether he has sufficient enforcement, to do something about the problem of high-powered boats on lakes and rivers in Ontario which are in some cases driving the local inhabitants crazy?

**Hon. A. F. Lawrence:** All I can say to the hon. member is welcome to the club.

There has been a great deal of discussion about this in the House over the last month among members on all sides of the House, this side included. We entered into what we thought were negotiations with the federal government some time ago respecting this matter. There were questions of enforcibility, constitutional jurisdiction and what not; and after a long series of negotiations it briefly boils down to this, that the federal authorities have the constitutional jurisdiction. Even though for many years, either through the coastguard or through the RCMP, it was looked upon as their jurisdiction to enforce these regulations as well on the navigable waters, we now are willing to step into the picture, but they still have to pass the regulations.

I wrote another letter to Mr. Jamieson, the federal minister, just yesterday asking him in effect what the holdup is, because certainly in certain sections of the southwest there is a very great deal of damage being done in the low-lying areas. We are willing to enforce the regulations by virtue of conservation officers, Lands and Forests officers, and the OPP, but we have no constitutional jurisdiction to pass regulations at all.

We have indicated several times to the federal authorities that we are awaiting their moves in respect of the regulations and that is where the matter has been left now—I am tempted to say stalled now—since almost the middle of March.

**Mr. R. F. Ruston** (Essex-Kent): Mr. Speaker, a supplementary: The Minister of Transportation and Communications (Mr. MacNaughton) was speaking in Sarnia the other day and he left the impression there, according to the press reports, that the regulations were now being approved and they expected to be able to enforce them within 10 days. Does the minister know anything about that?

**Hon. A. F. Lawrence:** No, he may have more up-to-date information on it than we have, because we have indicated to the federal people who the contact is in our government in respect of the regulations, and it is an official of The Department of Transportation and Communications. They have had that information now, as I say, since, March 22, I think—I am speaking from memory here now—and we are ready to move on it and have been ready to move on it.

**Mr. Speaker:** Any further oral questions? The member for Peterborough.

## PARKLAND ACQUISITION IN NIAGARA PENINSULA

**Mr. W. G. Pitman:** I would like to direct a question to the Minister of Lands and Forests. I wonder if he could indicate whether he has been able to gather all the land that

is needed in order to create the Short Hills Provincial Park in the Niagara peninsula?

**Hon. R. Brunelle** (Minister of Lands and Forests): Short Hills Provincial Park is in the Effingham area. Is that the one the member is referring to?

I believe, Mr. Speaker, we have acquired about 600 acres—

**Mr. Pitman:** How many?

**Hon. Mr. Brunelle:** About 600 acres, but we still have to acquire more in order to have sufficient area for a provincial park.

**Mr. Pitman:** I want to ask a supplementary question. How much more does the minister believe will be necessary before this park will be a reality?

**Hon. Mr. Brunelle:** I believe, Mr. Speaker, we have acquired about half of the total area.

**Mr. D. C. MacDonald** (York South): By way of a supplementary question, Mr. Speaker, can the minister indicate from whom the province acquired the land and whether, for example, among them was the Bramalea corporation; what price the province paid for it; what price the holders had paid for it; and when they purchased it? Can the minister provide us with all of that detailed information?

**Hon. Mr. Brunelle:** Mr. Speaker, as the hon. member knows, land acquisition is done through my colleague, the Minister of Public Works (Mr. Auld) and I am sure this information could be obtained from his department.

**Mr. MacDonald:** A final supplementary: Can the minister explain why it is that the registry office records for the period of 1968-1969 are "not available" in reference to the land that is going to be involved in this park?

**Hon. Mr. Brunelle:** They are not available?

**Mr. MacDonald:** Right. When persons have approached the registry office to get information that is normally public, the information is that they are not available.

**Hon. Mr. Brunelle:** Again, Mr. Speaker, my department is not responsible for the registry offices.

**Mr. Pitman:** It is the Attorney General.

**Mr. MacDonald:** Mr. Speaker, could I redirect that question to the Attorney-General? What explanation might there be for the contention that the records with regard to certain parcels of land that are involved or might be involved in this park are not available? Are not the records normally always available to a person who goes to the registry office?

**Hon. A. F. Lawrence:** Yes, that is my understanding. I would certainly be glad to take that as notice and look into it and, if the House is not sitting, advise the hon. member personally. It is outside my comprehension why any land title or registry office records are not available for anybody on the payment of the prescribed fee of course.

**Mr. MacDonald:** Right. I would appreciate if the minister would.

**Mr. Speaker:** The member for Windsor-Walkerville.

## ACQUISITION OF PECHE ISLAND

**Mr. B. Newman** (Windsor-Walkerville): Mr. Speaker, I have questions of the Minister of Lands and Forests—several questions on Pêche Island.

Now that the province has acquired Pêche Island, has the minister arrived at some decision as to what he intends to do with Pêche Island, whether he intends to sell it to the municipality for $1 or to sell it to the board of education in the community for a nature park for $1? Exactly what plans has he for the island?

**Hon. Mr. Brunelle:** Mr. Speaker, no decisions have been arrived at. When the city of Windsor wrote to us they made the point that they wanted us to acquire this land so that it would remain in Canadian ownership. This we have done. As far as the planning is concerned, it will take some time. We will work with the city of Windsor and other neighbouring municipalities.

**Mr. B. Newman:** A supplementary question of the minister: Does the minister plan on having attendants on the island on a year-round basis to protect what is on the island?

**Hon. Mr. Brunelle:** Mr. Speaker, as the hon. member knows, this summer we have students under the SWEEP programme who are doing environmental work, cleaning up the debris and also supervising the island. With the investment that has been made by the province, I am sure that after the students have completed their work, we will have some sort of supervision.

**Mr. B. Newman:** Another supplementary, Mr. Speaker: The minister made mention

that the students employed on the cleanup programme on Pêche Island were as a result of the SWEEP programme. As the SWEEP programme is attached to a conservation authority and there is no conservation authority in Essex county, how were the students able to qualify after the Minister of Energy and Resources Management made mention during his estimates that they would not be able to qualify under the SWEEP programme?

**Hon. Mr. Brunelle:** Mr. Speaker, we have 2,000 students under the SWEEP programme; 1,000 in lands and forests; 1,000 under my colleague, the minister of Energy and Resources Management (Mr. Kerr). At this time I do not know who hired them but I would be pleased to get that information for the member.

**Mr. B. Newman:** I do not want to get the information. As long as they are hired, I am happy.

## TRANSPORTATION FOR PRISONERS

**Mr. H. Worton** (Wellington South): Mr. Speaker, I would like to ask a question of the Minister of Correctional Services. Why is it necessary to give Cadillac delivery service to the future guests of Kingston from Don Jail to the Union Station? Secondly, is that tendered on? Thirdly, would it not be more appropriate to have a more suitable paddy wagon do the job?

**Hon. C. J. S. Apps** (Minister of Correctional Services): Mr. Speaker, I have not got the answer to those questions now. I will be glad to take them as notice and provide the member with the answers.

**Mr. Speaker:** The member for Oshawa.

## DISEASE AMONG FISH

**Mr. C. G. Pilkey** (Oshawa): A question of the Minister of Lands and Forests. In view of the fact that Lake Scugog at Port Perry has the highest density of muskellunge in the world and it has become known that at least 10 per cent suffer from leukemia, called epizootic, has the Minister of Lands and Forests taken any action to eradicate the disease?

**Hon. W. A. Stewart** (Minister of Agriculture and Food): We are going to catch them all and innoculate them!

**Hon. Mr. Brunelle:** Mr. Speaker, we in our department have known for many years that the pike and the muskellunge in the Kawartha area were affected by leukemia. We have co-operated very closely with the Banting Institute and also with the microbiology department of the University of Guelph in an effort first to learn more about this disease.

**Mr. Pilkey:** According to Dr. Ron Sonstegard, who is heading the project that you alluded to under the auspices of the University of Guelph's department of microbiology in the Lake Scugog area, the effect on human beings who touch or eat the fish is unknown. Does the minister intend to place signs in the area to warn people of this fact?

**Hon. Mr. Brunelle:** At this time, Mr. Speaker, it is not our plan to post any signs. We need more information. We have no knowledge in our department of any evidence that indicates that this disease is transferable to human beings. This disease, I am told, is transferred mainly from fish to fish, especially during spawning time.

**Mr. Pilkey:** A further supplementary, Mr. Speaker: Dr. Sonstegard is trying to determine the causes, the cures and the far-reaching effects of the malady, but the doctor apparently is in need of funds to carry out the research. Does the government plan to make funds available for such research?

**Hon. Mr. Brunelle:** Mr. Speaker, we have in our department a research branch at Maple, very active in research, especially in fisheries. Our department has co-operated in the past and we intend to do so again in the future with the scientists and with the university or universities that are working on that. Our funds are in that line, along with our research at Maple.

**Mr. Speaker:** The member for Brant.

## LEGISLATION ON QUARRIES

**Mr. Nixon:** Mr. Speaker, a question of the hon. Minister of Mines: Does he intend to bring forward his bill on pits and quarries for second reading before the Legislature rises for a recess? If not, what assurance can he give the Legislature that his administration of the present statute will be such that new quarries and new pits will not be opened up as they have been in recent weeks, giving them the right to continue action and activity once the statute in its amended form undoubtedly reaches the House?

**Hon. L. Bernier** (Minister of Mines and Northern Affairs): Mr. Speaker, in answer to the Leader of the Opposition's question, I am hopeful that the bill in question will be given second reading before the House recesses. I can say to him that we are increasing our inspection staff within that particular section of the department to ensure that what he has pointed out will not occur.

**Mr. Nixon:** A supplementary: Can the minister assure the House that every application will, in fact, have the premises visited by an appropriate inspector and that there will be no case where land which is presently not used for a pit or a quarry will be open with one or two loads, thus making it possible to be considered when legislation is forthcoming?

**Hon. Mr. Bernier:** Yes, Mr. Speaker, I can give the House that assurance.

**Mr. Speaker:** The member for Hamilton East.

**Mr. Gisborn:** As a supplementary, Mr. Speaker, in view of the minister's statement that he hopes the bill would receive second reading, does he not hope and intend that it will be given royal assent during this session?

**Hon. Mr. Bernier:** Yes, I have that hope too.

**Mr. Speaker:** The member for Peterborough.

**Mr. Gisborn:** A further supplementary, Mr. Speaker, the minister has no hope. In case that does not happen, will the minister establish a freeze on the establishing of all new mines until the new session in September, when the bill does receive royal assent?

**Hon. A. F. Lawrence:** How can the minister do that?

**Hon. Mr. Bernier:** No, that will not be necessary, Mr. Speaker.

**Mr. Speaker:** The member for Peterborough on a supplementary.

**Mr. MacDonald:** A final supplementary: Since the minister hopes that the bill will be brought forward before the House adjourns or recesses, does he have any doubt that the House leader is going to bring it forward?

**Mr. W. Hodgson** (York North): We do not know how much the member is going to say.

**Hon. Mr. Bernier:** I do not know how much the member is going to talk to it or when the House will recess.

**Mr. MacDonald:** Oh, I see. Oh, that is the way the minister is going to play it, is it?

**Mr. Speaker:** The member for Peterborough.

**Mr. MacDonald:** Oh, I get it. We will deal with that out in the hustings.

**An hon. member:** That is one of the minister's underhand tricks.

**Mr. Nixon:** If the minister listens to the member for York North he will get into trouble.

## THREAT BY DOCTORS TO WITHDRAW FROM OHSIP

**Mr. Pitman:** I would like to direct a question to the Minister of Health. I would like him to tell the House just exactly what he intends to do if the Ontario Medical Association does carry out its threat to have at least 50 per cent of the doctors in this province refuse to operate under the OHSIP scheme?

**Hon. A. B. R. Lawrence** (Minister of Health): Mr. Speaker, I will treat that as hypothetical and I will not speculate at the moment. I cannot tell. The director of OHSIP cannot tell. I do not think there is anyone in this province who can in any concrete way extrapolate reactions, know the psychology involved, or really assess in any useful way what may happen. Therefore I will simply not speculate. If a tremendous switch comes, of course, we will have a problem. If it does not, we will not. What useful thing can be served by speculating today I just do not know.

**Mr. Pitman:** A supplementary, Mr. Speaker.

**Mr. Speaker:** A supplementary, the member for Peterborough.

**Mr. Pitman:** Would the minister not recognize that some reaction, some positive reaction on his part as to what the consequences will be, might have a very real effect on the number of doctors who will decide to operate outside the OHSIP scheme? In other words, leaving it open encourages it.

**Hon. A. B. R. Lawrence:** No, Mr. Speaker, because I think—

**Mr. J. L. Brown** (Beaches-Woodbine): If they get tough, the minister gets tough.

**Hon. A. B. R. Lawrence:** —that anything I might say now in the field of what it is, speculation, has greater danger of being considered as a threat

**Mr. W. Ferrier** (Cochrane South): They threatened the government.

**Mr. Brown:** It is exactly what they need.

**Hon. A. B. R. Lawrence:** The government of Ontario does not need to threaten.

**Mr. Brown:** They certainly do.

**Mr. Pitman:** As a supplementary, Mr. Speaker, would the minister not agree that it would have been a good idea—and not only now, but possibly a good idea in the future—to have the doctors come before the Legislature and this House before this bill receives third reading? Before the legislative committee of this House, the standing committee of this House, before it reaches third reading?

**Hon. A. B. R. Lawrence:** No, Mr. Speaker. If next year, or the year after, that is felt to be appropriate activity, yes; but as of this moment I think our new legislation, which is supported in spirit by the party to which the hon. member belongs and to a degree by all the opposition—

**Mr. Pitman:** Right.

**Mr. Nixon:** We voted against it.

**Hon. A. B. R. Lawrence:** Yes, technically. But—

**Mr. Nixon:** We voted against it.

**Hon. A. B. R. Lawrence:** —the member never quarrelled with the key of the thing, and that is the audit function being introduced. Anyway the party, the one that is raising this particular question at the moment, has not.

**Mr. H. Peacock** (Windsor West): That is right on this very issue of option.

**Hon. A. B. R. Lawrence:** The bill itself, I think, is satisfactory. I think it is acceptable and I think that getting into a position of speculating as to what the government of Ontario might do if the doctors do this, or if the OMA does that, is an exercise in futility and cannot serve anyone and could quite easily lead into this system of threats and counter-threats. I think that should be avoided at all costs.

**Mr. Nixon:** A supplementary.

**Mr. Pitman:** On a further supplementary, Mr. Speaker.

**Mr. Speaker:** The member for Peterborough.

**Mr. Pitman:** Has the minister not been in constant and continuous contact with the Ontario Medical Association and those who represent that association over the past few weeks? Have they, at any time, indicated to him that they would indeed expect 50 per cent of their members to withdraw? Did he know this before he brought the bill in and if so, was it not necessary for him to be candid with this House before we were put in a position of passing a bill which might completely disrupt the medical services in this province?

**Hon. A. B. R. Lawrence:** Again, that is entirely speculative.

**Mr. MacDonald:** What is speculative about it?

**Hon. A. B. R. Lawrence:** Because the Ontario—

Interjections by hon. members.

**Mr. E. W. Sopha** (Sudbury): That is precisely what they want.

**Mr. Speaker:** Order, order. Permit the minister to reply.

**Mr. Sopha:** The minister is exacerbating it now, deliberately.

**Hon. A. B. R. Lawrence:** We have brought forward a bill which gives the physicians of this province a reasonable choice; we have set up the machinery whereby their choice can be made; we will achieve the question of re-establishing or establishing an audit system; we will have protected their professional and confidential concerns. That to me is all that needs to be done now. Speculating whether it will be five per cent, 50 per cent or whatever, is going to be no more useful as an allegation from my hon. friend than it would be coming from me.

**Mr. Pitman:** As a further supplementary, Mr. Speaker, and my final—

**Mr. Speaker:** That will be the final supplementary.

**Mr. Pitman:** —supplementary: I did ask a specific question. Did the Ontario Medical

Association not indicate to the hon. minister before he brought the legislation in that this would be the result of the legislation? In other words, did he not get specific indication from the Ontario Medical Association that 50 per cent would leave the scheme? Certainly I got that from the area in which I live.

**Hon. A. B. R. Lawrence:** The Ontario Medical Association, if I recall correctly—and I have been meeting with them not daily but from week to week as it were—have as one of their guiding principles the thought, the banner, if you want to call it that, that the greatest protection of a physician and the physicians in general in this province is to bill their patients. Now, that is a principle they have followed not this year, this month, but for a number of years.

**Mr. Sopha:** They say lawyers believe that, too.

**Hon. A. B. R. Lawrence:** In the same way, they felt—and I could not assume it was anything other than enthusiasm for their own principle that I have mentioned—there would be a shift. I cannot recall them suggesting that they in any way, speculatively or on the basis of any kind of study that they have done, could show a percentage shift of that kind of significance.

**Mr. Pitman:** Did they say they would cooperate or did they indicate they were going to encourage—

**Mr. Speaker:** The member for Brant has the floor.

**Mr. Nixon:** Mr. Speaker, in view of what the minister has said, is his director of OHSIP in closer contact with OMA? If not, what was the purpose in his prediction that 60 per cent of the doctors would, in fact, opt out of the direct plan?

**Hon. A. B. R. Lawrence:** He did not make that prediction. He said that if a certain number did then a certain dollar figure would be involved. I have discussed it with him and he has categorically assured me that he made no predictions or involved himself in speculation at all.

**Mr. Nixon:** That was an exaggeration in the report, would the minister say?

**Hon. A. B. R. Lawrence:** The Ontario Medical Association is just that, an association. It is not a college established by statute. It is not the Law Society. It is not a governing professional body established by statute. It is a private association and as such I think should be recognized.

**Mr. Speaker:** Has the member for Brant a supplementary?

**Mr. Peacock:** Yes, Mr. Speaker—

Interjections by hon. members.

**Mr. Speaker:** Fine. Then the member for Windsor West.

**Mr. Peacock:** Has the minister put it to the Ontario Medical Association that when they were guaranteed 90 per cent by OHSIP and the right to extra billing, many doctors did bill OHSIP; but now that the option must be elected by the doctors, they are threatening to leave in such numbers? How does the Ontario Medical Association reply to that contention that they are maintaining the traditional doctor-patient relationship?

**Hon. A. B. R. Lawrence:** I do not know how I could answer that, Mr. Speaker.

**Mr. Peacock:** Put it to them in those terms. When they had the guarantee of 90 per cent and the right to extra billing, they were content to bill OHSIP.

**Hon. A. B. R. Lawrence:** We have passed a law in this Legislature, that is the law. As I say, I am not going to be forced into the position of being interpreted as threatening that private organization.

**Mr. Brown:** The minister already has.

**Hon. A. B. R. Lawrence:** If they get to the position where—if the physicians of this province, of course, challenge the legislation themselves, the Legislature will have to deal with it.

**Mr. M. Makarchuk** (Brantford): A supplementary question, Mr. Speaker: Can the minister indicate if, in his meetings with the Ontario Medical Association, he was informed by the association that if this legislation went through, the association was going to recommend to the doctors in a letter, as it has done, to withdraw from the plan and to bill the patients directly?

**Hon. A. B. R. Lawrence:** Specifically, no, but in general it is in keeping with the principles, as I said, that the OMA has followed for many years—

**Mr. Peacock:** It was not in—

**Mr. MacDonald:** If 90 per cent are now in OHSIP, how is it in keeping with the principle of the association?

**Hon. A. B. R. Lawrence:** They have had this principle. They just have not been able to sell it to the membership—

**Mr. Peacock:** They ignored the principle when they had it both ways but now that they have to elect—

**Mr. Speaker:** Order!

**Hon. A. B. R. Lawrence:** It is still speculation! I think that is the key point.

**Mr. MacDonald:** The minister is being led up the garden path and we are going to suffer the consequences.

**Mr. Speaker:** The member for Brant.

## LEGISLATION ON QUARRIES

**Mr. Nixon:** Thank you. A question of the Premier: Does he intend to call for second reading of Bill 120, An Act regulating Pits and Quarries?

**Hon. W. G. Davis** (Prime Minister): Yes, Mr. Speaker, I think we are making such progress that we will be calling that particular bill for second reading.

**Mr. Speaker:** The member for Renfrew South.

## POWER PLANT SITES ON MADAWASKA RIVER

**Mr. P. J. Yakabuski** (Renfrew South): Mr. Speaker, I have a question of the Prime Minister. In view of the fact that hydraulic electric generating stations contribute little to pollution, does the government feel that Ontario Hydro should be convinced to develop the remaining sites on the Madawaska River system, such as Highland Chute and Clay Bank? Of course, I am referring directly to sites located on the great Madawaska River, but I am sure there are many other sites in the province.

**An hon. member:** Where is the Madawaska River?

**Mr. E. Sargent** (Grey-Bruce): That is not his department.

**Mr. D. M. De Monte** (Dovercourt): Ask the vice-chairman of Hydro.

**Hon. Mr. Davis:** Well, Mr. Speaker, I think it is obvious that Hydro should be and, I am sure, is encouraged to develop any hydro-electric power site that is available in this province where it is economic. Whether the sites the very distinguished member for Renfrew South refers to come within that category, I cannot comment—

**Mr. Sargent:** Because the nuclear power will not work!

**Hon. Mr. Davis:** —but certainly I would be quite delighted to bring this to the attention of the Ontario Hydro-Electric Power Commission.

**Mr. Speaker:** The hon. Attorney General has the reply to a question posed to him yesterday, I believe.

## AMBULANCE SERVICE USING PRE-WORLD WAR II DRESSINGS

**Hon. A. F. Lawrence:** Mr. Speaker, the hon. member for York South yesterday asked me a question respecting the dressings used by the Metro Toronto ambulance service. Even though the matter does not come directly under the jurisdiction of the Attorney General, we have done some investigation into the matter and also, I understand, the Minister of Health is checking into it as well. But I have been advised by that service that the pre-war dressings have been removed from their stores until tests have been made by federal authorities as to their steritity—the sterility of the dressings, that is.

**Mr. MacDonald:** It is well to be clear on that point.

**Hon. A. F. Lawrence:** Yes, yes. I did not mean the federal government. I think the answer to that is pretty obvious.

**Mr. Pitman:** Oh, the minister is right on today.

**Hon. Mr. Davis:** Except for ideas.

**Hon. A. F. Lawrence:** These dressings, along with others, were purchased by the city for the service through their usual purchasing system. In this case, they came from the St. John Ambulance Association, which in turn previously had bought them from a war surplus dealer in this city. The St. John Ambulance Association inself was concerned about this. As early as February 12, it submitted to the laboratory services branch, the special reference bacteriology—well, anyway, the

laboratory services branch; I am having trouble today—of The Department of Health, and I have a report here from Dr. C. A. Sinclair of the St. John Ambulance—

**Mr. Sargent:** I do not know those words either.

**Hon. A. F. Lawrence:** It says: "Sterility checks on material removed from the 11 shell dressings submitted by you on February 12, 1971, gave the following results: 1. Bandages from each of the above were sterile."

In other words, they submitted 11 bandages; each of the 11 were sterile. I am told—and I have not opened one of these before—there is a small package of pins in here, and there they are.

**Mr. MacDonald:** What?

**Hon. A. F. Lawrence:** Pins—apart altogether from the bandages.

**Mr. Worton:** Are you sure they are not napkins?

**Hon. A. F. Lawrence:** There is a sterile package of bandages and there is supposedly a sterile package of pins. Of the safety-pin package, five were sterile and six showed bacterial growth, But the explanation is that the six safety pins may well have been contaminated while the tests themselves were being set up because of the extra amount of manipulation necessary in removing the pins from the envelope—which, I am told, was very brittle—and inserting them into tubes used in the test.

In any event, all of the bandages were sterile; if there was any bacterial growth, it was in the pin package and the pin package may well have been contaminated during the tests themselves. But in the meantime the ambulance service itself has removed the dressings until further tests have been made.

**Mr. Speaker:** The member for York South on a supplementary.

**Mr. MacDonald:** Mr. Speaker, by way of a supplementary question, I have a sample of the outer package into which the bandage was put and it is coated with plastic or wax or something of that nature, which has peeled off in many places, so how could it remain sterile for 33 years? The point I want to ask the minister is a general question—

**Hon. A. F. Lawrence:** Here is one that has not peeled off and I am sure these are no different. Here is another one.

**Mr. MacDonald:** Well, here is one that has peeled.

**Mr. Deans:** Why do you not trade?

**Hon. A. F. Lawrence:** Did you open that one?

**Mr. MacDonald:** Yes, I did.

Interjections by hon. members.

**Mr. Speaker:** Order.

**Mr. MacDonald:** May I ask the minister, Mr. Speaker, a general question.

Interjections by hon. members.

**Mr. Speaker:** Order.

**Mr. MacDonald:** What explanation is there for early war years and pre-war material of this nature, apparently being unloaded so extensively in the Province of Ontario, and how come only now are there checks being made and are the authorities being alerted to the possible lack of sterility of this material?

**Hon. A. F. Lawrence:** No, no. I do not think this is the point. You fail to grasp it. These checks are not made now as a result of any internal friction among the ambulance drivers, which is how my friend got hold of them. These checks were made last February by the people properly concerned about it. And at that time the St. John Ambulance people, who were the vendor to the ambulance service—and presumably there have been checks before that, I am just talking now about the latest checks of last February—were convinced that the bandages themselves were sterile.

By the way there was also one reference yesterday as to why we are even using shell dressings. A doctor member of the House, I gathered, had some remarks about that and I am told that shell dressings are particularly appropriate for this type of work for the heavy pressure bandages, because of their bulk and size. They are ideal for it.

**Mr. MacDonald:** But the minister missed my general question.

**Mr. Sopha:** We all did.

**Mr. MacDonald:** No, no you did not. Well I will make it so clear that you cannot miss it this time. How come dressings of this nature, including those from Texpack in Brantford, are in circulation in the Province of Ontario when some authorities—either in

this government or Ottawa, I have forgotten which—contended that they were not sterile?

**Hon. A. F. Lawrence:** There has been no contention that these are not sterile.

**Mr. MacDonald:** Okay. I am asking the general proposition—as to whether or not there is supervision, generally speaking, of all of this kind of material that is being distributed and used in the Province of Ontario? Is there general inspection?

**Hon. A. F. Lawrence:** The specific question directed to me was in respect of the ambulance service of Metro Toronto and I think I have answered it.

**Mr. Yakabuski:** Dead end again. Dead end Don!

**Mr. MacDonald:** They had sufficient doubts that they should have withdrawn them from use.

**Mr. D. Jackson** (Timiskaming): The dead end is on the top of the shoulders of the member for Renfrew South.

## SANITATION WORKER EXPOSURE; USE OF RECYCLED PAPER

**Mr. F. A. Burr** (Sandwich-Riverside): Mr. Speaker, a question of the Minister of Energy and Resources Management regarding two previous questions; a two-part question:

Has the minister any report on the study that he indicated on June 25 he would consider making to find out whether sanitation workers in Ontario are suffering any ill effects as a result of inhaling lead from automobile exhausts during their daily work?

Secondly, has the minister any report on the possible use of recycled paper by the government of Ontario following the example of New York City which has decided to buy large quantities of recycled paper from a manufacturer, who in turn has agreed to buy the city's waste paper for recycling. On June 4 the Premier undertook to look into that suggestion.

**Hon. G. A. Kerr** (Minister of Energy and Resources Management): Mr. Speaker, the answer to the first part of the hon. member's question is, there is no report from the analysis, or study if you want to call it that, regarding the effect of lead, if any, on sanitary workers. This is a general analysis that is being conducted between officials of my department and Health. The study may be ready. I have not asked for it recently, but I have not had any report.

Regarding the use of recycled paper, we are purchasing recycled paper, from time to time, from some of the paper companies. We have not gone as far as the hon. member indicates is being done in New York, where all the waste is being consumed for this purpose by a company, but we are buying recycled paper.

I understand that the paper really is not completely used paper. What we have been buying from some of these paper mills is paper that for some reason or other did not completely go through the machinery and was not marketable, but for all intents and purposes it might be considered culled paper but not recycled paper.

**Mr. Speaker:** The Minister of Financial and Commercial Affairs has the answer to a question asked the other day.

## PROVINCIAL SAVINGS BANK AND DEBENTURE GUARANTEES

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Yes, Mr. Speaker. Yesterday the member for York South asked a question to which I undertook to get the answer. By what right, he asked, does the National Trust Company decide that the provincial savings bank is not an appropriate banking institution to act as a guarantor in the transfer of securities such as, for example, debentures of a corporation?

Mr. Speaker, my office has informed me that the National Trust has no known incidents where the guarantee of signature on debentures submitted for transfer was refused on the grounds that it could not recognize the provincial savings office. They further report that they have on file a letter from the Province of Ontario Savings Office authorizing four of their officers to sign such guarantees. Now if I have more details of this particular case, I could pursue it further, but the answer I get is that the National Trust does not object and, as a matter of fact, has no knowledge of any such attitude.

**Mr. MacDonald:** I shall provide further details for the minister. Perhaps there is some confusion somewhere.

**Mr. Speaker:** The Minister of Lands and Forests has a reply to a question?

## DOCKING FACILITIES AT TURKEY POINT

**Hon. Mr. Brunelle:** Mr. Speaker, yesterday the member for Brantford asked me a question about whether we would reconstruct a dock at Turkey Point in the Long Point area.

The old dock was removed from the beach area at Turkey Point because it constituted a hazard to human safety. It is not our intention to rebuild the facility as we feel the location is quite unsuitable. Fronting the beach area, the water is quite shallow and docking facilities would be very expensive to construct. In addition, if power boats were encouraged to use the area, it would create a hazard for swimmers. Commercial marinas are located at other places along Turkey Point and docking facilities appear to be adequate.

**Mr. Makarchuk:** By way of supplementary, is the minister aware of the fact that, because there are no docking facilities, power boats are now using the beach as a place for docking and, if a dock were constructed in that area, then the beach area would be available for the swimmers?

**Hon. Mr. Brunelle:** Personally, Mr. Speaker, we are not in the dock construction business. I believe that this dock was probably constructed by the federal government. Most docks are federal. Again, my people feel that a dock at this location would be unsafe and would create more of a hazard area.

**Mr. Speaker:** Does the Provincial Secretary have the answer to a question asked the other day?

## FORMER POLICEMEN ON LLBO STAFF

**Hon. J. Yaremko** (Provincial Secretary): Mr. Speaker, the hon. member for High Park (Mr. Shulman) asked the question, how many policemen had been hired by the Liquor Licence Board of Ontario.

I was in touch with Mr. Mackey. Mr. Mackey will have completed one year, I think, in September. During his term of office, one such person was taken on staff as a liquor licence inspector. The chairman advises me that he thinks it was after the hiring had been made that he became aware that the gentleman was a policeman. He confirmed my position yesterday that no precedence is given to the hiring of policemen. On the other hand, they are being treated like all other citizens.

**Mr. Sopha:** The member for High Park is wrong as usual.

**Hon. Mr. Yaremko:** He made the news though. He has got the headlines.

**Mr. Sopha:** Yes. Those people print it. All he has to do is utter a syllable and they put it in the press right away.

**Mr. Speaker:** The Minister of Social and Family Services has a reply to the question:

## DRUG COST REDUCTION FROM COMFORT ALLOWANCE

**Hon. T. L. Wells** (Minister of Social and Family Services): Mr. Speaker, I would like to answer a question asked on July 23 by the member for High Park about provision of comfort allowances to persons in institutions.

The member spoke about the practice in Halton county of deducting the cost of the patients' drugs from the comfort allowances. Under The General Welfare Assistance Act, municipalities may provide comfort allowances of $25 per month to patients in nursing homes. The purpose of this comfort allowance is to enable the patients to have funds available for personal comforts only.

The provision of prescription drugs to residents of nursing homes is, in our view, a separate matter. Under the same legislation, the province shares with the municipalities 50 per cent of the cost of such drugs. I think that the members will agree that the practice of deducting drug costs from comfort allowances introduces a measure of inequity, since those with higher drug costs would have correspondingly less comfort allowance for personal needs.

Mr. Speaker, it is my position and that of my department that comfort allowances and drug costs should be considered as entirely separate items. I have written to the warden of Halton county and informed him of this, made him aware of our position, and asked him to look into this practice in that county.

**Mr. Speaker:** The Minister of Revenue has the reply to a question.

## SALES TAX ON COTTAGE RENTALS

**Hon. E. A. Winkler** (Minister of Revenue): Mr. Speaker, I have the answer to a question asked me by the member for Waterloo North (Mr. Good) regarding sales tax on cottage properties.

Section 1, subsection 16, of The Retail Sales Tax Act states that cottages, as transient accommodation, are taxed where the owner owns more than three cottages and the accommodation is rented for more than one month.

**Mr. Speaker:** The member for Sudbury.

## AID FOR SUMMER PROGRAMME

**Mr. Sopha:** Yes, I have a question of the first citizen. The Prime Minister will recall that it must be about six weeks ago when he was in Sudbury and he met the young people running the Summer '71 programme, at which time they made a request to him for financial assistance, they having received $44,000 from the federal government. The summer having advanced to its last half, when may they expect a decision to be made by the government of Ontario as to whether this multi-dimensional programme in Sudbury will receive the assistance they request?

**Hon. Mr. Davis:** Mr. Speaker, they will be informed very shortly. While I know the member for Grey-Bruce is very sensitive about making funds available for various things, I think the member for Sudbury might be delighted to know that I expect the answer will be in the affirmative.

**Mr. Speaker:** The member for Hamilton East.

## AIR POLLUTION IN HAMILTON

**Mr. Gisborn:** A question of the Minister of Energy and Resources Management: In regard to a report to the minister's department from the air control branch in Hamilton regarding a malfunction of certain operations at Columbian Carbon a few weeks ago which caused a discharge of a lamp-black, soot-like material and deposited a half inch of it on and in some properties, has the minister considered action as required by his air control branch?

**Hon. Mr. Kerr:** Yes, Mr. Speaker, apparently this occurred on June 26. It was the result of a burst water tube in a steam boiler and resulted in a very heavy soot fallout. As a result of that, a violation notice was issued under our regulations to the City Service Chemicals Limited, which apparently operates this Columbian division. Although there were no emissions at the time the personnel of air management branch inspected the plant, there was sufficient evidence of damage, particularly I believe to an adjoining plant, Kent Steel, that we feel we have sufficient evidence to lay charges.

**Mr. Speaker:** The member for Essex-Kent.

## PURCHASE OF MARINE PARKLANDS

**Mr. Ruston:** Mr. Speaker, I have a question of the Minister of Lands and Forests. Is it a new policy of the government now to purchase marine parklands as announced by the Minister of Transportation and Communications in Lambton county yesterday or the day before?

**Hon. Mr. Brunelle:** Mr. Speaker, I am not aware of this announcement.

**Mr. Ruston:** It was the $1,400,000 being allocated for a marine park and I was wondering if the minister was aware of this?

**Hon. Mr. Brunelle:** No. It sounds good!

**Mr. Speaker:** The member for Lakeshore.

## TRANSFER OF CLINIC TO PEEL NORTH

**Mr. P. D. Lawlor** (Lakeshore): I have a question of the Prime Minister, Mr. Speaker. Does the Prime Minister feel so threatened personally in his own riding that it is necessary to appropriate the alcoholic research foundation clinic to his demesne at a cost of $6 million plus?

**Hon. Mr. Davis:** Mr. Speaker, of course I am very interested in my riding, as are all members of the House interested in theirs. I would like to assure the hon. member that because of geographic location and the availability of land, the natural environment of that part of the Province of Ontario I think tended to lend itself very admirably for this specific purpose. I have to say it was not really because of the diligent efforts on the part of the local member.

**Mr. Lawlor:** What happens, therefore, so far as my riding is concerned, with the Alex G. Brown clinic?

**Hon. Mr. Davis:** Mr. Speaker, I am not sure of all the details. I think there is a possibly that particular clinic will be phased out as it is presently located. But in that the member for Lakeshore visits my riding from time to time on matters of business and other

things, I am sure that he will be made most welcome there when he comes as a private citizen to visit that particular institution.

**Mr. Speaker:** The oral question period has expired.

**Mr. V. M. Singer** (Downsview): It is a way of life.

**Mr. Pilkey:** Pork barrel!

**Mr. Sargent:** On a point of privilege.

My point of privilege is this, Mr. Speaker: I would like to ask the Prime Minister—

**Mr. Speaker:** No, no. The hon. member is entitled to put a point of privilege before Mr. Speaker.

**Mr. Sargent:** Mr. Speaker, today at noon I went down to visit the member for Parry Sound (Mr. A. Johnston) at the hospital, and I want to say that the members opposite sent a beautiful card. I did not think they had all that good in them; it was a beautiful card, but we did not get a chance to sign it. However, he wanted to say, through you, Mr. Speaker, that he hopes we all have a great summer. I think he is going to come along just great.

Thank you, Mr. Speaker.

Interjections by hon. members.

**Mr. Speaker:** I think we are all pleased indeed to have that good word from our fellow member.

Petitions.

Presenting reports.

**Mr. J. E. Stokes** (Thunder Bay): Mr. Speaker, on a point of information, would it be in order for me to remind the House that the member for Oshawa is celebrating a birthday today?

**Mr. Pilkey:** Seventy-three!

**Mr. Speaker:** I might say then that he is not alone in that. The members may have noticed that there were no pages in the House when the House opened because the House, having extended so long, Master Paul Patterson of Merrickville obtained today his 14th year, and as usual we were celebrating it; and I apologize to the members. But in any event that is where the pages were. I am sure we extend greetings to them both.

**Hon. Mr. Kerr:** Mr. Speaker, in response to a question from the hon. member for Wentworth (Mr. Deans), I wish to table this report on the salaries paid to the senior officials of the OWRC and the chairman of Ontario Hydro. [See appendix, page 4947]

**Mr. Speaker:** Motions.

Introduction of bills.

**Hon. Mr. Davis:** Just a very brief word on a matter that will be considered by the House; perhaps this will expedite the process.

I listened with some interest to some of the discussion relating to Bill 122, and I would like to assure the hon. members of this House that, assuming royal assent is given to Bill 122, The Age of Majority and Accountability Act, the Lieutenant Governor will, by proclamation tomorrow, bring into force those provisions of the statute extending the rights to vote, to hold elective office and to consume alcoholic beverages to the age of 18 years. Those parts of the Act, assuming that royal assent is given sometime before midnight this evening, will be proclaimed tomorrow.

I think, Mr. Speaker, that all hon. members will receive this news with enthusiasm. It clarifies the intention of the government.

I should also make it very clear that the other provisions will be proclaimed into force in the near future, but in a manner designed to give those other agencies and those people responsible sufficient lead time to set up whatever machinery may be necessary within their organizations.

Mr. Speaker, I did not have the opportunity yesterday to say a brief word—and I am sure the Leader of the Opposition and the acting leader of the New Democratic Party would share these thoughts with me—relating to the passing of a former member of this Legislature, Mr. Elmer Sandercock. Mr. Sandercock was elected to the Legislature in 1948 and was here until he retired in 1967. He was a very good friend of many of us, a very dedicated public servant and one who contributed a great deal to this House and to the people of his riding. I am sure that all of us would like to extend our very deep sympathy to his two daughters and son, and of course to his widow.

**Hon. Mr. Wishart:** Mr. Speaker, before the orders of the day I just wish to table answers to the following questions, standing on the order paper—questions No. 17 and No. 20. [See appendix, page 4947]

**Mr. Sargent:** How about No. 33?

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** The 22nd order, resuming the adjourned debate on the motion for second reading of Bill 125, An Act to amend The Election Act, 1968-1969.

## ELECTION ACT
*(continued)*

**Mr. Speaker:** We have come back to the adjourned debate on second reading and the member for Downsview had the floor.

**Mr. V. M. Singer** (Downsview): I was relying on the words, Mr. Speaker, of the House leader—

**Mr. R. F. Nixon** (Leader of the Opposition): Well we can rely on them being reversed.

**Mr. Singer:** —who told us that we would go into committee on the age of majority bill. Now I do not really care—

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Well, Mr. Speaker, I think we will go to committee very shortly, but surely it is not going to upset the hon. member from Downsview to discontinue when we are in the midst of second reading of this bill.

Interjections by hon. members.

**Hon. Mr. Wishart:** Does this disturb the hon. member very much that he has to wait for a few moments to deal with this matter?

**Mr. Singer:** It does not disturb me at all, Mr. Speaker, all I am saying is that—

**Mr. Nixon:** It must disturb the minister a bit.

**Mr. Singer:** —the House leader does not know, within one hour's period of time, what he is going to do next.

**Mr. Nixon:** To be fair, an hour and 50 minutes.

**Mr. Singer:** It is a great new government, the new wave, the new wave of confusion.

Mr. Speaker, this bill that is before us, Bill 125, is certainly indicative of the confusion that exists in government. The fatuous statement delivered by the Prime Minister on Friday, July 23, really speaks for itself.

There he is, noble Willie on the white charger, reversing those horrible thoughts that patronage, our way of life according to the member from Huron (Mr. MacNaughton), should be restored. But that is not good enough for Willie, he is going to stop patronage, that is what he said. Stop it dead cold.

Mr. Speaker, I have been reading this three-page statement of the minister's again. It is really worthy of very careful examination and—

**Hon. W. G. Davis** (Prime Minister): Read the part about the—

**Mr. Singer:** Oh I am going to read it. I am going to read all parts of it, because I do not think it got proper treatment. In the first page he says what he is going to do and then when we get down to the second page there is a paragraph there, the second paragraph:

> It will be, so to speak, Mr. Speaker, a trial measure and if, as some have suspected, it will make less efficient and orderly, the discharge of the essential duties and services to the voting public and if, as some have reasonably argued, it will introduce a partisan or—

Oh; is the Premier leaving? Is the Premier leaving?

Interjection by an hon. member.

**Hon. Mr. Davis:** I am coming back. I have read that.

**Mr. Singer:** The Premier has read it?

**Hon. Mr. Davis:** Yes.

**Mr. Singer:** Did he write it?

**Hon. Mr. Davis:** Indeed.

**Mr. Singer:** Oh, indeed. Well it is pretty poor.

**Hon. Mr. Davis:** I know, but it is better than some—

**Mr. Singer:** Yes, well, to continue:

> If as some have reasonably argued it will introduce a partisan or adversary relationship within the poll, we shall certainly give every consideration to amending the Act again and restoring the previous process.

Mr. Speaker, insofar as all those pious and unctuous comments eminating from the Premier are concerned, one has to remember the unanimous recommendation of the select committee on election law, with all the 13 members agreeing, that came forward in the first report of the committee in 1968. Not only was it unanimously accepted by all of

the members of the committee, it was accepted by the government of the day. And the Premier, the then Premier, the member for London North (Mr. Robarts), introduced legislation and that legislation received unanimous approval, Mr. Speaker—unanimous approval from all of the members of the House. And all of the members of the House are still the continuing members of the House, with one exception—I think the gentleman from Middlesex South (Mr. Bolton), is the only one who changed—and I am sure he would have agreed with what was then the unanimous opinion of all of the members of the House insofar as this legislation is concerned.

It is a pity that the Premier is walking out and will not tell us why, as some suspect, it will make our election laws less efficient, and why the orderly discharge of essential duties and services are going to be in some doubt, and why he thinks there will be an introduction of a partisan or adversary relationship, when we have worked in the same kind of system insofar as enumerators are concerned.

That system seems, Mr. Speaker, to have worked quite well and it is in keeping with the principle established in many jurisdictions that our widely travelled committee visited—and I do not think there has been a committee that has travelled the world more thoroughly than the election law committee—to have one party watching another party.

The words of one of the now backbenchers of the Tory party stick in my mind when he said as this matter was under discussion in the lobbies, one of my poll workers, a good old Tory, said: "What are you fellows doing up there when you bring in that stupid legislation? How do you expect me to run an election when I cannot have control of the patronage?"

Then when he heard that it was being changed he said: "I am glad to see you guys up there have smartened up a bit." I do not know what his comments were when he heard about the new and intelligent statement made by the Premier just the other day, but I can well imagine that he believes that all this God-given right to patronage having gone down the drain there is just no way—and he is probably right—that the Tories are going to win another election.

When the Premier says he wants to return to the original amendment, I would like to know what kind of thinking has gone on in his mind, or in the minds of his advisers, or in the minds of his caucus members?

Certainly none of the excuses put forward by the hon. member for York-Forest Hill (Mr. Dunlop) makes any sense at all. When they talk about compatibility on election day, I say that is just arrant nonsense, because if enumerators can be made to work compatibly and if opposing candidates can work compatibly there is no reason in the world, Mr. Speaker, why one should expect that a DRO and a poll clerk will not be compatible, one with the other, if they happen to come, and as they should come, from parties representing opposing interests.

The Premier went out of his way to say that the qualities of the hon. member for York-Forest Hill are most estimable and with that, generally, I agree, sir. But I am very disappointed in him because he allowed himself to be led by the nose by the mossbacks who inhabit the back benches, by particularly —they are not here today, not very many of them. I am going to read their names into the record—the ones on the committee led by that estimable and advanced member of the new wave, the hon. member for Kingston and the Islands (Mr. Apps).

I tell you, Mr. Speaker, as we sat on that committee over a period of four years one came to recognize very quickly that there is probably not a truer Conservative in the actual sense of the word than the hon. member for Kingston and the Islands. Anything that is new he objects to. Anything that he thinks will take away the Tory edge that they have had in running elections over these past 20 years is automatically bad, and he would resort, and he did resort, to any possible scheme or tactic in order to get these things reversed.

So let us just put on the record those who were the members of the committee: There was the hon. member for York-Forest Hill; the hon. member for Kingston and the Islands; the member for Prescott and Russell (Mr. Belanger); the member for Kenora (Mr. Bernier); the member for Durham (Mr. Carruthers); the member for York North (Mr. W. Hodgson); and the member for Hastings (Mr. Rollins). Those were the Tory members.

The Liberal members were the hon. member for Windsor-Walkerville (Mr. B. Newman), the member for Nipissing (Mr. R. S. Smith), and myself; and the members for Cochrane South (Mr. Ferrier), and Yorkview (Mr. Young) were the members for the NDP.

It was just a fascinating thing. At our first session, Mr. Speaker, everything was

sweetness and light. We were there to revise The Election Act and we worked very hard at it. We really did revise The Election Act and we submitted a unanimous report containing a whole series of recommendations which we agreed would better improve the functioning of the election system.

As I say, that was unanimous. It was submitted to the House. It was accepted by the government. It was acceptel by the then Premier, the member for London North and it was brought into the House and unanimously approved by every single member of the Legislature. Then, Mr. Speaker, for some reason which as yet I have had no explanation for, when we met in May of 1970 to discuss in a closed meeting what might be in our draft report, suddenly the hon. member for York-Forest Hill emerged with this rather fascinating document which he called a draft of the third report.

Normally, Mr. Speaker—and you and I have both been on many select committees—one would expect that members of the committee would talk over at least in some detail what might be included in a draft report, even for the purposes of discussion.

Not so with the hon. member for York-Forest Hill, estimable gentleman though he is. He told us that he went into some sort of deep dark dream and came up with what he thought was a series of suggestions reversing several of the procedures we had already decided upon, reversing several of the recomendations we had already put forward, reversing several of the points that were enacted into legislation with the unanimous consent of the House.

When we asked him, Mr. Speaker, with some concern, as to just how he had arrived at that, he said he felt it was a "consensus." Well, had he met with the mossbacks? Oh no, he had not called any meeting of the mossbacks—I think that was his phraseology. He might have bumped into them in the hall, but he really had not met with them.

So how did he come to think that it was the consensus? Well he just sort of felt—he divined—that it was a consensus that these three provisions should in fact be reversed. And one of them, of course, was dealing with the appointments of poll clerks.

Explain as they might, there has been no logical explanation that can possibly come forward or that has been put forward as to why they should have been attempted, in this draft report of May, 1970, to put forward this suggestion; why they should have attempted to reverse the legislation—that it, in fact, had never been tried out. And why suddenly the hon. member for York-Forest Hill has discovered page 1070 in the testimony given by the then federal electoral officer.

Never until today did we hear any great reference to that testimony. There were many things that Mr. Castonguay said were his opinion that the committee did not accept at all. Why suddenly one line out of Mr. Castonguay's evidence should asume such great and telling importance remains I suppose for later explanation.

Mr. Castonguay gave us many of his ideas, some of which were of great help, some of which we decided were not applicable or proper for the Province of Ontario. But the member for York-Forest Hill, having spent many many hours trying to justify the unjustifiable has happily come across the sentence in Mr. Castonguay's evidence and he says, "There it is. That makes it exclusive and therefore it must be right."

Why, Mr. Speaker, has the member for York-Forest Hill laboured so hard to try and defend the opinions of all these mossbncks? Why is it that important?

At one stage I can remember, when we were talking about the ratio between urban and rural that would exist in new ridings over a population need and the inestimable member from Kingston and the Islands said, "Let us not have any at all. Let us fix the ridings to whatever size we want." He was backed at that point by four of the other mossbacks.

That was the only time, Mr. Speaker, when I felt the member for York-Forest Hill was losing his temper. He said, "If you do that I will get up in the House and tell you exactly what I think of you." It was the only time, Mr. Speaker, that the member for York-Forest Hill forced a showdown with the mossbacks and they did in fact back off.

Why he allowed them to berate him into this kind of recommendation—the three that I am going to deal with—I just do not have any idea. So while I have a great personal regard for him, I am surprised and disappointed that he allowed himself to be put in this invidious position where he is now attempting to defend the indefensible, unless he wants to say, with his colleague, the Minister of Transportation and Communications: "Patronage is our way of life; what is wrong with it? We have a divine right to rule; the Tories will be there forever, so just let us keep it that way."

Well they got too deep into the whole question of the DROs and the poll clerks and, as practically every editor in the Province of Ontario protested, the Premier tried gracefully to withdraw from that impossible position. Well, it was not graceful. It was a withdrawal.

It was an abject withdrawal, but it should never have been necessary, because it destroyed the so-called new wave and showed up the Tories in their true light. They believe in patronage; they want patronage; and, in the memorable words of the Minister of Transportation and Communications, they think it is an inevitable part of the way of life of this government, and they want to preserve it.

So be it. Let us have that on the record, and let us have that abundantly clear, because that is exactly what they are trying to do. They did not get away with the poll clerk business. Let us come to No. 2, and that is the question of vouching.

The hon. member for York-Forest Hill said this morning, when he was talking about vouching, "We have made a great advance; we have two enumerators in all ridings in the province, both urban and rural, and is that not a wonderful thing?"

The whole idea of vouching, Mr. Speaker, came about in those days when Ontario was by and large rural and when, by and large, people lived in the same place for most of their lifetime. Neighbours recognized neighbours; the mobility of the community was very limited, and vouching made a little sense. However, as time went on and Ontario became a more complicated place and people moved from place to place with great regularity, the Tories again found it to their advantage not to change these provisions because they drew their strength from the rural ridings and from the rural areas.

If you could vouch, who knows who could get on to the election lists just before the election? Who knows just what abuses could be carried on and, besides which, you could not allow those terrible and untrustworthy people who lived in the cities to have the same sort of privilege. The people in the cities were not to be trusted. After all, very often, they did not vote Tory. So let us just look after the rural people and let us just have vouching in the rural areas.

I say, Mr. Speaker, the vouching bit—in committee originally everybody said: "Yes, vouching has gone; it is an old-fashioned idea; it allows or indicates or could permit all sorts of abuses. There is no difference today between urban voters and rural voters. Let us do away with vouching across the board. Let us have two enumerators; let us have the same revision system"—and so on.

Approved unanimously in the committee by everyone including the mossbacks; approved unanimously by the government; by everyone including the Premier of the day, the member for London North; brought into the House and voted on and approved by every member of the House unanimously—urban voters are the same as city voters except that the mossbacks again had their day. Again, Mr. Speaker, in this draft report that the hon. member for York-Forest Hill divined out of the blue, suddenly the idea of vouching in rural areas assumed mammoth importance. Once again, we should return to the days of Tory protectionism; the days when rural voters are more trustworthy than urban voters. Once again we must give the Tories a little edge. So back in it goes. Back in it goes, and the member for York-Forest Hill made a very interesting observation. These recommendations were made 18 months before this legislation was introduced. So why was anybody surprised when legislation came forward embodying the recommendation?

Well, I will tell you why we were surprised, Mr. Speaker. We were surprised because we did not think that the Premier and his coherts who boast about the new wave were so stupid. We did not think they were so stupid as to try to bring back the old advantages of the patronage system, notwithstanding the Minister of Transportation and Communications' belief that it is our way of life, and inflict it once more upon the people of Ontario.

We thought that maybe there was some progressive thinking that would stay in the minds of those charged at the moment with the responsibility of running the government of Ontario. We thought that when a unanimous committee report came forward and was accepted unanimously by the cabinet; endorsed by the Premier; accepted unanimously by all members of the House; that it would stay at least for one election.

We never imagined that the government would be so stupid. We never imagined that they would listen to the pleadings of the members for Kingston and the Islands, Prescott and Russell, Kenora, Durham, Hastings and Simcoe East. We just never imagined that was likely to happen. We do not know really how stupid these people are.

Well Mr. Speaker, that deals with the vouching one. Then the whole question of students and proxy voting is going to be dealt with more fully a little later on. Again, we made the same kind of an advance. We had determined in time for the election of 1967, by reason of an administrative interpretation that everyone had agreed was proper, that the chief electoral officer for the Province of Ontario could exercise his discretion and instruct the enumerators to enumerate students either at their home or at the place they were going to school and in normal residence at that time.

Later, as a result of our first report, that recommendation was clarified in a legislative manner. Again, it was accepted by the unanimous vote of the committee, including the mossbacks, accepted by the government, endorsed by the member for London North and accepted unanimously by all members of the House.

Where were the voices of protest? Well, the voices of protest are those mysterious sounds that emanate now from people like the member for Bellwoods (Mr. Yaremko) and the member for St. Andrew-St. Patrick (Mr. Grossman), who suddenly are aware that maybe they have not really captured the imagination of the younger people in the province. So again they are now trying to reverse the whole electoral process.

Let us go back, they are saying, so that when students who happen to be away from their homes at the time when an election is taking place are going to be placed in a difficult and embarrassing position. We are giving them the right to vote but they are not going to be able to exercise it because they want the same privacy and secrecy attached to their ballots that everyone else in the province is entitled to.

**Hon. J. H. White** (Minister of University Affairs): He does not want the votes counted in his riding.

**Mr. Singer:** One would have thought, Mr. Speaker, that while they give to the 18-year-olds the right to vote, they would like to extend to those people who are in attendance at universities, and therefore away from their home, the right to a secret ballot. But no, not this government. On one hand they give, and on the other hand they take away. And again, they reverse the unanimous vote of the committee, the unanimous approval of the government, the approval of the member for London North and the unanimous vote of this legislative assembly.

And for what reason, Mr. Speaker? For reason only of fear. For reason only that the university students, if they are allowed to vote in places where they are in attendance, might defeat—probably will defeat—several cabinet ministers in this government. And that is the only thinking that can possibly lie behind that.

**Hon. Mr. White:** They might defeat the member.

**Hon. C. S. MacNaughton** (Minister of Transportation and Communications): They do not have far to go.

**Mr. Singer:** Probably, Mr. Speaker, the most serious fault—oh, one of the mossbacks is stirring.

I would love to hear the member for York North get into this debate and attempt to justify the perversion of the democratic process that he and his four or five colleagues have tried to inflict upon the people of Ontario, because that is what it is: it is a perversion, a reversal of the whole democratic process. Restore patronage, keep the Tories in power, they have a divine right—that is the thinking, Mr. Speaker.

**Mr. W. Hodgson** (York North): We listened to the member for Downsview for 1½ years in committee and he does not make any more sense today than he did then.

**Mr. Singer:** Well it is interesting that he says that. Why then, I ask the member for York North—and I hope he gets into the debate; I invite him to—did he support the unanimous recommendation made in the first report? Why then did he stand up in government caucus—

**Mr. Speaker:** The hon. member will address the other members of the House through the Chair, please.

**Mr. Singer:** Mr. Speaker, I hope when the member for York North joins the debate he will tell us why he supported the original recommendation of the election committee, why he supported it in government caucus, why he sat in this House and listened to the bill supported by the then Premier, the member for London North, when he brought in these recommendations, and why the hon. member for York North did not stand up on his feet and say, "This is terrible. This is awful. I cannot support it." What suddenly

changed his mind, other than the terrible thought that the Tory right to rule might be changed if the democratic process were allowed to prevail. And I want to hear him say those things, Mr. Speaker.

The other thing, Mr. Speaker, that puzzles me very much about the functioning of this committee is in relation to its original terms of reference. It was supposed to have inquired into the whole question of election costs. Could they be controlled? Was there any way of doing it? And to do this, the committee, as I say probably the most widely travelled select committee this House has ever seen, went to England and many parts of the United States, to Australia and to New Zealand. Reports were gathered in; systems were examined, and so on. Up to this date, Mr. Speaker, the committee has ignored and has not even begun to attempt to bring in any recommendations dealing with the whole question of election costs. Why? The answer is exactly the same as why they are doing other things.

Again, Mr. Speaker, on the question of where they get their money from, how much they spend, the question of controls, and the question of a democratic right to have the horses start from the election gate somewhat on equal terms, they have been afraid to wrestle with any or all of these points. The section presently in The Election Act dealing with the reporting of election expenses is ludicrous. It was drawn by someone who obviously did not want it to be meaningful at all. Nobody has to report anything or give any detail about anything. The reports are made to an individual riding returning officer who keeps them for a few weeks and then burns them up. Everybody knows that does not work. Everybody knows that donations are made occasionally for unusual reasons to political parties and everybody believes that there should be some form of control.

The committee on several occasions instructed the chairman, and by unanimous vote, that he, together with the committee counsel, bring in a report or a series of suggestions or recommendations, dealing with a method of control, reporting, auditing and subsidization of election expenditures, based on the Nova Scotia practice, which has been in the statute. The Nova Scotia practice, Mr. Speaker, you may be aware is somewhat of an improvement on the Quebec practice which is comparatively new. Quebec has used it for two elections and Nova Scotia has used it for one. The chairman was instructed to do this by the committee and the chairman has just never found time to do it. He is a good man and I have great respect for him, but I wonder why he found time to bring in reversals to things we had already agreed upon, but never found time to bring in any plan at all to place before the committee a draft report on how election expenses might be controlled. It passes understanding.

Mr. Speaker, those are the main points I wanted to make. Some of my colleagues are going to be making fuller points. I moved, I gave notice of motion some time ago, that I was going to move a reasoned amendment.

Since I drafted it and put it on the notice paper part (a) would now appear to be redundant, so I am now going to move, seconded by the member for Windsor-Walkerville (Mr. Newman): That the motion for second reading of Bill 125 be amended by deleting all the words after "that" and substituting the words, "this bill be not now read a second time but be referred to the government to bring back the bill with the following changes, namely, (a) part is deleted from the notice that I gave, and (b) part will become (a). So it will read:

(a) that the privilege of vouching electors in all subdivisions save those in unorganized territories be done away with, and (c) part will become (b) and will read: (b) that reasonable financial control be exercised during all elections by limiting the amounts which can be spent by or on behalf of political parties and individual candidates, and by providing for strict and audited control by appropriate government officials over all such election expenditures, and by providing for a system of full and complete disclosure of all moneys received by or on behalf of candidates, or by or on behalf of political parties in connection with the conduct of all provincial elections.

**Mr. Speaker:** Mr. Singer moves, seconded by Mr. B. Newman, that the motion for second reading of Bill 125, The Election Amendment Act, 1971, be amended by deleting all the words after "that" and substituting the words, "this bill be not now read a second time but be referred to the government to bring back the bill with the following changes, namely:

(a) that the privilege of vouching electors in all subdivisions save those in unorganized territories be done away with;

(b) that reasonable financial control be exercised during all elections by limiting the amounts that can be spent by or on behalf of political parties and individual

candidates, and by providing for strict and audited control by appropriate government officials over all such election expenditures, and by providing for a system of full and complete disclosure of all moneys received by or on behalf of candidates, or by or on behalf of political parties in connection with the conduct of all provincial elections.

The member for Cochrane South.

**Mr. W. Ferrier** (Cochrane South): Yes, Mr. Speaker.

**Hon. J. Yaremko** (Provincial Secretary): Mr. Speaker, before the hon. member speaks, I am rising on a point of privilege. I had given an answer earlier this afternoon that only one inspector who formerly was a policeman has been hired during the past year. I have since been informed by the chairman of the board that he learned later today, since talking to me, that there was, unknown to him, a second inspector who had been a member of the police force in 1965.

**Mr. Speaker:** The member for Cochrane South.

**Mr. R. Gisborn** (Hamilton East): How about the other applications?

**Mr. Ferrier:** Yes, Mr. Speaker, I was a member of that same select committee and the events primarily as set out by the member for Downsview who has just spoken are chronologically and otherwise correct. I must say that having presented a unanimous report and having it received by the government of the day in 1968-1969; and the bill that was enacted; and having heard no dissent on these issues in the committee, it came as a complete shock and surprise that the report was completely revised on a number of issues.

I remember Mr. Castonguay making the statements on the vouching procedure, that the chairman of that committee refers to, but there was no discussion of it in the committee and there was no consensus reached.

I would like to say, Mr. Speaker, that in many ways it was a privilege working on that committee because the chairman is a very astute, a very highly principled and intellectual gentleman of the highest degree. I felt that he conducted the discussions and studies very well. I feel on the issue that is before us that it was the other members of the committee who got behind him and exercised the pressure that had to be exercised and that he, in many respects, was a front for the other members of the committee of his particular party.

I had hoped that the government itself would have had enough political acumen not to proceed with such a contentious item as the changing of the provisions for the poll clerk. Obviously, it did not. I was one who was rather disappointed that the editorials were directed against the hon. member for York-Forest Hill in such a bitter way. My own experience has been of him as an hon. gentleman and member of this House, and they were not deserved.

As I said, I was greatly disappointed that the government originally saw fit to change the recommendations of the select committee and the original draft and the original Act, but as has been pointed out, it appears that the Tory backroom boys who live on and by patronage were appalled that their power was being curbed in the interests of a better, fairer election Act than the one that had prevailed in the past.

They pointed this out to the Tory members from rural Ontario who sat on that committee. As I said, as the result of an unprecedented private meeting by government members, they reversed their stand and made recommendations to undo the good that the previous report had enacted in the legislation. Without even giving this legislation a chance to operate in the election and prove or disprove its workability, the Minister without Portfolio (Mr. Dunlop) came in with a specious argument that there would be disharmony and confusion in the polls. What originally had been said was that patronage and the interests of the Tory party take precedence over that of the public interest and completely above-board election procedures.

It is not new, as the Prime Minister appeared to indicate in his statement on Friday, that election procedures carried out with opposing political interests overseeing one another, constituted a precedent. But if my understanding is correct, this has been carried out in Quebec, in this particular way, for two elections or more.

And when a number of us visited Erie county during the presidential elections some three years ago, I believe it was, it was remarkable that right down the line for every particular office, a Democrat and a Republican were balanced off, so that there was a complete election organization conducted by members of opposing political interests.

The principle, of course, is that in watching one another the likelihood of anything irregular, or anything that could be construed as corrupt, is discouraged in a very, very real manner.

I think that to have one another watch each other, as is now embodied in the Act and will remain in the Act, is a very important and vital principle. According to that editorial in the Globe and Mail of July 15, is was pointed out:

> After the last election, seven Conservative deputy returning officers were convicted of defrauding the province of from $206 to $2,835, by padding election accounts. All seven of them would have been better off if they had been watched by the opposition.

**Mr. P. D. Lawlor** (Lakeshore): They might have sat there and watched them pad the accounts!

**Mr. Ferrier:** I think that the original bill that was introduced, and is now on the statutes, and will be the one that this election will be fought on, will be a much superior bill than we have seen in any other election that we have had here, and I would like to say that I think some of the practices that might otherwise creep in, will be discouraged.

I think the principle of opposing political interests being involved in and policing the election has a great deal of merit and I am pleased that under extreme pressure and an adverse reaction from the public and the press and the opposition just prior to the election, that the Prime Minister did beat a retreat, graceful or otherwise, whatever it might be.

Because the question that would have to be asked is: If this could not work in Ontario, then why is it that it could not work here when it has worked in Quebec and it has worked in New York State? Are we saying that people of the various political parties in this province are so hostile and so determined to disrupt things that we could not work together?

If this were the case we would have to change the enumeration, which at the present time is done by people of opposing political interests. But from the reports that I have back from the people in my riding, in the main it has gone on fairly smoothly; there has not been the bickering and fighting and disruptive procedures that the Prime Minister implied might happen when the enumeration is being carried out.

I do not feel that the people in my riding are any more enlightened than any of the rest throughout Ontario. I just feel that some of these things—

**Mr. Lawlor:** Oh, they are pretty enlightened, if the member only knew.

**Mr. S. J. Randall** (Don Mills): Pretty sanctimonious up there. We have got to be careful.

**Mr. Ferrier:** Talking about sanctimonious claptrap, we hear an awful lot of it from the hon. member.

**Mr. Randall:** Take those halos off!

**Mr. Ferrier:** We are quite prepared to see the Act stay as it is in regard to the poll clerks being appointed by opposing political interests.

Another procedure that this Act restores is that of vouching.

As the hon. member for Downsview said, this matter was carefully considered by the select committee and a consensus was reached by all members that the most important way to get eligible voters to vote was to require two enumerators of opposing political interest to do a thorough job of enumeration in each and every poll, whether they be rural or urban, and to provide an adequate time for people who were missed on that enumeration to get their names on the list through a readily accepted and adequate revision procedure.

By putting the emphasis here we agreed that an election can be carried out with a high probability of all eligible voters getting on the list. With the exception of unorganized territory in northern Ontario where exceptional circumstances certainly prevail, the need for vouching could be dispensed with. We now have, in line with The Election Act as it was revised in 1968-1969, permanent returning officers, and the permanent returning officers are to break down the ridings into polls and work to get a high degree of skill in those who are to be doing the enumeration.

So we feel that vouching can be dispensed with, other than in northern Ontario in the unorganized territory. It is, as has been pointed out, a practice that is subject to abuse, that active party workers can dig up voters who are not on the list and by fair or foul means convince them to vote for that party, call them into the poll and swear them in. But of course one must also say that any political organization that is worth its salt

will be out trying to identify who its own supporters are and will be trying to get them out to the poll. The fact that swearing in can be done, the possibility is of course that somebody who is not entitled to vote can be vouched for by somebody who is more concerned with promoting the interests of a party than he is in promoting the interests of a fair and just election.

I am convinced that the practice of vouching in rural polls can justifiably be dropped. I think that the decision taken at that secret meeting was a retrograde step and it is designed to help the members of the Tory party more than anything else; those members in the rural parts of the province.

On the other hand one wonders why, if you are going to keep vouching, if it is a good thing as Mr. Castonguay indicated, that it has to be limited then to the rural polls? If you are going to have it why not have it throughout the province and in the cities? Of course that is where the abuse could really creep in. I take exception to the change that is made in terms of vouching and would say that I cannot endorse the changes that are made here and that I must oppose them, that the Act, again as it was originally amended, makes the most sense and it must stand.

Now in terms of students voting by proxy, when this report was brought in and was discussed, the hon. member for Yorkview and I published a dissenting opinion to that of the majority of the committee because we could not accept the fact that students if they were so far away from home would have to vote in their home ridings by proxy. If students will have to vote in their own home riding they will in many instances be removed from election processes. Many students will resent having their parents vote for them and so they will opt out of the process altogether; that was what the hon. member for Yorkview and I said.

I notice in this statute, and the minister referred to it in his opening remarks, that the proxy provisions have been extended to an elector in the particular riding of the person who wants to appoint a proxy. He suggests that surely you have got to have a friend or a relative or a parent that you can trust. Well I do not think this meets the objection as far as I am concerned.

The government gives the impression of being progressive minded in giving votes to the 18- to 20-year-olds, as we have done in the legislation that we have passed this morning, and the Prime Minister says that it will be in effect for this next election. But we are not as progressive minded in this province as we would like to indicate, because I understand that eight other provinces have lowered the voting age and the government of Canada has already passed legislation to this effect. So if we are about the second last one to take action, I would think that we have certainly lived up to the conservative image that this government has been projecting for itself for a long time.

Now, because university students are inclined to be more independent in their thinking than their elders and very suspicious of the motives and actions of the establishment, this status quo establishment government proceeds to disfranchise many of these students by forcing them to vote in their home ridings, either in person or by proxy. If the student's interest is still in his home community, he may opt to vote there and find it possible to return home to cast his ballot. But what about the students who live many miles from home, as many do? Many university students from my own riding are attending universities throughout southern Ontario. How will they get home to vote? It will be just impossible for them to do so, and the only option left to them under this amendment that is before us here today, and the principle that the government is suggesting, is that they will have to vote by proxy.

Now to say that they can vote by proxy given to a blood relative or other person living in the electoral district is far from satisfactory. While technically enfranchising them, it is an insulting procedure to bright, mature young people to have their parents or somebody else vote for them. I am sure they will be elated by the Tory fear of their judgement by telling them, "Father or Mother or somebody else knows what is best for you." The Tory government wants to have the umbilical cord still attached between university students and their parents.

They want to discourage independent and free political thoughts by the university students, who surely should be granted this right. Many of us can think back to university days, when our thoughts and outlooks went through a metamorphosis; we doubted and questioned the value and ideas of our elders and their society and we gradually worked out our own philosophy, outlook and scale of values. It would have been an intrusion to have had to necessarily declare to our parents what our thinking might have

been at a particular stage of our intellectual and political development.

I believe many students are in the same boat today as we were then, and will find their privacy threatened by having to vote by proxy, and thus will not vote at all, even though they may feel very strongly about the issues of an election and have taken a definite stand on them. It is an injustice to disenfranchise these students as this bill does. It destroys the secrecy of the ballot for them and I think it destroys a real sense of their independence.

Furthermore, university students have a great deal of interest in what concerns them directly as students of the university and the community in which the university is situated. We have seen, as the University of Toronto bill has been discussed, how greatly involved the students are in the life of that university and the decisions that affect them. Their involvement is vital, relevant and concerned, and we saw in a great many cases where they were much more sophisticated politically than those of the faculty who took a hierarchical and unreasonable view of their own judgements in regard to political matters as opposed to those of the students.

Students are extremely interested in their life as it concerns them now, where they are and are likely to be for the next few years, and of the society in which they grow up and live. These are the real issues which grip them and concern them. It therefore seems reasonable that since the vote is given them that they must have the right to exercise it where they live and study and have their greatest interest and involvement, where the local issues are most vital to them.

Thus we in the New Democratic Party insist that the student of 18 years of age or more, who will be living in that university community for three, four, or six or more years, must have the option to declare his residence to be either at his parents' home or where he lives at least eight months of the year in the university town. This is only just and proper.

May I say to you, Mr. Speaker, that when I was active in my former profession, facts and figures were often quoted to us to say that one in four people moved every year—there was a continual changeover with new people moving in and moving out, so societies and communities changed very rapidly. So in view of the fact that the general population moves so frequently and sometimes spends little more than a year or two in a community and yet can vote in that community and elect a member of that community to come and sit in this Legislature and speak on their behalf, I do not think it is right or proper that we not give the vote to the university student in that community if he elects to use it.

The truth of the matter is that the Tories are concerned that so many university students have seen through them that they will not vote Tory in any significant numbers. Certain Tory seats would be put very much in jeopardy if university students were permitted to vote where they live. Thus the subterfuge to disfranchise them where they live and study by dispersing their vote through their home communities by means of a proxy vote.

Such gerrymandering motivated by fear is despicable and is to be utterly condemned. It shows lack of faith and goodwill on the part of the government toward the university students of this province. Such gerrymandering and tampering with the vote will cost this government dearly, because fair-minded, just people are appalled by such devious methods to manage the vote

We suggest the student have the option to decide where he votes. If he decides to vote in his home riding and finds it impossible to return to cast his ballot personally, we suggest that another method such as a mail-in ballot be set up so that the secrecy of the student's ballot can be preserved, and he can have the democratic right of casting his own ballot.

Further, one wonders what will happen to married students whose home is where they are living. Although, like single students, their commitment to the university constituency may be no more or less than their single counterparts, will they be able to vote in the constituency where they live—

**Hon. E. A. Dunlop** (Minister without Portfolio): Yes.

**Mr. Ferrier:** —or may a husband and wife have to vote by proxy in two different constituencies?

**Hon. Mr. White:** The member has the answer to that.

**Hon. Mr. Dunlop:** He has the answer "no."

**Mr. Ferrier:** If this is the case, the minister is treating university students on a different basis; there is already discrimination in there.

**Mr. D. C. MacDonald** (York South): If they are married, presumably they are more mature.

**Mr. T. Reid** (Scarborough East): How about common law?

**Mr. Ferrier:** Lack of faith in such young people where the minister gives them the vote on the one hand and takes it away on the other is to try to suck and whistle at the same time.

**Mr. I. Deans** (Wentworth): Right, and even Tories cannot do that.

**Mr. Ferrier:** The Liberals have submitted a reasoned amendment to this bill in which the whole problem of election expenses is raised. The two NDP members on the select committee were in accord with the Liberals, that the whole problem of election expenses should have been investigated, research done and a report made by that committee. Some consideration was given to this subject, but it proved to be too hot a potato for the Tory members to handle, so no report was made. But the five members of the two opposition parties again presented a report dissenting in that which was tabled in this House.

We considered the manner of controlling election expenses of candidates and parties as in effect in Quebec and adopted, by and large, by Nova Scotia. Ceilings are placed on the amounts candidates and parties can spend in an election campaign. A strict audit is made of the expenses incurred and, provided a candidate achieves a certain percentage of votes, the province will reimburse—I think the amount is two-thirds of his election expenses. Of course, this practice requires the recognition of political parties as such and that the candidates on the ballot be designated according to their party affiliation. For some reason, the Tory members of that committee strongly opposed party affiliation on the ballot. Rather than being proud to run as Progresssive Conservatives, they seemed to be ashamed of being so designated. For my part, I am extremely proud to be known as a New Democrat and I am happy to be so designated on the ballot, should such amendments be proposed.

For our part in the NDP, we accept the principle as designated by the Liberals regarding the limitation of election spending, and the strict auditing of such expenses, but we would go a step further and suggest that, to make this work, there needs to be a reimbursement of candidates from the public treasury for a portion of their expenses as is done in Quebec and Nova Scotia. Unless this is done, my experience as a member of the select committee during our examination of other jurisdictions has taught me that control of election spending cannot adequately be done.

Some people object to the fact that certain election expenses might come out of the public purse and that the whole democratic process may be subsidized in some way by the taxpayers. Right now I suggest that some electioneering by the government across the way is being subsidized by the public purse. I understand the Prime Minister on his trip to Thunder Bay and Timmins went at government expense and not at party expense. Is that not true?

**Hon. A. F. Lawrence** (Minister of Justice): That is not true.

**Mr. Singer:** The Attorney General is going—

**Hon. A. F. Lawrence:** The Attorney General is going at party expense.

**Mr. Ferrier:** Am I to understand then that the Conservative Party paid for that trip?

**Hon. A. F. Lawrence:** The trip to Sudbury was completely party.

**Mr. Ferrier:** I said Timmins and Thunder Bay.

**Mr. J. E. Stokes** (Thunder Bay): What about Thunder Bay and Timmins?

**Mr. Ferrier:** Was that paid by the Progressive Conservative Party or was that paid by the government?

**Hon. A. F. Lawrence:** That is my belief. It was paid by the party.

**Mr. Singer:** The Attorney General's trip this week to the north with his staff?

**Hon. A. F. Lawrence:** Absolutely 100 per cent party.

**Mr. Singer:** And your staff?

**Hon. A. F. Lawrence:** One staff member is going with me.

**Mr. Singer:** And the party is paying for him too?

**Hon. A. F. Lawrence:** No. The member should be careful with his accusations. They are not right.

**Mr. Ferrier:** If my accusations are not right, I am prepared to withdraw. If they are right, I will let them stand.

**Hon. A. F. Lawrence:** It is both—

**Mr. MacDonald:** Let it stand, because he cannot deny it.

**Mr. Ferrier:** We heard all the wonderful jingles that were going on our radios and television and in our newspapers about any place you would rather be, when the member for Don Mills was in charge of that department. If that is not, in a sense, promoting a party at the public expense, I would like to know what is. So I think that we would be far further ahead to come right out into the open and exercise control of spending and to reimburse a portion of that from the public purse.

I asked an organizer of the Liberal Party in Quebec, when we were down there and were most graciously entertained at a chateau north of Quebec, how they reacted to the limitation of spending that was imposed upon them and how they found it working out. He said, "It is not too bad, but you know how the big companies like to give you money and sort of build up your funds, and sometimes it is hard to know what to do with them. You know how it is."

I said, "No, I do not know how it is."

**Mr. T. Reid:** How about the unions?

**Mr. Ferrier:** I make no apologies about the unions. We get very much support from the unions; it is entirely open. Any time the member wants to come up and see the donations that the unions make to my campaign, he is free to do so. I will open up the books to the member completely.

**An hon. member:** Will the member name one for me? Name one.

**Mr. Ferrier:** Why should election expenses be controlled and upper limits placed?

**An hon. member:** Name one or shut up!

**Mr. Ferrier:** Now I suggest it is to guarantee to some extent that all candidates start on a somewhat equal basis and will have sufficient money to get their message across to their electors on a fair and equitable basis rather than have one candidate, because of wealthy backers, be enabled to spend his way to victory. It is true that over-spending can result in a backlash and work against a candidate, but a significant amount of election spending can have a real effect on the outcome of the election.

We think a greater degree of equality is desirable as far as election spending is concerned and thus controls are necessary. We accept the fact that strict and adequate audited controls should be carried out by the government, through an agency of the government, of all election expenditures. Such is necessary to ensure that proper bills are submitted and that bills for services rendered are not under-reported. When the state reimburses candidates with strict auditing limits imposed upon them, it so happens—as in Great Britain—that the political parties watch one another's accounts very carefully to see that reasonable bills are submitted for the kind of service charged and submitted.

I am surprised but pleased that the Liberals are in favour of full disclosure of moneys received by candidates and parties during a provincial election. This is a departure for them. All I can say is that I welcome it and I hope that since they favour this principle, they will practise it and that in the next Parliament they will be prepared to table the sources of their own revenue and where it was expended. We have been in favour of this principle for years as to where we get our election money and how it is spent.

There is an old adage that he who pays the piper calls the tune. Seeing the special treatment and favoured position granted to the insurance industry and the concessions granted the mining industry in this province, it would be of real interest to the general public to know how much the Tory bagman gets from these people.

Inco consistently thumbs its nose at ministers of the Crown and largely ignores with impunity any government pressure exerted upon it. More than one minister has been thoroughly embarrassed by this company and yet these ministers refuse to get tough with Inco. Why?

One wonders how much the brewers will kick into the Tory war-chest this election, in return for the extra revenue provided to them this year by government changes in their pricing structure.

Further, how much do the recipients of forgivable loans from The Department of Trade and Development kick back into the Tory party's campaign funds? I do not know whether or not any of them give any to our friends, Liberal friends, on the right. I do not know.

**Mr. Pilkey:** It is 60-40!

**Mr. Ferrier:** I am sure the public would find this information extremely interesting and would find an explanation for many of the enigmas concerning the government's action and treatment of certain interest groups.

We have nothing to hide as to where we get our funds and how much they put into the campaign or running of the party. Full disclosure of income is a valid principle that we believe should be incorporated in The Election Act, and we fully support the Liberals' recommendation on this score.

I would say, Mr. Speaker, because of the fact that students are not given the opportunity to cast their own ballots and to have the option of deciding whether they want to vote at home or in the community where they live, and because of other deficiencies in this bill, that we shall not be supporting it.

**Mr. Speaker:** The hon. member for London South.

**Hon. Mr. White:** Mr. Speaker, I would like to make two points rather briefly. The Minister without Portfolio, the member for York-Forest Hill, a week or two ago sent me the sections of the federal statutes recently enacted dealing with proxy voting and with vouching, and I was interested in comparing those provisions, which I say were passed by the Parliament of Canada a year or so ago—pardon?

**Hon. Mr. Dunlop:** Last year.

**Hon. Mr. White:** They are identical to the provisions contained in the legislation which this House is being asked to accept. I think I will not argue the merits of these particular provisions in detail because I know my colleague, the Minister without Portfolio, proposes to do so.

The idea that the Conservative Party is in some fashion afraid of students is just astonishing to me when one looks at the results of the last election, because when one looks at the polls which were situate on campuses, one finds that the Conservative Party did very well indeed.

I know my friend, the Minister of Trade and Development, was gratified to get a disproportionately large number of votes from the university polls in his riding—

**Mr. C. G. Pilkey** (Oshawa): The minister's problem is that they are not the same students in 1971 as opposed to 1967.

**Hon. Mr. White:** —and referring specifically to my own riding—

**Mr. Pilkey:** That is where the minister has the difficulty.

**Hon. Mr. White:** We will put that to the test before you want us to.

Referring particularly to my riding—

**Mr. MacDonald:** If the minister is not afraid, why is he trying to stage it this way?

**Hon. Mr. White:** —with which I have a more interested and intimate acquaintanceship, I was gratified because at that time, it may be recalled—and I think I had reason to mention this a week or two ago—the several student leaders, all of whom went to work for the Liberal Party immediately afterward—

**Mr. T. Reid:** That is where all student leaders go.

**Mr. MacDonald:** Then they leave and go to the New Democratic Party.

**Hon. Mr. White:** —having been disappointed in certain respects with the University of Western Ontario bill—

**Mr. MacDonald:** Like your recent association secretary.

**Hon. Mr. White:** —and having become paid Liberal workers, attempted to rally the student body against me. They were personable and able, very attractive indeed—

**Mr. H. Peacock** (Windsor West): The minister loves to tell this story.

**Mr. T. Reid:** He has told this story four times already.

**Hon. Mr. White:** —so I was uncertain as to the outcome. Mr. Speaker, you can imagine my very considerable delight when I found that I had won the campus polls by an overwhelming majority, and that the majority which I got on the campus—

**Mr. MacDonald:** Where did that majority go in the Middlesex South by-election when the minister was manager in the urban polls?

**Hon. Mr. White:** —coincided with the sizable majority that I got off the campus.

I wonder to myself when I hear the member for Downsview as he puffs himself up—

**Mr. Singer:** Oh ho! Look who is talking!

**Hon. Mr. White:** —acting as Leader of the Opposition, if he may not be afraid—

**Mr. T. Reid:** The minister is about to explode.

**Hon. Mr. White:** —that his 37-vote majority —was it a 37-vote majority, a 37-vote plurality?

**Mr. Singer:** Twenty-one. Be accurate.

**Hon. Mr. White:** A 21-vote plurality. Is he not somewhat fearful that a few dozen or a few hundred students attending the universities in this province and sending their proxy votes back home to his riding may be enough to tilt him out, having in mind his—

**Mr. Singer:** You never know. That is what elections are all about.

**Hon. Mr. White:** —archaic point of view on reinforced concrete—

**Mr. Singer:** The minister will know soon.

**Hon. Mr. White:** —and every other progressive measure that comes before this House.

At any rate, Mr. Speaker, I did want to point out to the House that the provisions in this bill with respect to proxy voting and vouching coincide with recent federal legislation. If my hon. friends on the Liberal benches feel so strongly about it, I am a little surprised they did not make representations to their colleagues in Ottawa, and I am glad to have the opportunity of pointing out once again that the Progressive Conservative Party has fared very well indeed in past elections and I have no doubt will do so again. The reasons for these provisions have nothing to do with this particular matter—

**Mr. Pilkey:** Oh no.

**Mr. Singer:** Perish the thought!

**Hon. Mr. White:** —and perhaps the hon. members opposite, when they reflect on this in a more meditative fashion, will find it possible to join those of us on this side of the House—

**Mr. MacDonald:** The isolation of the ivory tower, far from the madding crowds of the hustings.

**Hon. Mr. White:** —when passing this legislation which is a great step forward.

Interjection by an hon. member.

**Mr. MacDonald:** Why did you not vote for the other bill?

**Hon. Mr. White:** In conclusion, may I join those other members who expressed affection, respect and regard for the Minister without Portfolio, the member for York-Forest Hill. He is not to be a candidate again, as we all know, and I should like to be one of those to voice the opinion that he has enriched this Legislature, that he has been an ornament in this Parliament, that he has been a trusted friend, a wise counsellor, and that I, as well as the other hon. members, will miss his presence here very much indeed.

**Mr. T. Reid:** I would like to try to interrelate the two bills we have been discussing mostly today, Bill 122, An Act respecting the Age of Majority and Accountability, and the bill we are now talking about, An Act to amend The Elections Act.

**Mr. Speaker:** Provided the hon. member speaks on the principle of the bill.

**Mr. T. Reid:** Yes, sir, I shall be right on.

I would like first of all to refer the hon. members, Mr. Speaker, to a book by Professor T. H. Qualter, "The Election Process in Canada." I think what we need here is something of a perspective on the basic principles of this bill. He says this, on page 1, in a couple of sentences:

> Although we commonly think of an election as a process by which some people choose other people to be their representatives, it is obvious that even under universal suffrage not all the people can be choosers or voters.

And he states later:

> Although simple categorizations are often misleading, one can begin usefully by recognizing three types of non-voters—the statutory non-voter, the administrative non-voter, and the voluntary non-voter.

Mr. Speaker, the previous Bill 122 had to do with the statutory voter, and what the previous bill did was to increase the number of statutory voters there are in this province. The voluntary non-voters are those people who are eligible to vote but who choose not to vote even though it is easy to vote; and the category of the administrative non-voter, which I want to concentrate on this afternoon, is a person who as a member of a class has the right to vote but as an individual is unable to exercise that right. I feel that in the bill we have before us today the principle of

proxy voting is really a cause, and shall be a cause if it is carried, of creating a greater number of administrative non-voters.

Let me put the paradox or the inconsistency this way, Mr. Speaker. The government has, rightly, increased the number of statutory voters by lowering the voting age and including the age group 18 to 21. Then—and this is my contention—it goes about in this bill, in a way which I find somewhat invidious, effectively disenfranchising a substantial proportion of this new statutory eligible group.

Let me repeat this: an administrative non-voter is a person who, as a member of a class—and this new bill has defined a class of persons; and I quote from the bill: "persons absent from their regular residence by reason of attending an educational institution." That is, basically young people aged 18 to 21. So this bill has defined a class of people very specifically. And a quotation from the book, "The Election Process in Canada," continues:

> An administrative non-voter is a person who as a member of a class, has the right to vote, but as an individual is unable to exercise that right.

Inadequate provisions for those who must be absent from their districts on election day; too few or inaccessible voting places; confused or contradictory voting instructions; complex, inefficient, overly-detailed voting procedures—all can be, Mr. Speaker, administrative barriers to voting, and very effective barriers at that.

I submit to you, sir, and to the members of this House that what this government has done is, at the best, devious and cynical, and at the worst purposefully planned. I suspect it is the latter.

They lower the voting age to 18 with ringing optimistic words coming from the mouth of the Premier and then, purposefully and carefully—and I stress that word carefully, Mr. Speaker—create administrative barriers so that this new group, many of them, in effect will be non-voters.

What are the administrative barriers in this bill—barriers designed to keeping a particular class of people, as defined in this bill, from exercising their franchise? I submit, sir, the whole concept, the whole principle, of proxy voting is a barrier in itself, certainly when compared to direct voting. The fact that students living on or near a campus have been singled out for discrimatory treatment on how they must vote—that is by proxy, instead of being able to vote like other people, being enumerated where they live and voting directly around the corner in the poll in which they are living in or around a university campus—that that type of discriminatory concept is of itself an administrative barrier to voting.

Secondly, Mr. Speaker, the proxy system designed for students in this bill is much more complex than it need be, even as a proxy system. For example, and I quote from the bill: "A person who has been appointed a voting proxy has to be entered upon the list for the polling subdivision in which the person appointing the proxy is entitled to vote."

That is very detailed, Mr. Speaker, and I maintain that because of that detail there is a principle incorporated in it. It is so detailed that I submit it is being purposefully and carefully put in this bill to create an administrative barrier to voting by students. Note that that section, sir, does not say "anywhere in the riding"; it says, in the particular subdivision.

**Hon. Mr. Dunlop:** He has to be entered on the list. He may reside anywhere in the electoral district.

**Mr. T. Reid:** Why does the minister not do that for mariners too, which is my next point?

**Hon. Mr. Dunlop:** This applies to all persons entitled to vote by proxy.

**Mr. T. Reid:** Even mariners, sir, are not restricted to a particular subdivision in which they are listed. I quote again from Qualter's book "The Election Process in Canada," page 37: "Ontario law makes special rules for mariners"—and I will stick specifically to mariners, not to the other groups—"allowing any such person to: 'appoint in writing a proxy who shall be the wife, et cetera to vote in the electoral district in which the mariner is qualified to vote.'"

Now has that been changed, or has it not been changed?

**Hon. Mr. Dunlop:** That has not been changed. It is the same for the student or the mariner.

**Mr. T. Reid:** Mr. Speaker, the minister will have a chance to reply. I am stating to him right now that my understanding is that mariners can vote and people can vote by proxy for mariners in this same Act anywhere in that riding whereas students are restricted to having their proxy—the person appointed as their proxy—vote in their particular polling

subdivision. Now if I am incorrect in that, then the minister can reply. But I state it is discriminatory against the students as opposed to the mariners, to enable the mariners to vote by proxy and have the person voting for them by proxy cast the vote anywhere in the riding, yet restricting a student proxy to vote in a particular polling subdivision. That is pure discrimination, I suggest. It is purposefully and carefully designed to create administrative barriers to students voting. It is unnecessary even in a proxy system of voting.

I recall to your mind, sir, that in British Columbia, the whole question in that Act concerning absentee voting states very clearly that people, if they are living outside the polling subdivision, may vote in another polling subdivision in the same riding. There is that flexibility in it and even if they are in a riding miles away from the riding in which they reside, they can vote in the riding through which they are travelling.

Now that is not proxy voting, sir. But it incorporates a principle that encourages people to vote as opposed to creating detailed administrative barriers and complications to discourage them from voting.

Sir, speaking to the principle of the bill, in subsection 5 of 5 in this bill, the language is detailed. It spells out procedures in a very pedantic, picayune and unnecessary way to ensure against such things as fraud. I remind you sir, it says this:

> The returning officer or assistant revising officer on any day up to and including the last day of the revision shall take evidence on oath as to the right of the person appointing the proxy to vote in the subdivision upon the list for which his name is entered and as to the qualifications of the voting proxy, and, if he finds that the person appointing the proxy is duly qualified and that the voting proxy is qualified to act for the person appointing the proxy, he shall give a certificate.

I submit sir, that that section has been purposefully and carefully designed to confuse voters, to confuse those people who are administrating the voting laws, in order to make it very difficult for students to vote by proxy.

It is not just cynical, sir. It is a design to disfranchise through administrative barriers.

Another example, Mr. Speaker: It states in this legislation that the proxy voter, unless the direct family, can only have one proxy vote. I submit to you, sir, here is what is going to happen to disfranchise a number of students in this province. The day before the last day of the revision—that is the cutoff day whereby the person wishing to cast a proxy vote is eligible to do so—some people in say, Scarborough East, where I come from, will have been asked to cast proxy votes for two or more people by or on the day before revision day.

What will happen, sir, is that in effect two of those students who have asked the same individual to cast their votes for them, perhaps a high school teacher on their behalf, will effectively be disfranchised because there is no way in which a person who is not of the direct family can cast more than one proxy vote. That, sir, is a weakness in the whole proxy system of voting because it sets up a chain of events. Even where there is a willing student who wishes to have his vote cast by proxy and a person willing to cast that proxy vote, there will be people who will be disfranchised, simply because of the technicalities of the proxy vote procedures.

Someone who has been asked by three students the day or so before the day of revision will have to turn two of those students down. Two of those students will be without a vote because they will not have time, sir, to ask someone else in that riding or polling subdivision to cast a vote on their behalf. That is inequitable, it is unfair and it is against what I consider to be basic democratic principles in this province.

I think it is for reasons such as this, sir, that some of us are receiving telegrams from university students such as the one which I have here from David Charles Onley, the president of the Scarborough College student council, in which he says, in the telegram:

> I OBJECT TO THE GOVERNMENT'S DECISION BANNING STUDENTS FROM VOTING IN THE UNIVERSITY RIDING. THIS IS UNJUST, UNFAIR AND POLITICALLY EXPEDIENT. PLEASE VOICE THIS TO THE CAUCUS AND TO THE LEGISLATURE.

This is why they see it, not just as something cynical, they see it as something which has been carefully designed to disfranchise them on the one hand while giving them the franchise on the other.

Sir, I would like now to turn to the question of why we have systems of proxy voting at all in Canada, and certain other countries of the world. I would refer you, sir, to the book by Professor Qualter, from which I have already quoted, pages 30 and 31. I think you must go back to these fundamental principles

to understand why we have systems such as proxy voting suggested in the legislation before us today. Professor Qualter says this:

> Inevitably there will be some electors who will be unable to be in their polling subdivisions on election day and one measuse of the efficiency of an election system is the extent to which it can extend voting rights to such people without excessive increase in costs and without unduly furthering the opportunities for fraud.

Then he goes on to say:

> There are three principal ways of dealing with the problem. Electors may be permittee to vote on a day other than, and prior to election day—the advanced poll system. They may be permitted to vote somewhere else and have their ballot mailed to their home constituency—an absentee ballot, or they may be permitted to authorize someone else to vote on their behalf —the proxy ballot.

That is the end of the quotation.

The member for York-Forest Hill this morning, in arguing for the proxy vote for students, drew either an analogy between mariners and students, or even worse, applied the proxy principle—which has a precedent in mariners—he applied that principle, or precedent, indiscriminately to students. But I suggest, sir, that what he failed to do was to recognize the total incompatability of the analogy, or the total incompatibility of the precedent, to students.

Mariners, presumably on board a small ship, are individuals; they are isolated, and cannot be compared to a student on a university campus where he is part of a group and where he is not isolated from the political process. Well, let us be obvious about it; I agree, one cannot very well put a polling box on board a small fishing vessel, but surely one can at least put one on a university campus where there may be 1,000, or 2,000, or 5,000 or 10,000 eligible voters.

It seems to me that the hon member for York-Forest Hill was mistaken in trying to base his argument, as I understand it, for a student proxy voting system on the concept of a mariner who would be isolated on a ship somewhere in a small group.

We will turn to that analogy when I make my conclusion, Mr. Speaker, to show why it is totally false as a principle to be incorporated in this bill with respect to students.

Now, sir, I think it is important to say that, even assuming the students should be singled out for discrimination and limited voting rights, there are alternative means to proxy voting which would maintain the principle of the secret ballot and, at the same time, reduce the number of bureaucratic and administrative barriers to students exercising their franchise.

This morning, if I recall what the hon. member for York-Forest Hill said, there were no alternatixes to the proxy voting system for students. If I remember him correctly, he mentioned something about there being alternatives only if there were a registered voters' list. I say to him, sir, that he is factually incorrect. There are alternatives to the proxy voting system being applied to students without a permanent voters' list.

Before I get into that, I would just like to repeat what the member for Cochrane South said about the secret ballot and about the importance of the secret ballot The very act of asking someone to vote on your behalf is an invasion of our privacy with relation to our political beliefs. Proxy voting, in my opinion and in the opinion of this party, in this place is totally incompatible with the basic principle of democracy, that is the right to privacy of one's political views. Proxy votting is not only an invasion of privacy, it is an invasion of a right that is esential, in my opinion, to the preservation of the democratic voting system.

I was intrigued, sir, that the member for York-Forest Hill did not in all fairness to his argument at least refer to the Alberta Act, because the Alberta Act almost by itself denies the minister his basic argument. The Alberta Act sets up an alternative system of student voting based on the concept of identifying students as a particular class of voters without also incorporating the proxy voting system.

It seems to me that this minister should have stood up in this House this morning and said, "I recognize that in Alberta there is a system of absentee student polls. There is a system in Alberta of having special polling booths placed on the university campuses, but I have looked at that system and I find it is not preferable to the system of proxy voting as contained in this bill." He did not say that, sir, and I say by omission he is not being entirely fair.

Because of that I would like to put, and explain to the members of this House, sir, and to you, what the one valid alternative to the proxy system of voting is in Canada. In Alberta, section 66 of the Act says under the heading Absentee Student Polls.

> An elector who is an absentee student voter within the meaning of the absentee student voting rules set out in the fifth schedule may, subject to those rules, vote at an absentee student polling place established under those rules instead of at the polling place in the electoral division where under this Act he is qualified to vote.

Sir, one turns to those rules. I will not put them in the record in great detail, but I must point out they are very carefully drawn up. This is from the fifth schedule concerning absentee student voting rules. The chief electoral officer in Alberta designates specific separate polling booths on designated educational institution campusses. And on that campus, sir—you can imagine it just across the street here—there are polling booths. The returning officers would have all the necessary information related to this province. They would have maps showing the boundaries of all the electoral divisions. They would have the lists giving the names and the political affiliations of all the candidates in all the 117 ridings in this province.

And the procedure in Alberta, sir, is this. The student comes in; he is registered; he identifies himself; he states his address, in town, or village or city; and the election officials in that polling booth find the riding where he is eligible to vote. They give him a ballot and he marks in secret the person or party to which he wishes his vote to go.

He puts it into an envelope; it is sealed. There is a complete checkout system to cut out fraud. And that ballot goes back secret, known only to him, and the relationship between his name and his vote is never known to anybody. His ballot is cast in his home riding and the sanctity of the secret ballot is maintained. It works very well in Alberta.

For the minister, this morning, not to have at least mentioned that he had examined the system of absentee student voting, of polling booths, to me was a serious omission.

I think he cannot argue two ways at once. He either has to say he knew nothing about it, in which case he would be incompetent to bring forward this legislation because he should know about it, or he will have to say he knew about it, but he chose not to mention it. And I think that would be worse.

I do not favour, nor do we in this party favour, even the system of student voting in the Province of Alberta. It is, however, a valid alternative to this minister, if he is forced to, or feels he must, for whatever reason, disperse the student vote across the province. He can still achieve that objective of protecting the hon. Minister of Trade and Development and others—the member for Kingston and the Islands. He can still protect them, disperse the student vote and still maintain the sanctity of the secret ballot, and also, sir, reduce the level of administrative barriers to student voting.

The Alberta system clearly is less complicated and has fewer administrative barriers to students voting. The minister and the government can achieve their objective, Mr. Speaker, by adopting the Alberta system and still have the secret ballot. But our party rejects that system too.

There is another possibility. The possibility, sir, is basically one of choice. That is to say, a student becomes a member of a privileged group, in the sense that he has the right to choose whether he will vote where he is residing while going to an institution of higher learning, or of voting in his own home riding. In other words—this is an argument for privilege—and it is a possible alternative to what the minister has placed before us today.

As a matter of fact, as my colleague from Downsview and others have pointed out, in 1967, university students over the age of 21 had a choice. They had a choice and now, because of this legislation, their choice is being removed under the guise of having lowered the voting age to 18. That is not equity, sir. The government brings in one reform, to lower the voting age and, on the other hand, turns around and abolishes a right that existed in 1967, for those students who were 21 years of age or over. And that to me, sir, is something that is inexcusable.

So even in this province there is a precedent for choice under this very government and that choice—which I maintain is a privileged position and to which I basically object—but that choice was there and this government turns around and abolishes it under the guise of reform. I think that really stings the students. If the government was honest about it, at least the students could say, "just politicians." But the government is not honest about it.

Sir, there is also precedent in other provinces in this country. I refer you to New Brunswick. In New Brunswick the students have a choice.

**Mr. Makarchuk:** Are you going to go through all the election Acts?

**Mr. T. Reid:** Yes, I consider this to be very important. I quote from The Election Act. sir: I believe it is section 5:

> A person who, at the time of preparation of the preliminary lists of electors is duly registered and in attendance at a recognized educational institution, and for such purposes resides in a polling division other than that in which he ordinarily resides, and if he is otherwise qualified as an elector, is entitled to have his name entered on the list of electors for the polling division in which he ordinarily resides and on the list of electors for the polling division in which he resides at the time of the preparation of the preliminary list of electors and to vote in either one of such polling divisions as he may elect, but he may vote only in one division.

That is the clear concept of choice that I submit, sir, was the basis perhaps for the decision in 1967 to allow students some latitude of choice.

In Newfoundland, we find the students, again identified as a class of voters, also have a choice, a privileged position. It says here —and this is section 10 (4)(a), subsection 2— talking about students at recognized educational institutions in Newfoundland:

> If for the purpose of attending the educational institution, he is living and sleeping in another polling division from that of his place of residence, within the meaning of section 10, if he so elects in that other polling division whether the two material polling divisions are in the same electoral district or are in different electoral districts.

So, sir, the precedents are there; in this province in 1967 students had a choice. In Newfoundland students have a choice, and in New Brunswick they have a choice; yet this minister chose not to recognize those precedents. I wonder why.

The position that we favour in this party is basically one of no discrimination against students or discrimination in favour of students, and I think the model we prefer is the model of British Columbia. In British Columbia, students are not singled out as a special class of voters; they are treated like anybody else who happens to be away from his ordinary place of residence, as he defines his own place of residence to be. And this is the one that we prefer in this party. It says in section 115, subsection 1:

> For the purpose of enabling a registered voter who has reason to believe that he will be unable to attend at a polling place on an ordinary polling day, and is unable to attend at a place in the electoral district in which he is registered where advance poll certificates are issued, the voter shall make an affidavit in the form to be prescribed by the Lieutenant-Governor-in-Council before the deputy returning officer, declaring his inability to attend a polling booth on the day on which the poll is held, and thereupon he is entitled to tender his vote on a special ballot paper at any polling booth within the province.

That applies to mariners, I suppose; it applies to all the other people that the minister has voting by proxy here; and of course, in my opinion, it applies to students as well in the Province of British Columbia.

There is no discrimination against them, nor privileged position for students in giving them extra rights over other people. And surely, if we listen carefully to the Prime Minister's words—if not from his heart, from his head—we realize that he really wants to have young people in the 18- to 21-year-old category treated like anybody else.

I had a friend of mine tell me just before I began these remarks, Mr. Speaker, that the minister's legislation does give the students a meaningful choice. He said the students can physically go back to the riding in which their parents live and vote on the advance polling day or go back on election day and vote. There are two opportunities there, or they can use the proxy voting system set up under this Act.

I submit, sir, that the requirement to go physically to their parents' house to vote by secret ballot in that particular subdivision, in that riding, in an advance poll or on election day is what I have classified as a very serious administrative barrier to voting by secret ballot.

It is also a financial barrier to voting, something which I find more iniquitous than anything else I can think of. A student from Scarborough East who goes to the University of Windsor, who has to travel back from the University of Windsor to Scarborough East, not only has to make the effort to do that but there is a financial cost involved in voting. I find that to be a principle which I cannot adhere to. Some students might have enough money to go back and vote; other students might not.

I suppose if the Student Aid Programme incorporated travelling expenditures for people to go back to their ridings to vote

on election day, that would take some of the sting out of the arguments I am making right now. But in effect for many students this is discriminatory. I think this is a bad principle. For many students there would be no choice under this Act, Mr. Chairman. It would be either vote by proxy or do not vote at all, and that is no choice.

I think the central point, sir, is that a student surely should be encouraged to vote. A student surely should be encouraged to participate in the democratic processes of this province. To purposefully and carefully set up administrative barriers to that student's voting is also to set up those barriers to that student becoming involved in the political life of this province and caring about the democratic political process.

A university is part of the community in which that university is located. To deny the people—the vast majority of the people who live at that university; who work at that university; who eat at that university and who are involved in the life of that institution and that community—to deny them the right to vote there is a concept and principle that we cannot adhere to in this party. It is a denial of a basic political right and must be seen in that light, sir.

We believe, in concluding Mr. Speaker, that surely we have reached the age of maturity in this place to realize that this Act probably should have no reference at all to students or designated educational institutions. It is disgraceful. Surely we are mature enough, and surely this minister from whom I had so much hope in terms of election reform, must realize that the age is gone whereby we single out classes of people for the purposes of setting up detailed administrative procedures which will inhibit them from voting, as opposed to encouraging them to vote.

Surely we should simply delete any reference whatsoever to persons attending an educational institution. We should apply the laws that apply to people who are not students and who are 18 years of age and over. We should apply to them the same laws as we would apply to anybody else, and I would simply urge upon this government and upon this minister, Mr. Speaker, a rational review of what it is they are doing.

And unless I hear otherwise from the minister—or from the Prime Minister who seems to overrule this minister fairly easily —until I hear from them that they have not purposely and carefully created administrative barriers to student voting, as an attempt to disperse that vote and to lower the number of students who will become engaged in the democratic process, I say, sir, and I charge them, that they have designed this Act on a purely partisan political basis. I would hope that this minister would have enough guts to stand up and disavow this section of the Act.

**Mr. MacDonald:** Mr. Speaker, most of what needs to be said about this bill has already been said and therefore I am not going to speak at great length. There are a few points which I would like to underline, and there are one or two points that have not yet been made. At the risk of leaving those languishing front benches gasping in anticipation, I just wanted to let them know about these one or two things that they have not yet heard about.

My first point is that I was most puzzled by the underlying reasoning of the Prime Minister on behalf of this government, with regard to the switch they made in discarding the amendment of two years ago and restoring the appointment of poll clerks to the Conservative Party and now the switch back; because the switch back was not done with the very best of grace.

The argument advanced by the Prime Minister for discarding the amendment of two years ago, which had never been tried in an election, was that it was going to destroy the congeniality of the team. It was going to introduce a sort of partisanship and the adversary spirit. What you wanted was complete unanimity and congeniality. Well, you know that approach, Mr. Speaker, exists elsewhere. It is the underlying thesis of the one-party state.

You do not want to have partisan or the adversary challenge. You want to have the kind of unanimity that is unopposed and controlled and managed. I find it just a little fascinating that anybody, including the Tories who profess to be such adherents to the democratic process, should have walked into the trap of advocating that kind of thing.

However, they have now reversed themselves—I repeat, with rather bad grace—because the Prime Minister felt that he was compelled to add the footnote that if perchance in the next election we found that that there was undue partisanship emerging, then the multi-party approach would be removed and there would be rejoicing in the Tory back benches.

Well, I wonder if he really means that? Is he going to carry the principle consistently through, and eliminate it from the enumeration field too? Because there we have got the watchdogs of the two parties whose check on each other, presumably, is ultimately going to safeguard the public interests. Well, so much for that.

There is a related point in enumeration, Mr. Speaker, and that is that the most blatant piece of patronage-seeking and patronage control in The Ontario Election Act has not been raised at all in the proposed amendments. And I suggest to you that most blatant piece of patronage is that the Tory party, even when it runs last, insists that it should have the right to enumeration in any given riding.

Normally the procedure is that the party that wins and the party which comes second have the right to appoint the enumerators. That is true federally; that is true, as far as I understand, in other provinces, but in the Province of Ontario the Tories have insisted—indeed it may well go back in its genesis even to the days of the Liberals, I am not certain—but for the last 28 years the Tories have insisted that even when they run last, they shall be in control of the enumerations.

**Mr. Singer:** They shall be first.

**Mr. MacDonald:** They shall be first, right. Even when they run last, they shall be first.

**Mr. M. B. Dymond** (Ontario): The Bible says that.

**Mr. MacDonald:** Pardon?

**Mr. Dymond:** The Bible says that.

**Mr. MacDonald:** Well, they have invoked many things but now the Bible has been invoked on their side. It is some indication of the serious deficiencies of their case that they have got to invoke everything. Why do they not invoke the devil and be frank about it, because that is what they are invoking in this instance.

**Hon. Mr. Dunlop:** Is he a Tory?

**Mr. MacDonald:** I suspect he is. So I draw to the attention, Mr. Speaker, of the hon. member for York-Forest Hill, that this most blatant piece of patronage control has remained untouched and I wonder and I wonder a little why some consideration was not given to that in the committee on election law as well as in the amendments that have been brought forward to the House at this time.

**Hon. Mr. Dunlop:** I never heard it mentioned by any of your members.

**Mr. MacDonald:** Well, that may be true. I wish I had been on the committee and you would have heard it.

The final point that I want to touch by way of summary and emphasis—because the hon. member for Scarborough East has covered this rather thoroughly—is the question of student voting. Mr. Speaker, let us forget the student for a moment and take a look at the underlying principle as far as the right to vote and where you vote in the Province of Ontario is concerned.

The underlying principle, Mr. Speaker, is that the person shall have the right to vote in the place where he is resident on the day that the writ is issued, assuming of course that he has been a resident of the Province of Ontario for the prescribed length of time. It is interesting to pause for a moment and consider exactly what implementation of that principle means.

For example, in northern Ontario you have ridings where there are very heavy concentrations — hundreds, sometimes thousands — of workers in lumber camps who may be there at a given time in the year, if the election is held when the lumber camps are in operation. During the war, there were many constituencies that had heavy concentrations of workers because of war plants. I can think of, for example, Nobel up by Parry Sound or Sarnia. Significantly, when you had a concentration of the people who were sweating for the winning of the war, those seats went CCF. Rather interesting, is it not, to recollect?

**Hon. Mr. Dunlop:** Some sweated it out in other ways.

**Mr. MacDonald:** There are many other instances today. For example, in my own riding there happen to be two major highrise apartments built in a little street near the Eglinton Flats and literally 2,000 people—the size of many small towns across the Province of Ontario—have suddenly emerged in what we described in our own organization as the Buttonwood Zone. Indeed, if you go down Jane in the Black Creek area you will have eight highrise apartments—a nest of them at Jane and Woolner—where you have literally 5,000 to 6,000 people.

If you are worried, Mr. Speaker, about people moving, my information is that the average tenancy in those apartment buildings is less than a year, so that between any two

given elections, theoretically, everybody has moved. And for the very few who have not moved their continued presence in the area is cancelled out by others who have moved, sometimes every six or eight months; certainly every year. The proposition of people moving is one that we live with, not only with mariners, as has been referred to so very often, but with concentrations of workers in wartime; with concentrations of workers in the lumbering industry; many people in any given year.

Bearing that in mind, why do we suddenly come up with an exception with regard to students? Indeed, why does the government itself vary and violate the principle that it has set by saying if it is a married student, he can vote where he happens to be living, if it is a single student, he cannot? Where is the logic in this? The married students may not have been there during the summer period. They may have gone back to the place where they happened to have been living prior to enrolling in the educational institution.

You see there is just no logic in it at all. One is forced, Mr. Speaker, to the conclusion that the government was just a little bit fearful, to put it mildly, of the concentration of students. Yes—for the hon. members for St. George, and Bellwoods, and a few other places across the Province of Ontario. Otherwise there is no reason at all why students could not have been permitted to vote, as anybody else is permitted to vote in accordance with the underlying principle of the Act —to vote in the place he happens to be residing on the day that the writ is issued. Then you would get yourself out of all of the other anomalies and threats to the secrecy of the ballot that are involved in proxy voting.

That is what I think should be the case. I would leave my case rest there except that the hon. member for York-Forest Hill had argued so often against the proposition of mailed absentee votes. Just for purposes of completing the record here and adding my voice to the comments of the hon. members for Scarborough East and Cochrane South, there is no reason why the minister cannot have an absentee mailed ballot without a permanent register of voters.

I do not know why Castonguay advanced that, but I think the point has been well made in querying why the member for York-Forest Hill picked that particular bit of advice from Mr. Castonguay when he and the committee had dismissed many other things that Mr. Castonguay, that expert, suggested to them. In other words it serves his purpose for the moment, but it is fallacious.

If one is going to assure everybody of a vote; if the government is going to maximize the use of the franchise, not only for students but for everybody; and if the government must insist that they are going to vote back home, there is a simple way. It is that within the jurisdiction of the Province of Ontario you can go into a polling booth and get a ballot. You can have a record—as is the case in Alberta—of who are the candidates in every one of the constituencies, so that you can check and find out who are the candidates back home. You fill out your ballot, you put it in an inside envelope, as we all did in the services overseas during the war, and you put that, with all of its secrecy, in another envelope and the address is put on it to be returned to the returning officer in a given constituency.

There is another argument—it is fascinating the capacity for making these little verbal roadblocks—there is another argument that this would add to the uncertainty on election night. I am afraid uncertainty on election night is a possibility that we will have to live with in the electoral process. And indeed, if the result is very close, that uncertainty may not be relieved for a few weeks by an official count, or if it is a controverted election, it may be a few years. So uncertainty on election night I think is of no relevance.

The underlying principle is that everybody should have the right to vote and that the objective of the Act should be to maximize the opportunity for voting. I suggest to you an absentee mailed ballot that can be picked up in any polling booth, anywhere in the Province of Ontario, at an advance poll, or at a regular poll on election day, and filled out in the manner I suggested and sent home.

When it is returned to the home riding on the day on which these absentee ballots are counted, they check the outer envelope and if the person's name is on the voters' list, the vote is counted. If the person's name is not on the voters' list, it is thrown in the wastepaper basket. He is not eligible to vote.

**Hon. Mr. Davis:** What if he has already voted?

**Mr. MacDonald:** Well my friend here wants to complicate life even more. He said: "What if he has already voted?"

Well, if he has already voted then I think the returning officer had better take a look

at what is going on. That may be the same reason for an investigation that we had with seven Tory returning officers in the metropolitan area following the last election. On occasion those things happen and when you find an instance of it it alerts you to further investigation.

However, Mr. Speaker, that is all I want to say by way of underlining the position of this party with regard to this bill. We cannot support the principles that the government has enunciated.

**Hon. A. F. Lawrence:** Is there anybody else speaking?

**Mr. MacDonald:** Yes, I understand there are one or two in the Liberal Party. Well, I will sit down and whoever wants to continue can adjourn the debate.

**Mr. Singer:** We are changing the order again?

**Mr. B. Newman** (Windsor-Walkerville): Are we changing the order, Mr. Speaker?

**Mr. Singer:** There is one thing about those fellows opposite, they are consistent.

**Mr. B. Newman:** Mr. Speaker, I move the adjournment of the debate.

**Hon. Mr. Wishart:** Mr. Speaker, I was just trying to plan the remaining time.

**Mr. Singer:** Yes, for the next 10 minutes, the House leader means. For the next 10 minutes we are going to go right ahead.

**Hon. Mr. Wishart:** It might be helpful to the House if the hon. member would listen for a moment. I would like to plan the time between the Committee of the Whole House and second readings. I was asking the hon. member for Windsor—

**An hon. member:** Walkerville.

**Hon. Mr. Wishart:** —Windsor-Walkerville the length of time he might speak and if there were other speakers. If there were no othrs I would continue to complete this bill, otherwise I might have to adjourn—

**Mr. Singer:** There are at least two here and then there is the time for division.

**An hon. member:** There may be more.

**Mr. R. S. Smith** (Nipissing): Then there is the time for the committee.

**Mr. MacDonald:** There is at least one more in this party.

**Hon. Mr. Wishart:** Perhaps then I think we might adjourn the debate.

**Mr. Singer:** Mr. Speaker, on the motion to adjounr, this place gets more silly and ludicrous all—

**Mr. Speaker:** The motion to adjourn is not debatable.

**Mr. Singer:** Well, the place bets more ludicrous when you do not know 20 minutes in advance what is coming up next.

Mr. B. Newman moves the adjournment of the debate.

Motion agreed to.

**Clerk of the House:** The 16th Order, House in Committee of the Whole; Mr. A. K. Meen in the chair.

## AGE OF MAJORITY AND ACCOUNTABILITY ACT

House in committee on Bill 122, The Age of Majority and Accountability Act.

**Hon. A. F. Lawrence:** Mr. Speaker, before we get into it, may I just indicate to the House my relief that the House has seen fit to call this order now. As I explained to some of the members—I was not able to speak to all of the members—for reasons which I cannot possibly change now, we would like to have this bill completed by 6 o'clock. This is the reason we are coming on here and it is a matter of courtesy, which I understand the members are granting to me, and I appreciate it.

**Mr. E. W. Sopha** (Sudbury): Go ahead, let us go.

**Hon. A. F. Lawrence:** I merely—as I indicated on second reading—

**Mr. Chairman:** Order!

**Mr. V. M. Singer** (Downsview): If the House leader had called it at 2 o'clock, as he said, we would have been through now.

**Hon. A. F. Lawrence:** As I indicated on second reading, sir, I only have one amendment and that is to section 18 which is a deletion of subsections 3 and 4. But there may be others before that.

**Mr Chairman:** Are there any amendments to the bill before section 18?

**Mr. Singer:** Yes, Mr. Chairman.

**Mr. Chairman:** What section? The member for Downsview.

**Mr. Singer:** I have an amendment for section 4, subsection 2.

**Mr. Chairman:** Are there any amendments before section 4, subsection 2? There being none, the member for Downsview has the floor.

**Mr. Singer:** Mr. Chairman, let me find the right statute—

**Hon. R. T. Potter** (Minister without Portfolio): Now who is confused?

**Mr. Singer:** Mr. Chairman, we had some little difficulty in ascertaining the order in which the effectiveness in this Act was going to come about. The Premier (Mr. Davis) advised us some time earlier today that he had been listening to the debate, presumably over his private loudspeaker. He rose to tell the House that we could take it from him that if the Act passes today, and apparently the intention now is to try to get it through by 6 o'clock, there will be a proclamation tomorrow.

Now, before that had been done—

**Hon. A. F. Lawrence:** Two parts: just the matters relating to drinking and voting.

**Mr. Singer:** Yes. I think we can understand that, but I would far rather save His Honour all that trouble.

Before the Premier had listened to the debate and recognized there were some deficiencies and gave us an assuranec that the Lieutenant-Governor-in-Council was going to issue certain proclamations, we had drafted certain amendments which I think would be preferable. In fact, let us have it in the statute by an amendment to section 4, subsection 2, and an amendment to section 19, which would be a companion amendment.

I am going to move them both at the same time, Mr. Chairman, if I may, because the two of them work in together. I am going to move that section 4 and subsection 2 be amended by adding befoe the word "on" in the first line, the following words, "Save and except" clause 12, The Election Act; clause 17, The Legislative Assembly Act; clause 18, The Liquor Control Act, clause 19, The Liquor Licence Act in the schedule.

Now the effect of that would be—

Interjections by hon. members.

**Mr. Singer:** —and then the companion amendment that would go with that, Mr. Chairman—

Interjections by hon. members.

**Mr. Singer:** —is that section 19 be amended by deleting therefrom all the words after "on" in the first line and substituting the words "the day it receives royal assent." The effect of those two amendments together would be to say that the amendments envisaged in the schedule to this Act, to The Election Act, The Legislative Assembly Act, The Liquor Control Act and The Liquor Licence Act would become effective, not when proclaimed, but effective immediately, and the whole Act would become effective on the day it received royal assent.

So we want now, in view of the Premier's announcement, to save His Honour the additional trouble of issuing some more orders-in-council. In fact, we think it would be a much neater way. The minister would assure us of his goodwill and his valid intentions by putting these things into the Act in this way at this time so that we could all leave here tonight after the Act has third reading satisfied, in case the Lieutenant Governor-in-Council does not issue the order-in-council tomorrow, that, in fact, these things will become law immediately.

**Mr. Chairman:** Would the minister care to reply at this stage?

**Hon. A. F. Lawrence:** Yes. Anybody else on this amendment?

**Mr. Chairman:** In respect of the amendment proposed by the member for Downsview to section 4, subsection 2.

**Hon. A. F. Lawrence:** Mr. Speaker, really I suppose, this is quibbling, if I may put it that way, by the opposition now that they have the undertaking of the government and the Prime Minister of what we are intending to do tomorrow.

But I just ask the hon. member this, does he know actually what time royal assent is going to be given to the bill because—

**Mr. R. Haggerty** (Wellington South): Do tell us.

**Hon. A. F Lawrence:** All right, because this is the problem. I have already had to indicate, for instance, to the Ontario Police Commission to get busy on the police network; to the OPP to get busy on the OPP

network; to the Liquor Control Board to get busy in respect of the stores; and the Liquor Licence Board in respect of their inspectors and the licensed premises, in relation to the time we expect that the order-in-council will be passed tomorrow and, therefore, so that the proclamation will become effective.

I merely suggest to members that if royal assent tonight is given at 9:15 p.m., or 12:15 or 2:30 a.m., it does create more than a little difficulty in respect of the enforcability or the lack of enforcability. I merely say to my friends that I think their objection originally was that they could not trust the government in respect of the voting provisions, not necessarily the liquor provisions, but the voting provisions. I indicate to the House and reconfirm what the Prime Minister has already given as an undertaking on behalf of himself and the government that an order-in-council will be passed tomorrow, provided the House passes the bill today and the royal assent is given. These important measures will be effective upon the passing of an order-in-council and we can control the passing of that order-in-council, so that it will be effective as of noon tomorrow. This is a much neater, cleaner, tidier way of doing it than making it conditional upon royal assent. Therefore I am afraid I must oppose the amendment.

**Mr. Chairman:** Any further comments? The member for Windsor West.

**Mr. H. Peacock** (Windsor West): The minister has told us he is going to be absent. I would take it that the order-in-council which is to be made tomorrow will result in the issuance of a proclamation bringing these sections into force. Can such an order be made, as it must be made, upon the recommendation of the minister who has carriage of this bill in his absence?

**Hon. A. F. Lawrence:** Sure. We do it all the time.

**Mr. Chairman:** Any further members wish to discuss the amendment?

It has been moved by the member for Downsview that section 4, subsection 2, be amended by adding before the word "on"—which, incidentally, I cannot find in the first line—in the first line the following words, "save and except" clause 12, The Election Act; clause 17, The Legislative Assembly Act; clause 18, The Liquor Control Act; clause 19, The Liquor Licence Act in the schedule.

As we are likewise dealing with section 19, I think we can deal with that at the same time, that section 19 be amended by deleting therefrom all the words after "on" in the first line and substituting the words "the day it receives royal assent."

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

The amendment is defeated and section 4 is carried.

The member for Lakeshore.

**Mr. P. D. Lawlor** (Lakeshore): I would like—

**Mr. Chairman:** What section?

**Mr. Lawlor:** Six.

**Mr. Chairman:** Is there any further discussion on any section before 6? The member for Lakeshore has the floor.

**Mr. Lawlor:** This is where court orders are involved. All I wish to know about it is, is this to primary maintenance requirements? Are orders of the family court caught in the legislation? Is that the primary purpose of that particular section?

**Hon. A. F. Lawrence:** Well sections 5 and 6 relate to the scope of the general rule reducing the age of majority to 18. Five relates to federal Acts adopted by reference in provincial Acts. Section 6 further extends the scope of the general rule to include all court orders or all directions of any court and includes all references to an age in those orders or in those directions between 19 and 21 inclusive.

The order or the direction, as the case may be, is excepted from the Act if there exists an obvious indication of a contrary intention, that is, if the order or direction itself indicates it is not intended to be subject to the Act. It really has to be left to the courts to interpret what is an indication of a contrary intention.

One example which has been given to me, for instance, might be an order distributing assets under a partition action to persons partly when they attain 18, partly at 19, partly at 20, partly at 21. It is suggested that this, for instance, would constitute an intention to exclude the general provisions of the Act. But if it is a general court order, as indicated by my friend, then this is the section which would be applicable in respect of that court order.

**Mr. Lawlor:** I think the hon. minister must agree that in order to make this transition after a thousand years it is going to fetch a fair amount of jurisprudence in its wake. When the word "21" is mentioned, when it is mentioned specifically in an order, either in an old order or in a new order, then it seems that that is not to bind, it is not to be taken at its face value, it must be transformed in the process because of the existence of this statute.

On the other hand, where there are words as set out in section 3, "adult, full age" and so forth, when that type of language appears in a will or in a contract or in a court order or any form of statutory document that is to be interpreted by and large as meaning 18.

I can see that; it has validity. That is precisely what you mean by "adopted," but I think that you are in a mare's nest of difficulties arising out of section 6. My friend from Sudbury (Mr. Sopha) mentioned this morning the business of writing clauses, in wills, which has been normal, that inheritance will take place at 21. If you take that at its face value, does this not cause some kind of ambiguity? If a testator 10 years ago, say, left the estate to his son when he reached 21 years of age, the feeling is that he damn well meant 21 years of age. As far as this family was concerned, he did not trust the young buck prior to that time.

**Hon. A. F. Lawrence:** May I interrupt my friend? I agree completely with him, but would that not be caught then in 3(1) b?

**Mr. Lawlor:** Yes, I think that is fairly wide wording in clause b.

**Hon. A. F. Lawrence:** Specific too.

**Mr. Lawlor:** Nevertheless, I think that on section 6 and on the wording of section 3 that we are going to have an amazing amount of motions at weekly court and other motions before judges, masters and what not in order to bring strict determination to a host of difficulties and miswordings and ambiguities and the different contexts which the minister cannot possibly envisage here.

The minister made a fair stab at it, and the language is fairly encompassing, but I suppose all the minister could do in that context is to shrug his shoulders and say, "Well, we have gone as far as we go in clarity of language and the intent and purpose of our legislation."

If there are crevices in it—and I am saying I suspect there are—I expect the minister might even get considerable outcry from the profession arising out of section 6 in the next six months. It would be most interesting to see what the backlash of the section is, cursing the Attorney General of Ontario for involving people in unnecessary expense.

**Hon. A. F. Lawrence:** It will not be a novel experience.

**Mr. Lawlor:** I am very serious. I remember—

**Hon. A. F. Lawrence:** I am being facetious, but I would agree with the member. There are undoubtedly going to be crevices here—

**Mr. Lawlor:** Yes.

**Hon. A. F. Lawrence:** —and there is going to be the need for continuing legislation in any event in some of these fields which we purposely have not got into, especially in the social welfare field, where we purposely have not got into it at the moment because of the expenditures required and the facilities and the time needed to set up the facilities. There are certainly crevices which will come to light. It certainly will require more legislation as time goes on. That is anticipated.

**Mr. Lawlor:** I will not press it any further. I think the minister is fair and honest about this and we certainly anticipate running into some quagmires.

I will just mention that it was in the dog days of about a year ago, in similar hasty conditions, we put through legislation *célérité* and without turning a hair, which we regretted within 24 hours because of the disruptions and economic loss it caused through the registry system. The minister might remember that—he was not responsible for it at the time—but I very well remember it, and I vowed at that time that all legislation must undergo the closest scrutiny the time permits. That is the reason I am on my feet now.

I follow the wording and then look intently at the Law Reform Commission report and at the legislation in the British Parliament which emerged from the Latey Commission, and on the whole I think that the wording must stand. As the minister says, he must be highly sensitive to changes that will take place. That is all.

I wish to speak on section 7 for a moment.

**Mr. Chairman:** Shall section 6 carry? Carried.

On section 7, the member for Lakeshore.

**Mr. Lawlor:** Section 7 is an interesting section because of the existing law. This brings the fine finger of determination into a situation. It says that: "The time at which a person attains a particular age expressed in years shall be on the commencment of the relevant anniversary of the date of his birth." Under the common law, he became of age the day before the date of his birth, which—

**Hon. A. F. Lawrence:** He did too.

**Mr. Lawlor:** —is fairly typical of the common law.

In the criminal law he becomes, say 16 years of age, the day after he becomes 16 years of age, and so there is a modest but viable change involved in section 7 which, following what Little and others have to say in that report, embody, say, a slightly new principle, altogether beneficial because a man on the street always speaks of his age as the anniversary date of his birth. Of course, if you were Chinese you would take it from the date of your conception. Can you imagine trying to figure that one out? But in any event, this is a salutary change and I commend the minister.

**Mr. Chairman:** Any further discussion on section 7?

Section 7 agreed to.

Are there any further questions, comments or amendments on any sections up to but not including section 18?

Then on section 18, the minister.

**Hon. A. F. Lawrence:** Yes, Mr. Chairman, as I indicated on second reading, I would move that subsections 3 and 4 of section 18 be struck out and that subsections 5 and 6 be renumbered as subsections 3 and 4 respectively. In other words, taking out completely 3 and 4. I indicated the reasons for this on second reading. I would be glad to repeat them again if necessary but I think the House understands the reasons.

**Mr. Chairman:** Any discussion on the amendment proposed by the minister?

**Mr. Lawlor:** Yes, Mr. Chairman. The minister heard what I had to say at some length during second reading on this particular issue. Chapter 9 in the Law Reform Commission report is concerned with what is called parental control. It relates the problems touching a number of jurisdictions in this regard. It talks of the fallacy and failure of our present laws to give parents any control over children over 16.

Until they are 16 there is an area of valid control. The minister has used the excuse—on economic and upon administrative grounds; upon, I suppose, grounds of straight space and volume of work—that the family court or the social family services will not be able presently to administer this salutary change which gives parents of a boy or girl, actually or apparently under 18 years of age, a measure of legal control over their child, until they do reach adulthood. I thought it was perhaps one of the most significant features of this legislation that it did for the first time, in Ontario history, afford a measure which many anguished parents feel torn about. If your son or daughter disappeared and was wayward, at 17 years of age, you cannot invoke any measure of the law by which to have that child brought back under some parental governance, particularly if he or she is dissipating his or her life, and causing all kinds of internal disruption in the home and is derelict abroad.

Surely this would lift a cloak of sorrow from a lot of parents at this time. People, I know, read the newspapers day after day, with the frantic and anguished cries of parents seeking young people. When they find them, they are unable to utilize any method of suzerainty over them or give them guidance or discipline. This is not in the best interests of society. This good societal and welfare legislation, basically, which you are putting through here today should fill up the vacuum or lacuna that you have created by bringing the age down, by bringing the age of minority up and recognizing the impact.

How do you really answer. The Law Reform Commission with a good deal more investigation and the basis on which you have set up all the rest of your provisions, advises you in writing that this one clause—sure, there is a vast area from 16 to 18 which could not fall within the administrative jurisdiction, either of the Minister of Correctional Services or of Social and Family Services, and it would be too onerous a burden on the public weal just at the present time. They carve out of that a tiny segment, the one area in which family dislocation and parental pain is most evident, and say, "This must be rectified." This is one thing we can do without so overburdening the courts and the welfare or the social family service agencies as to make it palatable.

Even in face of that, of their overt and specific declaration, as I said, you come before the House and say, "No, even that is too much. We are not prepared to afford parents this alleviation with respect to their derelict young."

I must say I confess I think it is a great mistake. I do not think your somewhat off-the-cuffish pronouncement on this head—justify that a bit, if you can, for us. Let us know what would be the added anticipated burden in terms of numbers and in terms of financial burden and cost.

Can you really give us something concrete on it? Are we forever to be bowing down before Mecca and expecting the mountain to rise when it sits there immobile across the way? Surely some justification is in order; having embodied it in your legislation, it being so salutary a measure, some kind of justification for removing it at this hour is surely, in my opinion, in order.

**Mr. Chairman:** Any other members wish to address themselves to section 18?

Does the amendment as proposed by the minister carry?

**Hon. A. F. Lawrence:** I think the hon. member has asked for, and does deserve, an explanation.

**Mr. Chairman:** Oh!

**Hon. A. F. Lawrence:** Certainly it was our intention as a result of the Law Reform Commission report that this was an entirely feasible suggestion. Obviously that is why it was drafted.

However, after it was drafted and given first reading here the officials of The Department of Family and Social Services were contacted—to put it mildly—by a great number of the Children's Aid societies, who just indicated that even if all of the money was made available to them tomorrow, they still would not be able to have the increased facilities required, in their mind, for the added burdens that would fall upon them. And you will note that even in the quotation from the Law Reform Commission report this morning which my hon. friend read, the quotation was that this would impose: "Not too great a burden on the agencies concerned."

It was on that supposition that the Law Reform Commission report was written. It was on that supposition that we drafted the bill and it was on that supposition that The Department of Social and Family Services approved the original draft. But this certainly was not correct in the light of the considered opinion of the Children's Aid Societies, and therefore that is why we had to withdraw it.

**Mr. Chairman:** The hon. member for Lakeshore.

**Mr. Lawlor:** Just one final question, Mr. Chairman. Is the Attorney General therefore saying that the social ill is so widespread, so deep and so great that the apprehension of the young person taken to a place of safety under a warrant, taken before a provincial court judge, bound over in some instances and in some instances adjourned sine die, and the child returned to the parent—is he saying that these procedures, which are the normal and ordinary procedures of the family court, by and large, under The Child Welfare Act, are of such a large volume that they just overwhelm the public purse and force the social agencies to throw up their hands? Otherwise I cannot imagine the reason.

If it is just a marginal increment or increase, then obviously they could absorb it. But they are saying that these phenomena are so widespread that they cannot cope with things as they presently stand.

If that is the case, a fortiori, every emphasis should be given the Attorney General, in conjunction with Social and Family Services, to provide adequate funds for these youngsters who are derelict at the present time and who are out of parental control.

**Hon. A. F. Lawrence:** No, I am not saying it is that alarming a situation at all. I am merely saying—and I have not even been in touch with the Children's Aid Societies; obviously my colleague has and this is his advice to me.

It is simply that with the resources of the various Children's Aid Societies throughout the province at the moment, generally speaking, strained to the utmost in respect of the budgetary restrictions that have been imposed upon them, that this might very well in some cases be the straw that breaks the et cetera. Therefore in no way is this a retreat from the general principle; it is merely a recognition of the fact that as time goes on we are going to be moving this way with further pieces of legislation in any event. Therefore, under the general umbrella announced by the Prime Minister—prior to the bill being introduced—that we were putting aside for the nonce any great programme that would require large amounts of expen-

ditures, this was contrary to that announcement and therefore we are putting it aside for the nonce.

**Mr. Chairman:** Section 18, as amended, carried? Section 19? Section 20? Shall the schedule form part of the bill? Shall the bill be reported as amended?

Bill 122, as amended, reported.

**Hon. A. F. Lawrence:** In moving that the committee report, Mr. Chairman, I would like to indicate my gratitude at the co-operation shown.

Hon. A. F. Lawrence moves the Committee of the Whole House rise and report one bill with an amendment and ask for leave to sit again.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the Committee of the Whole House reports one bill with an amendment and asks for leave to sit again.

Report agreed to.

**Clerk of the House:** The 22nd order; resuming the adjourned debate on the amendment to the motion for second reading of Bill 125, An Act to amend The Election Act, 1968-1969.

## ELECTION ACT
*(continued)*

**Mr. B. Newman** (Windsor-Walkerville): Thank you, Mr. Speaker. I do not think that I will be anywhere as lengthy as the previous speakers. I think most of what should have been said—or could have been said—has already been said in the House. However, there is one point that I would like to eventually bring to the attention of the House, and possibly the minister responsible for the legislation can clarify this or maybe even bring in an amendment that would overcome the difficulty.

At the outset, Mr. Speaker, I would like to express to the hon. minister who has introduced this legislation my high regard for the general manner in which he has conducted the election reform committee. I happen to have been honoured to have been a member of that committee and I know that were he not so hamstrung by members of his own party that the legislation would more than likely have been introduced that would have covered the whole gamut of the election laws and there would not have been the need for the reasoned amendment as submitted by the member for Downsview.

Mr. Speaker, I support the reasoned amendment and I will come along and make comments in regard to it a little later. I am obviously disappointed at the minister in the fact that the introduction of his bill did not cover one facet of The Election Act and that is the control of election expenses. As I mentioned earlier, Mr. Speaker, I will make a few comments on it later, but nothing too lengthy.

I am pleased that the Premier did announce the one controversial aspect of it—the appointment of poll clerks by the governing party—has been taken out of this amendment. The original Act stands as it is in this regard so that now two opposing parties can appoint the poll officers on election day, that is, the governing party appointing the deputy returning officer and the party that either won the constituency or the party that came second appointing the poll clerk.

This type of check and balance is absolutely essential in the proper conduction of an election, Mr. Speaker. We found that through the enumeration process, when you appointed two members of opposing parties, that the enumeration went along extremely well. I know in my own riding there was never any discussion or any confrontation between the Conservative enumerator and the Liberal enumerator. They had the highest regard for one another and worked in complete co-operation with one another. There was never any type of confrontation.

**Mr. E. W. Sopha** (Sudbury): Can the member get his whole team in there?

**Mr. B. Newman:** Mr. Speaker, I would like to bring to the attention of the House that it was in 1968-1969 that The Election Act as originally printed, was accepted by the House so that the amendments introduced by the member, in my estimation, were completely out of line and were not in the thinking of the committee itself.

I hope that during the course of the debate, Mr. Speaker, other members of the committee will get on their feet and express their points of view and point out to the Legislature just exactly why they reversed their stand. One of the aspects of the Act that does displease me, very much so, is the idea of vouching. I think that this is obviously open to abuse and

should not be permitted. It is an old-style method of getting individuals to vote and in the 20th century, especially in the urban areas, is no longer needed. Everyone has a full opportunity to get on the voters' list. The enumerators and the revising officers go to any lengths to see that everyone who is eligible to vote has his name included on the list.

Strange as it may be, Mr. Speaker, listening to a talk show last Saturday evening in my own community, one of the individuals objected very strongly to the fact that his occupation would be included on the voters' list. He also objected even to the fact that his name was included on the voters' list and was going to be posted on one of the trees. That is a strange attitude to take for an individual who, on the completion of his remarks, said that he never votes anyway. However, Mr. Speaker, one of the things that does affect what we refer to as students does disturb me, and that is the proxy voting. When one looks at The Election Act itself, it comes along and states qualifications of voters in an electoral district in which an election to the assembly is held: Every person who at the time of voting has attained the age of 21—naturally that will be lowered to 18—is a Canadian citizen or other British subject; is not disqualified under this Act or otherwise prohibited by law from voting, and has resided in Ontario for 12 months next preceding the day of polling. The last qualification is resides in the electoral district. There is absolutely no mention of being a student at a school. In the enumeration, the individual is not going to ask the person being enumerated whether or not they are attending an educational institution. They are not going to ask what is their trade, profession or occupation.

As a result, how are you going to know that the individual is a student? There is no indication at all on the enumeration that one is a student. In fact, if the enumerator ask the individual whether or not he is attending an educational institution the party who is being enumerated has the right probably to tell the enumerator to go jump in the lake, or mind his own business—"All you have to do is come along and find out my name and address and as to whether or not I am qualified to vote."

There is no indication whatsoever that the category of student is going to be listed. How do you come along and immediately say that a student must vote by proxy or return to his own riding? You do not know if he is a student at all or not. You will say, "He attends an educational institution." That may be quite so, Mr. Speaker. He may attend an educational institution. He may likewise not be attending the educational institution and living in one of the dorms or residences at or around a university.

When you look at the Act itself, Bill 125, section 5, you find there a qualification that refers to a person attending an educational institution. I am wondering now, Mr. Speaker, and maybe the hon. minister who introduced the bill can answer, whether university residences or dorms or boarding houses in the area of a university are going to be enumerated?

If you are strictly looking upon the qualifications of the Act—it says, "resides in the electoral district"—I would assume that that individual would have to be enumerated and would have the right to vote in the area in which he is being enumerated. He would not have to vote by proxy at all. The Act is fairly specific in that regard, Mr. Speaker.

I would also like to say, Mr. Speaker, that the idea of proxy voting really leads to a new form of gerrymandering. I know that some of the hon. members in this House who live in areas in which the student population at the university would be extremely high sort of have a fear of this. I can see the Minister of University Affairs (Mr. White) did not express that type of a fear at all. He made mention that even though there was a lot of controversy he, in the riding he represents, had no difficulty obtaining an extremely substantial majority at the polls from the poll at the university.

Mr. Speaker, the only other aspect of the bill that I would like to make a few comments on—I should not say the bill, but the reasoned amendment—is concerning financial control. Living as I do across from a fairly large metropolitan area in the city of Detroit, I see the hundreds of thousands—not hundreds of thousands, but millions of dollars—that are spent in electioneering.

Unless we come along and now put some types of controls on election expenses, the average individual who wishes to contribute his time, effort and services to the good of a community is going to find himself absolutely financially unable to run for a public office. He is either going to have to cater to the whims of a fairly strong political group or a fairly strong trade union or he will have to sort of indebt himself to some

organization that can provide him with the funds.

The President of the United States, I understand in the last election—that is the presidential election—spent over $20 million. I know in the State of Michigan, one of the candidates for the Senate spent over $1 million. I think it was Schapp in Pennsylvania, spent over $4 million in the primaries, not in the final election, so you can see that we are going to have to implement some control on election expenses.

We already have two jurisdictions in Canada that do have some type of controls, that is, Nova Scotia and Quebec. Mind you, they may not be the best but at least they are a start. Unless we in Ontario come along and take that first step, we are going to find that the average individual who would like to run for a public office is going to be ruled out completely because he does not have the financial wherewithal to run.

Looking back in my own area I understand already that one of the government candidates has ordered 50 billboards. That is $7,000 in billboards alone for the coming election. I doubt, Mr. Speaker, if I will have one, but you can see the extent to which a political party that is in office for a long period of time is able to come along and garner all or sufficiently large quantities of finances to be able to really out-wallpaper, out-billboard, out-plaster, out-newspaper-advertise any candidate who wishes to volunteer his services for public office.

I am very disappointed, Mr. Speaker, that in the introduction of this bill the hon. member for York-Forest Hill has not included in the amendments to the Act, or even included in the report, some means and method of limiting election expenses.

**Mr. Speaker:** The hon. member for Oshawa.

**Mr. C. G. Pilkey** (Oshawa): Mr. Speaker, first of all, I wanted to comment on the withdrawal of the Prime Minister (Mr. Davis) in respect to the polling clerks. From the day that the bill was introduced—I believe it was on July 13—to July 23, 10 days, I have never seen such a hasty retreat by any government as it retreated on this one.

The editorials in some 150 newspapers across the province came down fairly hard. I never saw an editorial in the Globe and Mail quite so strongly against this government, and I can understand the Prime Minister's very hasty retreat in this area.

Well when the Prime Minister did speak about the withdrawal, he made some comments that implied he was really withdrawing but in the same breath going on the offensive. Now that is a very difficult task at times, but he attempted to do that—not with much success, I might say from this side of the House. And I suspect he will not be very successful with the electorate of this province either.

He made the point that this really was an introduction of an adversary relationship at the polls. I do not agree with that, naturally. The fact that opposing political parties have people in the polls from the very beginning of the casting of a ballot to the conclusion, and even to the counting, seems to me to be a part of the democratic process.

Surely there were provisions in the bill previously to have scrutineers there, and I think this is just another step in the direction of having the democratic process protected in every sense of the word by having two political parties represented in the polls at the time the vote is being cast.

Well, he did say that it was rather unique and he wanted now to devote some of their energies to removing any vestige of patronage, and I can understand why, after second thought, the government wanted to retain that. A very simple mathematical calculation tells me that the government would have had, at the taxpayers' expense, an additional half a million dollars to spend on their political supporters in the Province of Ontario.

**Mr. D. H. Morrow** (Ottawa West): Nonsense, nonsense!

**Mr. Pilkey:** Well, it is true. Let me illustrate that point. If you had 250 poll clerks in 117 ridings at $17 per poll clerk, that would come to $497,250.

**Mr. W. Newman** (Ontario South): How many per riding?

**Mr. Morrow:** So what?

**Mr. Pilkey:** So what? From that side of the House, they say "So what?"

**Mr. W. Hodgson** (York North): So now the member's party has had it.

**Mr. Morrow:** It is not going to change the vote.

**Mr. Pilkey:** As a matter of fact, the government would have been able to place in polling booths in excess of 29,000 of its people

spread right across this province. I understand why it reversed its position in a very dramatic way.

**Mr. W. Newman:** It was generosity to give the member's party something.

**Mr Pilkey:** When the government first introduced The Election Act—

**Mr. Morrow:** No, we are quite happy now. We have the people in the member's party locked up all day.

**Mr. Pilkey:** —it was hailed as a great landmark in the democratic process here in the Province of Ontario. This government got headlines in the newspapers for its revisions to The Election Act. Yet when the crunch really came, it had second thoughts and then completely backed off. Only as a result of the editorials and the comments that were made by the opposition parties, did the government reverse its position.

It amazed me also to hear the Minister without Portfolio (Mr. Dunlop), when he stood in his place, talking about a more comprehensive role. It was comprehensive until he took some retrograde steps in amending The Election Act. The excuse that the minister gave was that Mr. Castonguay, I believe his name was, came to the committee and with great knowledge of the electoral system laid it out to the committee and, particularly to the minister, who was so influenced by Mr. Castonguay's presentation that he made these amendments to The Election Act.

Surely, before the minister—

**Mr. P. D. Lawlor** (Lakeshore): Ottawa does not always have the benign interest.

**Mr. Pilkey:** But surely before the minister introduced the 1968-1969 Election Act, there must have been some expertise there before he brought that bill to the House.

**Hon. E. Dunlop** (Minister without Portfolio): I did not bring it to the House.

**Mr. Pilkey:** Oh I see, there was no expertise at all. It was just some thoughts that the minister generated and no expertise and he brought the bill in.

**Hon. Mr. Dunlop:** I merely said I did not bring the bill in.

**Mr. Pilkey:** Well, whoever brought it in, surely there must have been some expertise there.

If the minister looks at section 78 of The Election Act, 1968-1969 he rules out this question of vouching. He rules it out and, except in territories without municipal organization, I thought that was a fairly good move as far as removing any vestige of the possibility of any irregularities in voting in the rural areas. They had to be enumerated and then they would be allowed to cast their vote on the same basis as the people in the urban areas.

I want to quote just for a moment the editorial of Thursday, July 15, 1971, headed "Wrong-Way Dunlop." It said that—

**Hon. Mr. Dunlop:** Did they spell my name right?

**Mr. Pilkey:** Well, it has got a capital.

**Mr. Lawlor:** They spelled the minister's name the right way but they—

**Mr. Pilkey:** It says, talking about this whole question of vouching:

> This system is blantantly open for use by dishonest party workers who want to round up people whose votes can be bought and herd them in to cast their ballots for a particular party.
>
> The reforms of 1969 provided for a permanent returning officer whose duties would be to keep election machinery in shape so that the proper enumeration be made. A party that wants to reinstitute vouching is plumping for the bad old days of politics.

**Mr. Lawlor:** What Machiavellian character over there gave the minister that bad advice?

**Mr. Pilkey:** To continue:

> What the member for York-Forest Hill is proposing is that between elections there should be proper election law and during the election there should be improper election law. It is scarcely possible to be more cynical.

Interjections by hon. members.

**Mr. Pilkey:** I agree that we have reached the point where this whole system of vouching should be eliminated from the political process. And the other side of that coin, I really understand it too, as I understand the government wanting to retain the poll clerks, I understand that. Because historically this government has had the support of the rural voters of this province.

Well I want to tell the minister that is changing, but he wants to retain that in every sense of the word and if it means having a system of vouching to retain that rural vote, he is going to do it, irrespective of the damage that it does to the democratic process in this province. He is going to retain that and in its most cynical form.

**Hon. E. A. Winkler** (Minister of Revenue): No, there is no favour in that situation. There is no more advantage to one party than another.

**Mr. Pilkey:** It shows how desperate this government has become as a result of opting for the system of vouching, because they historically had this rural support—

**Hon. Mr. Winkler:** One speaker at a time over there; just one speaker at a time.

**Mr. Pilkey:** —and it is more advantageous to the Tories.

Interjections by hon. members.

**Mr. Pilkey:** I want to tell you that in 1969 I had the privilege of participating in the by-election in Middlesex South, in the rural area, and I never heard more of the disenchantment of the rural voters as I did in that election. The results of the election illustrated dramatically the position of the rural voters in respect to this Tory government. I want to tell the members opposite that in the year 1971, irrespective of the vouching system, this government is not going to retain the support of the rural voter.

**An hon. member:** The member will see!

**Mr. Pilkey:** Also, on the other thing of not allowing the students the right to vote in their place of residence. As I understand it—and I checked this out with students on two campuses here in Ontario—one-third of the students live on campus and two-thirds live off campus. And yet those people who are living off campus in apartments, and rooms and what-have-you, will not be allowed to vote in the riding in which they live.

That is a blatant piece of political footwork if I ever saw it. Why cannot students vote in the riding where they have their residence? What difference is there between a student and a transient worker who may find himself working for three or four months in one municipality and then moving on to another municipality at the time of enumeration? That is where that transient worker will vote. He will not come back to his so-called home base to cast his ballot; my guess is he will vote in the area where he is enumerated. And what is the difference with the students? Why should they be treated as second class citizens in this province? I mean—

**Mr. W. Newman:** They are not.

**Mr. Pilkey:** Well, they are, they are being treated as something different to everyone else. If they can move from place to place and be enumerated in that specific area, that is where they will cast their ballot. Surely a student that set up residence here in the Province of Ontario when he is going to school—

**Mr. Lawlor:** They are terrified of the concentrated student vote. "Goodbye, Grossman," "Goodbye, John Yaremko." They will do anything—

Interjections by hon. members.

**Mr. Pilkey:** Right! I want to tell the government that the greatest case of gerrymandering that I ever saw was in the Province of Saskatchewan, but it did not save them. As a matter of fact, I happen to think that was part of their downfall, the people saw through that blatant political move that was made by the Liberals in Saskatchewan, and as a result of that the New Democratic Party swept to power—

**Mr. Lawlor:** Right.

**Mr. Pilkey:** —as they will in the Province of Ontario if this foolishness continues.

**Mr. Lawlor:** The people can see right through you.

**Mr. W. Newman:** He said we are safe.

**Mr. Pilkey:** And it has been pointed out by a number of the members who have spoken that surely we have reached the time when there ought to be a complete disclosure of sources of funds. And I say that, whether they come from Ford, General Motors, General Electric or the trade union movement; wherever those funds come from, there ought to be a complete disclosure and the people of this province ought to know that—

**An hon. member:** Does the member's party do it?

**Mr. Pilkey:** —and for a very obvious reason. We should know, because there could be influence in terms of patronage by the government, and the people ought to know if that

is happening. And the only possible way that the people of this province can know is if there is complete disclosure of the sources of election funds. As a matter of fact, I think we ought to come to the time when there is a maximum amount of funds that can be spent. I heard the member for Windsor-Walkerville make that point just a moment ago.

**Mr. Lawlor:** Whatever happened to the Melchers' money?

**Mr. W. Newman:** How would you enforce that?

**Mr. Pilkey:** Well, surely—

**Mr. W. Hodgson:** The NDPers drank it all!

**Mr. Pilkey:** It could be enforced. It just needs the will and the courage of the government to take that position. Surely it can be enforced.

**Mr. Lawlor:** How much did the government get from the insurance boys this time?

**An hon. member:** You know it cannot be enforced.

**Mr. Pilkey:** And if the maximum—

**Mr. Lawlor:** Just out of curiosity!

**Mr. Pilkey:** —per candidate were set, then surely everybody would have an opportunity to participate in the election process in a democratic fashion. I am not suggesting for a moment that in every case money overwhelms other candidates, but it sure is a decided advantage. It is a decided advantage when you are going into a campaign and you have got $40,000 or $50,000 and the poor other guy has got $1,000 to spend. You have a decided advantage. I think that any politician in this House would agree with that.

Why can we not have a maximum per candidate in a specific riding, so that the people have a choice, not on the basis of the kinds of propaganda that is thrown around by the various candidates but in a more intelligent way whereby they would be able to make a decision, laying aside, as I say, all of the propaganda that results from a lot of money being spent by the various candidates.

Mr. Speaker, those are my few points on the bill, and obviously I am sure that this government will support the amendment that was moved by the member for Downsview (Mr. Singer) and we will be able to eliminate the whole question of vouching, we will provide an avenue for the students to vote in the riding where they reside and surely the government will finally come to grips with this whole question of expenses and revealing the sources of election funds.

**Mr. J. L. Brown** (Beaches-Woodbine): And about time too!

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker, the committee on election law which has been in operation for some years now has been the most widely travelled and researched committee that this House has ever established.

Far be it from me to criticize in any way other than to say that on the basis of the wide-ranging search for the expertise that the minister responsible for this bill regards so highly, this bill and the recommendations of the committee, in my view, do not warrant the financial commitment that the taxpayers had made over the years to the researches undertaken by the committee. I have felt that the recommendations have been in the main worthwhile, except for the one that resulted in the change just before the last change.

There was not the far-reaching approach to the problem that should surely have been taken—the approach that really would have torn The Election Act apart and put it together on the basis of modern requirements. Essentially, there has been nothing but a series of tinkering amendments which have left the statute very much as it was back in the bad old days of the Thirties and the Twenties which the hon. minister remembers and so do I.

I regret that that committee on election law did not come forward with some more far-reaching reforms. Of course, I am aware that members of all parties took part and I am in no way blaming the chairman or any of the members. I am just expressing a disappointment that the commitment the taxpayers made in allowing the members of that committee to see at first hand what was going on in New Zealand, Australia, Great Britain, the United Kingdom, and even a few other jurisdictions in Canada—

**Mr. J. E. Stokes** (Thunder Bay): Pogo Pogo.

**Mr. Pilkey:** Pogo.

**Mr. Nixon:** —although trips to those areas were not so popular, I understand—

**Mr. W. G. Pitman** (Peterborough): Pretty exotic.

**Mr. Nixon:** Yes! We surely should have come forward with the kind of recommendations which would have thrown out the election law entirely and set up in this jurisdiction a model which would have been copied by every other fair, progressive and forward-looking jurisdiction; every government of that type.

Unfortunately, this has not come about. The second regret I have is that the vicissitudes of the government's policy have put the hon. minister in a position where there would be read into the record of this House the words from the editorial entitled, "Wrong-Way Dunlop." The hon. minister makes a bit of a joke about it and why should he not? After all, he was not responsible.

The Prime Minister decided to accept that rather strange recommendation that came from the committee after they realized, in response to the outcry from the group within the committee that the hon. member for Downsview called the mossbacks—and we know them well, all fine gentlemen—had decided that they could not get their hooks out of the patronage that had been associated with Conservative electoral procedures for so long.

I believe the hon. member was right when he singled out the member for Kingston and the Islands (Mr. Apps) as the main proponent of that mossback approach. The hon. member is here now and he may have something more to say about that himself. But I do regret that the Premier, as one of the first Acts associated with a new approach to government, decided to roll back the substantial amendments and changes that had been enacted under the leadership of the former Premier, the member for London North (Mr. Robarts), and had been supported on all sides. Even those were by no means revolutionary, but they did constitute an improvement that was recognized by every member in the House who voted for it, including the hon. member for Kingston and the Islands, unless he absented himself on that day.

Of course, in response to these special electoral pressures—these special patronage pressures—the Premier reversed that position. He rejected what had been enacted of the House and brought back the old Tory pork barrel into the appointment of these electoral officials. Frankly, we had heard rumours that this might occur. It had been a recommendation of the majority of the committee over the minority objections, and we are well aware of that.

What I do object to is that this decision was made not by the Premier as he should have made it; but the words and the decision were put in the hands and in the speech of the hon. Minister without Portfolio (Mr. Dunlop) who has the carriage of this statute. He smiled and had to stand the criticism that would obviously come from this side of the House, but also in the editorial comments and the views that were expressed by reasonable people in support of all parties and people in support of no party in this province.

I thought that perhaps the worst approach was when the Premier, sensing the political waters, drew back from that change as he has drawn back from so many others in the vicissitudes of his policy and he had the gall during those remarks to indicate that he had great confidence in the chairman of the committee and the great work the Minister without Portfolio was doing, which was supported on all sides.

I interjected at the time—and I wish I could have thought of something a little more effective—that that was a very weak balance indeed for what he was doing to hon. Minister without Portfolio's reputation. I do not believe the minister's reputation has suffered in any way, but in the public print in fact it has. There must be a certain amount of a sort of feeling of irony that he would have to carry the can—

**Mr. Stokes:** A feeling that he was used.

**Mr. Nixon:** —both ways back and forth over the goal line and surely that is something that should not be asked when it is the responsibility of the first minister to do that.

The Premier went on in his statement, Mr. Speaker, as you know, to castigate the federal authorities, adjuring myself and other Liberals to get in touch with our friends in Ottawa and see that the federal Act was liberalized in the same way. Obviously he was unaware of the point put forward by the member for York South, that the federal legislation is fairer even than this by far—

**Mr. W. Newman:** Now now. The Leader of the Opposition is so loaded with the pork barrel it is not funny.

Interjections by hon. members.

**Mr. Nixon:** —by far in those ridings, those few ridings, where the Liberal Party federally

was not victorious and in fact did not even come second then the Liberal Party has nothing to do with the electoral machinery in the polls at all.

**Mr. W. Newman:** Who is he trying to kid?

**Mr. Nixon:** There is no point, Mr. Speaker, in that particular argument. He was trying to throw some dust in the air to cover what should have been his own embarrassment in not being able to make up his mind on what the future of The Election Act should be. I suppose that there is some little grain of truth in the cartoon in the Globe and Mail which showed myself as the Leader of the Opposition saying "Curses. Foiled again!" I could not really see the point—if any of you saw it—because this change of course is what we want and we really do want it.

We do believe that the opposition party, the party that comes second in a constituency should have a representative in the poll with an official responsibility. They talk about the adversary system, well I do not know whether that applies here at all. I am quite sure that the representatives in the polls will do a good job. There are those times when this has not been the case in the past but I think that this is a worthwhile protection which should have been carried forward right from the start.

The parts I could not understand were the headlines in some of the newspaper reports—I believe all of the Toronto newspaper reports—of the type that appeared I believe in the Toronto Star: "Davis Vows to Eliminate Patronage from the Election."

**Mr. MacDonald** (York South): A butt.

**Mr. Nixon:** It was such a fatuous ridiculous report that you would almost wonder who was sitting up in the gallery writing the story for them. The Globe and Mail was even worse. As if a knight on a white charger had ridden in and said: "My God, what has Dunlop done? I will have to correct this." This is precisely the way people who might not be informed would look at it and they would say: "Who is this Dunlop? Who is this person who has come from the back bench and tried to do poor Billy Davis in by putting this sort of patronage back in the election law where there is no place for it?"

We know where the responsibility lies. The former Premier passed the legislation which eliminated it. The present Premier brought it back; and then when pressure came from this side of the House and from the editorial comment, and I am sure from those people who are advising the present Premier on his so-called image, that he had made another mistake and that he might as well face it and make the correction, he did it.

Certainly I give him all the credit he is due for making still another retraction of government policy. I do not think much credit is due but he made the change and we are in support of it. The bill as it is before us is still substantially inadequate, substantially disappointing and the reasons have been set out in the amendment that is before us, Mr. Speaker, and I hope that the bill is defeated on this basis that it is sent back to the government for improvement along the lines we have set out.

**Mr. Speaker:** Is there any other member who wishes to engage in this debate before the minister closes the debate? The hon. minister has the floor.

**Hon. Mr. Dunlop:** Mr. Speaker, I was delighted that the Leader of the Opposition decided to enter the debate at this stage so that I have an opportunity to disagree with at least one of the opinions which he has advanced. He has advanced the opinion that the ultimate legislation that arises from the work of the select committee is not something of a model for legislation for Canadian jurisdictions. A great deal of time and effort went into the work of that committee and went into studying alternative electoral systems used in other jurisdictions.

Those systems may be quite excellent for those jurisdictions but it came as a surprise, I think to members from all parties on the select committee, that those systems were not applicable to the circumstances of Ontario and in circumstances of Canadian jurisdictions generally. We have a different system for preparing our polling lists from, I think, any other western democracy. It is uniquely Canadian; it is inexpensive; it has worked and worked well; and is likely to be retained in all Canadian jurisdictions with the exception of the one which has strayed from the path, which is in British Columbia, which has adopted a qualified voter registration system.

It was necessary to confirm that the kind of machinery we have was the kind which suited us best.

**Mr. Stokes:** The one at the Tory convention?

**Hon. Mr. Dunlop:** Yes, that is the kind we decided not to use, you see.

**Mr. MacDonald:** There was a Liberal saboteur in there! I may get sued for that remark!

**Hon. Mr. Dunlop:** The member still has his Parliamentary immunity.

Mr. Speaker, I just wish to suggest on behalf of the members of the committee, that while not always unanimous, they did do useful work which, when taking the four reports together gives something of a substantial electoral handbook for Ontario and students of elections at present and in the future.

Mr. Speaker, the hon. member for York South and the hon. member for Windsor-Walkerville, whether wittingly or not, cast a good deal of light on one area which has been, apparently, substantially misunderstood. That is the—

**Mr. MacDonald:** Wittingly, I hope!

**Hon. Mr. Dunlop:** I hope so!

That is the question of the residence of students. Residence is defined the same way for any person, be he a student or engaged in any trade or calling or be he a retired person. Residence is that true place of lodging to which you ordinarily have the intention of returning. That is the same for a student as for anybody else.

As the member for Windsor-Walkerville pointed out, they are not enumerated and will not be enumerated as students specifically; occupational descriptions have been removed from the voters' lists. He asked me a question—will the dormitories, and residences on and about campus, be enumerated? The answer, of course, is they will be. It is part of the electoral system.

The Election Act, 1968-1969, which is now being amended by this bill, and all of the previous election laws, provided that the information given to enumerators was prima facie evidence of the correctness of the facts attested to there. If I say, "This is my residence" the enumerator will take that as prima facie evidence of the facts. What the student or what anybody else says to you about his residence is, I presume, the fact of the matter and will prevail. The way in which incorrect information is purged from voters' lists and polling lists, of course, is by the mechanism of challenge, which is used sometimes quite vigorously by political parties.

The vast majority of students will vote where? They will all—if our system works properly, and I think it will; it always has—they will vote where they are enumerated, which is the place that they have declared to be their residence. They may wish to drive home and vote at the advance poll or on polling day, if they regard that home as their residence and have been enumerated there.

If they have cut what the member for Peterborough referred to as their umbilical ties—I think he referred to a group of students who have achieved a degree of financial independence—but, in any event, if they regard themselves as having cut their ties, of course, quite clearly their residence will be the residence where they are hanging their hats, the lodging to which they ordinarily intend to return. I think the actual phrasing of the law is "ordinarily have the intention of returning."

To this group has been offered a privilege to vote at home by proxy without having to go home, if that is where they wish to vote and if that is where they regard their residence as being. And I would think that a relatively small proportion of students, as I mentioned this morning, will find it necessary to avail themselves of this privilege. Of course, I am sure that the many students from Cochrane South who come down to univerities as the member has recently pointed out in this debate, will wish to register their votes in Cochrane South for reasons which I for one would think to be good.

**Mr. MacDonald:** Would the minister permit a queston?

**Hon. Mr. Dunlop:** Yes.

**Mr. MacDonald:** I want to be absolutely certain if I am understanding the minister correctly, because it seems to me he is saying something different from what is the general interpretation of the Act. Namely, if a student is on campus—shall we say living on St. George Street here in the city of Toronto—and he says this is his residence, if the enumerator comes around and he is enumerated there, he has the right to vote there and he does not have to go home or vote by proxy?

**Mr. Sopha:** That is right.

**Hon. Mr. Dunlop:** That is right. There is no provision here that ordinary voting is out and proxy voting is the only kind.

In the telegram that the member for Scarborough East received from the president of some student association, he said he protested that the students' rights to vote in the electoral district in which they resided was being banned and students could only vote by proxy. Well, that is a complete and possibly intentional or possibly unintentional misinterpretation of the privilege of proxy voting.

**Mr. MacDonald:** In short then, the student really has an option? If he is living here and he is enumerated here, he can vote here?

**Hon. Mr. Dunlop:** I think he really does not quite have an option. He has to want to face himself and say, "Where do I live? Where is my residence?" Because one of the routes to the franchise is residence.

**Mr. MacDonald:** But you are not forcing him to say his residence is back home?

**Hon. Mr. Dunlop:** No, wherever he says it is.

**Mr. Nixon:** There is no penalty for voting on St. George Street.

**Mr. D. M. De Monte** (Dovercourt)**:** If he is living in a residence directly on campus, will that residence be enumerated?

**Hon. Mr. Dunlop:** Yes.

**Mr. De Monte:** And if a student says this is my residence, he can vote on university grounds?

**Hon. Mr. Dunlop:** Yes, unless his residence qualification is challenged when the voters' list is put up, just as his citizenship qualification, his age qualification or anything else might be challenged.

**Mr. Pitman:** Who would challenge it?

**Mr. Sopha:** The other party.

**Hon. Mr. Dunlop:** Other parties. That has been the basis of pruning and purging of electoral polling lists, I should think, almost forever.

**Mr. MacDonald:** Forgive me, could I ask another question? How could he be challenged with any more validity than, for example, the woodworker in the lumber camp, who is enumerated and votes there?

**Hon. Mr. Dunlop:** Well as I say, it is up to the returning officer to decide if the challenge is valid, and I do not think there would be any more validity than there would be for the woodworker you referred to or all those splendid chaps who voted CCF at Nobel who, as you say, were sweating it out in the war, a remark that amused myself and the two members on my right.

**Mr. MacDonald:** Well, the minister has a conception of war that was restricted to the front trenches.

**Hon. Mr. Dunlop:** Yes, but there was some sweating there too—and the voting went differently.

**Mr. Nixon:** You had a proxy?

**Hon. Mr. Dunlop:** That is right. Now that, I hope, has straightened out part of the question on residence. Remember, residence is part of the access to the franchise, as the member for Windsor-Walkerville pointed out very helpfully: residence, citizenship, age, and some time of residence in the province—I think it is a year prior to the day of enumeration, or maybe it is election day, I cannot recall. If people can only have one residence—and this applies not only to students, it applies to the woods workers, and it applies to anybody else, it would apply to the fellows at Nobel—they have one residence, and that is really partly to determine if they only have one place they can vote.

In our general provisions for developing voters' lists and our whole election process, we rely on what is I think the fact that the vast majority of the electorate in Ontario are honest and give honest answers and their answers are, as I say, prima facie evidence of the facts attested to.

**Mr. T. Reid** (Scarborough East)**:** Could I ask the hon. minister a question?

**Mr. Pilkey:** Could the minister—

**Mr. Speaker:** The hon. member for Scarborough East.

**Mr. T. Reid:** Mr. Speaker, can I ask the minister the following question for clarification? If an election is called say September 8 and students are enumerated at their parents' home and election day is in October when the students are then on campus, is the only option the student has to go back either physically or to vote by proxy?

I think that is the real situation, not the situation suggested.

**Hon. Mr. Dunlop:** In The Election Act there is a provision for transfer. Having moved after enumeration but before polling day, you can go to the returning officer conducting the revision and say "I have moved." Now you do have to do that much. You do have to go and say "I have moved my residence"—that I hope is enough.

Are all the members happy now? Bear in mind—

**Mr. Pilkey:** Could I ask the minister a question?

In this bill, when they are talking about educational institutions, they talk about "regular residence" and "normally resides," I would like to know what those two terms mean—"regular residence" and "normally resides." They are making special reference to those people who are attending an educational institution.

**Hon. Mr. Dunlop:** I do not know where the terms "regular residence" and "normally resides" arise; would the member like to quote the section to me?

**Mr. Pilkey:** Yes, it is in section 5, and section 1 of section 35 of The Election Act as amended—it is (d). Right, section (d).

Does the minister want me to read it? Okay. It says:

> A person absent from his regular residence by reason of attending an educational institution who is entered on the list for the polling subdivision in which he normally resides, and who expects by reason of such absence to be unable to vote at the advance poll, or on polling day;

Then the next section makes reference to the proxy vote.

**Hon. Mr. Dunlop:** Of course, his regular residence is the place he has said is his residence—the place where he has been enumerated. For example, if he has been enumerated in Cochrane South but is attending the University of Toronto and does not wish to go back—he wished to have himself enumerated at his residence at Cochrane South, which he declared to be his residence—he may vote by proxy. But if he said some place on St. George Street is his residence to which he ordinarily has the intention of returning, that is where he is enumerated.

**Mr. Pilkey:** If I could follow with one question then. If I was enumerated in St. George and I wanted to cast my ballot there, but I was challenged by the deputy returning officer—and my guess is a number are going to be challenged in St. George and St. Andrew-St. Patrick—do those people have the opportunity to cast that ballot and that ballot remains unchallenged?

**Hon. Mr. Dunlop:** There are two kinds of challenge. One is made by any qualified voter himself on the list, who can object to somebody being incorrectly included in the list. That matter requires sending registered mail to the person challenged. He has a right to appear and say "No, by gosh, I really do live on St. George Street." His name, as I recall, cannot be removed if he has not been heard in person.

Now I think that should be called probably not a challenge but, under the legal phraseology, an objection, I think, to an inclusion in the list.

Challenged in the poll—the person challenged, as I recall the actual polling procedure, does place his vote and I do not recall (I can by the time we reach the committee stage if you wish) whether the challenged votes are counted separately and should there be a recount, particularly a judicial recount, the challenged vote will be examined.

My, we have not got far through residence.

My friend from York South is still rather devoted to his idea of a mail-in ballot. Party in wishing for this kind of ballot he apparently shares at least my views that the student should, if he wishes, have an opportunity to vote in what he had always called his home electoral district. That would be the only purpose of the mail-in ballot that he referred to. As you pointed out, one way of obviating electoral fraud would be to see that the covering envelope, the second or outer envelope, could be checked against the polling list to see if the student had been enumerated there.

The hon. member for Scarborough East quoted three criteria for various kinds of voting for persons who do not expect to be in their electoral districts on election day. There is the advance poll. As you know that, under this legislation, is wide open to anybody who simply says he expects to be unable to vote on polling day. He mentioned absentee voting and he mentioned voting by proxy.

Absentee voting—I still hold with the contention, and I think his remarks would

actually support me in this, it is only possible where there is a system of voter registration, if one is to avoid one of the criteria that his friendly professor pointed out, the opportunity for widespread election abuse. What I had said this morning is not that there is no system but that, other than proxy voting, there is no system for absentee votes. I had said that I had not been able to find any satisfactory alternative to proxy voting which would be administratively feasible. He said I was not being quite fair with the committee. Well I do not know how one could be fairer than that.

**Mr. T. Reid:** Could the minister comment on the Alberta system of polling booths on university campuses?

**Hon. Mr. Dunlop:** I think I have commented on it fairly adequately in reference to the hon. member for York South. I am by no means an expert on the Alberta system. The member is, so he could probably look it up himself.

**Mr. T. Reid:** Why is it not applicable here? They do not have—is the minister aware that in Alberta, at least my understanding of it is, there is not a system of permanent registrations such as exists in British Columbia?

**Hon. Mr. Dunlop:** No, that is why I say —it is my opinion that the only satisfactory way you can carry out absentee voting, other than by use of proxy, is when you have a voter registration system such as is the case in British Columbia.

Now, in Alberta, I would think it is unsatisfactory, but it does, in any event, what you feel is perhaps wrong, distributes the student vote back to where mommy and daddy live. It does have the advantage that no one trusted person knows how you are going to vote. It has, I would think, substantial administrative difficulties and substantial difficulties in making sure that the possibility is open, not to the honest student, but perhaps to less reputable people interested in the outcome of the election who could, I think, very easily do a little fine, neat, stuffing of ballot boxes through that procedure. No, it would not be a student. It would not be a student.

**Mr. De Monte:** How about the armed service vote? That is taken the same way as the suggestion by the member for Scarborough East. How about the armed service vote? That is taken exactly the same way.

**Hon. Mr. Dunlop:** The armed service vote, in effect—I think the member asked me this question.

**Mr. De Monte:** Yes.

**Hon. Mr. Dunlop:** Right. The armed service vote, in effect, involves—this is the armed service vote federally—and provincially, the military forces, if absent from their home—

**Mr. MacDonald:** Electoral.

**Mr. Dunlop:** —electoral district will vote by proxy.

It is very interesting, too, Mr. Speaker, that when that provision was made in The Election Act in 1968-1969, I did not hear so many speeches saying, "Is it not terrible, somebody is going to know how the soldier votes."

**Mr. T. Reid:** That was 1945.

**Hon. Mr. Dunlop:** No sir. Now which question am I answering? Mr. De Monte? I cannot remember his constituency. What was the question?

**Mr. MacDonald:** Dovercourt.

**Mr. Nixon:** De Monte? Dovercourt.

**Hon. Mr. Dunlop:** Dovercourt. The member for Dovercourt, what was his question?

**Mr. De Monte:** I was referring—

**Hon. Mr. Dunlop:** Oh, yes, why could we not do it as the armed forces vote. Well, there is, in effect, in the armed forces vote a registration that takes place in two ways. On enlistment, the member of the forces declares his electoral district and that is checked and that goes permanently on to his records. When the election is called—and again this is federal—then the forces get cards in the name and location of the returning officers and give them to people, who then write to the returning officer on this card to apply for an appropriate ballot paper. This, I think, really requires at least three weeks. It is available federally. Even so, it always produces the vote being added up separately and entered maybe a week or two after the election.

It leads to a lot of journalistic comment as to whether the armed forces were really for or against the government; and the forces dislike greatly this way of showing how they voted in a block—I think what they would worry more about that than about somebody getting hold of the idea as to

how one member voted; that is, they do not mind. They have a trusted buddy back in camp somewhere who will vote for them.

I do not want to overhaul a matter of instruction in election procedures, Mr. Speaker, and that seems to be what we are running into. There are two matters that I do want to mention however. The member for Cochrane South referred to an editorial in the Globe and Mail which henceforward and forever bears my name. The page becomes more distinguished day by day. But, in that editorial, it referred to six or seven, I think it was, deputy returning officers convicted of fraud and stated the amounts. Those convictions were obtained sometime after the 1967 provincial general election.

Of course, there were no deputy returning officers convicted of fraud. Deputy returning officers have no money that passes through their hands, except the fees that they receive for their election day's work.

**Mr. MacDonald:** They corrected it a day or so later.

**Hon. Mr. Dunlop:** No. They corrected it themselves.

**Mr. MacDonald:** Yes, right.

**Hon. Mr. Dunlop:** They did not, unfortunately, publish my whole letter, so I thought I would get off with some of that now.

**Mr. MacDonald:** Fair enough.

**Hon. Mr. Dunlop:** And I did object to that one statement of fact—their opinions are their own—because that fact cast shadow on the reputation of some 16,000 deputy returning officers in the province, the suggestion that they might have any opportunity to engage in any kind of monetary fraud.

On the returning officers, still using the same line, in their correction they said: "Well, it still would have been better if they had been watched by people from an poposing party." The reforms, as they called them of 1968-1969, do not provide that the returning officer is watched by a person appointed by an opposing political interest.

**Mr. MacDonald:** The clerk in his office could be appointed from another party.

**Hon. Mr. Dunlop:** He could be, but the Act does not require it.

**Mr. MacDonald:** That is right.

**Hon. Mr. Dunlop:** So the point is that fraud by returning officers is prevented by the systems, or at least punished, through the result of a system of audit—

**Mr. MacDonald:** Right.

**Hon. Mr. Dunlop:** —which the very fact that seven people were convicted shows that the audit systems are at work. I was rather sorry that that paper—the Globe and Mail I think it was—made that rather serious error which I thought was perhaps typical of much of the material contained in other editorials.

They dealt later, for example, with the question of proxy voting, which they thought was a pretty good idea for the wrong reasons, mark you. But they thought it was a good idea and then they said: "But is it not too bad the kids have to get their mummy or daddy to vote for them?" Of course, the provisions of this Bill 125 are to broaden the proxy voting so that it does not have to be done by a close member of the family.

The member for Scarborough East also stumbled on some other problems. I think it would be better if he did not use textbooks so much and turned to the actual statutes and bills before us. In any event, if he reads them, he will find that the provisions for mariners, others engaged in the transport industry, the disabled, armed forces and students—all classes who are entitled to vote by proxy—that the proxy arrangements and the machinery is identical and that these administrative barriers that he refers to have not been specially thrown up against the students.

Finally, Mr. Speaker, I am sorry to have taken so long, but there has been a good deal of misunderstanding, which I felt is partly wishful misunderstanding, but partly quite genuine misunderstanding of a kind that we have become used to from the gentlemen opposite—genuine misunderstanding.

**Mr. MacDonald:** That is why it took a little longer because the minister had to bail them out over there.

**Hon. Mr. Dunlop:** Now the question of election finances.

**Mr. Stokes:** We were not troubled with indecision like some people over there were, anyway.

**Mr. MacDonald:** Yes, back to election finances.

**Hon. Mr. Dunlop:** There is nothing in this bill dealing with election finances—

**Mr. MacDonald:** That is one of its faults.

**Hon. Mr. Dunlop:** That is right.

**Mr. V. M. Singer** (Downsview): That is the trouble with it.

**Hon. Mr. Dunlop:** And the first report of the select committee says that this is a matter that still requires to be studied.

**Mr. Singer:** Yes, it said that in the first report and the second report and the third report—

**Hon. Mr. Dunlop:** That is right. Now—

**Mr. Nixon:** They have a very good system in Yugoslavia we should look at.

**Hon. Mr. Dunlop:** Portugal?

**Mr. MacDonald:** Yes, they have a good system in Portugal all right.

**Hon. Mr. Dunlop:** They control the election finances I think very tightly in Portugal. I think the members would have very little to complain about there. Indeed, one of the problems in working out a satisfactory system for the control of election finances is to make sure that you still have a system of free elections left.

I have not found in any of the systems that we have studied any that were truly workable or that did not have built-in problems as great as the problems they sought to obviate or remove. I know that all members on the government side of the House I have spoken to would be very happy indeed to have a system which limited upper expenses—

**Mr. Singer:** Yes, the minister would be very happy.

**Hon. Mr. Dunlop:** —for election campaigns.

**Mr. Nixon:** Between election campaigns.

**Hon. Mr. Dunlop:** It costs them a great deal of money as it costs members of all sides. If one but knew there were a workable upper limit that was enforceable, one would not be tempted to spend moneys for literature, signs and so forth.

One of the reason we all do it as candidates is because we are fairly sure that our opponents are going to do the same kind of thing and we want not to be caught napping. So expenses become much greater, I think, than most candidates would like them to be.

I have never come across a campaign that cost anything like the amount that was mentioned by my friend from Oshawa—$40,000—but I do know—

**Mr. MacDonald:** George Drew spent $80,000 in High Park in 1948.

**Hon. Mr. Dunlop:** I have not come across one. I think you would give me that statement. Okay?

**Mr. MacDonald:** Fine.

Interjections by hon. members.

**Hon. Mr. Dunlop:** I would like to say that Quebec and Nova Scotia systems which, with further modification, have been recommended in part by the federal committee on election expenses, but not of course enacted, have as one of their essences the fact that there is reimbursement by government to candidates for some portion of their expenses.

I think that this does help develop and enforceable system. It raises a question in my mind. I have had many people write to me about it to say: "I would hate like the devil to have some of my tax money go to pay the expenses of my opponent's campaign."

**Mr. Pitman:** That is silly. You are supporting the democratic system.

**Mr. MacDonald:** We are dealing with that as we cope with the Tory campaign every day.

**Hon. Mr. Dunlop:** I can see that because if people give you money as well as their vote—I think that should be perfectly free.

I remember—I always wanted to get it on record and I will—a saying by somebody in England who said, "Political parties and candidates in Britain are all more or less penurious and I see no reason why the state should save them from the parsimony of their friends."

Mr. Speaker, I will not dealing with the reasoned amendments any more than I already have, except to say that I hope they will be rejected and the bill will be read the second time.

**Mr. MacDonald:** Mr. Speaker, I rise on a point of order. I think we have got something of an extraordinary problem here but I want to make absolutely certain that there is going to be no future confusion, because

this Act, unless and until amended, is going to govern all future elections in the Province of Ontario.

I understood—and I have reason to believe that understanding was shared rather widely—that students enrolled at a university were obliged to vote back home by proxy.

**Mr. Sopha:** Not at all.

**Mr. MacDonald:** Now the minister has indicated rather clearly, and I am reiterating this in the presence of the chief electoral officer so that there can be no misunderstanding from the minister or the chief electoral officer or anybody else—

**Mr. Sopha:** The chief electoral officer is not here officially.

**Mr. MacDonald:** —that if perchance the enumeration takes place after the enrolment of the university—

**Mr. Speaker:** I fail to understand how the hon. member is dealing with this matter because he is engaged in the debate. He is rising on a point of order. Insofar as I am concerned, there is no point of order. All he is doing is trying to engage in the debate again.

**Mr. MacDonald:** Can I complete one sentence?

**Mr. Speaker:** If the member will complete one sentence, yes.

**Mr. MacDonald:** Right. If perchance the student has been enrolled at the university and enumeration takes place after that date, he has the choice—

Interjections by hon. members.

**Mr. MacDonald:** —to be enumerated and vote at the new place of residence—

**Mr. Sopha:** Right.

**Mr. MacDonald:** —and unless challenged—

**Mr. Speaker:** The hon. member is now on another sentence and he is still engaging in the debate.

**Mr. Nixon:** It is a semi-colon.

**Hon. Mr. Dunlop:** If it is a true new place of residence, yes.

**Mr. Speaker:** I have no objection to these questions being answered and I am sure they can be found out in committee. At the moment the formal debate on the second reading has been completed.

The motion is for second reading of Bill 125, the motion by Mr. Dunlop.

In amendment, Mr. Singer has moved that the motion for second reading of Bill 125, The Election Amendment Act, 1971 be amended by deleting all the words after "that" and substituting the words:

> "This bill be not now read a second time but would be referred to the government to bring back the bill with the following changes, namely:
>
> (a) that the privilege of vouching electors in all subdivisions, save those in unorganized territories, be done away with;
>
> (b) that reasonable financial control be exercised during all elections by limiting the amounts that can be spent by or on behalf of political parties and individual candidates, and by providing for strict and audited control by appropriate government officials over all such election expenditures and by providing for a system of full and complete disclosure of all moneys received by or on behalf of candidates or by or on behalf of political parties in connection with the conduct of all provincial elections.

Now, the hon. members will recall that the procedure on such a debate and such a motion is that the motion put is, "Shall the bill be now read the second time?" That motion therefore I shall now put.

Shall Bill 125 be now read a second time? As many as are in favour will please say "aye."

As many as are opposed will please say "nay."

In my opinion the "ayes" have it.

**Mr. Nixon:** Let us have the vote at 8:05.

**Mr. Speaker:** Let me explain what I presume the proper procedure should be now. We will ask the division bells to ring; they will ring to 6 o'clock. At 6 o'clock, by the rules, Mr. Speaker must leave the House. The bells will cease ringing.

At 7:55 the bells will start ringing to call the House to order. At 8 o'clock they will continue to ring as division bells. I will take my place and the House will resume. I think that should suit not only the rules of the House, but the convenience of the members.

Call in the members.

**An hon. member:** Why do we not vote? It is 6 o'clock now.

**Mr. Speaker:** In the meantime, if the whips have the vote ready, of course, we will take it before 6.

The House divided on the motion for second reading of Bill 125, An Act to amend The Election Act, which was approved on the following vote:

| Ayes | Nays |
|---|---|
| Allan | Ben |
| Apps | Bolton |
| Auld | Braithwaite |
| Belanger | Brown |
| Bernier | Bullbrook |
| Boyer | Burr |
| Brunelle | Davison |
| Carruthers | Deans |
| Carton | Edighoffer |
| Davis | Ferrier |
| Demers | Gaunt |
| Downer | Gisborn |
| Dunlop | Good |
| Dymond | Haggerty |
| Evans | Innes |
| Gilbertson | Jackson |
| Guindon | Lawlor |
| Hamilton | MacKenzie |
| Haskett | Makarchuk |
| Henderson | Newman |
| Hodgson | (Windsor-Walkerville) |
| (Victoria-Haliburton) | Nixon |
| Hodgson | Paterson |
| (York North) | Peacock |
| Jessiman | Pilkey |
| Johnston | Pitman |
| (St. Catharines) | Reid |
| Kennedy | (Scarborough East) |
| Kerr | Ruston |
| Lawrence | Singer |
| (Carleton East) | Smith |
| MacNaughton | (Nipissing) |
| Meen | Sopha |
| Morningstar | Spence |
| Morrow | Stokes |
| McKeough | Worton—33 |

| Ayes |
|---|
| McNeil |
| Newman |
| (Ontario South) |
| Potter |
| Price |
| Pritchard |
| Randall |
| Reilly |
| Robarts |
| Rollins |
| Root |
| Rowntree |
| Smith |
| (Simcoe East) |
| Smith |
| (Hamilton Mountain) |
| Snow |
| Stewart |
| Villeneuve |
| Wells |
| White |
| Whitney |
| Winkler |
| Wishart |
| Yakabuski |
| Yaremko—55 |

**Clerk of the House:** Mr. Speaker, the "ayes" are 55, the "nays" 33.

**Mr. Speaker:** I declare the motion for second reading now carried.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

**Some hon. members:** No.

**Mr. Speaker:** Committee of the Whole House?

Agreed.

It being 6 o'clock, p.m., the House took recess.

APPENDIX

(See page 4902)

Answers to questions were tabled as follows:

17. *Mr. Renwick* (Riverdale)—Inquiry of the ministry: Will the ministry give the following information with respect to each subdivision approval granted since March 10, 1967 for lands lying within the Niagara Escarpment, specifically within the 90,000 acres referred to on page 4 of the Niagara Escarpment Study tabled in the Legislature by the then Prime Minister (Mr. Robarts) in October 1969, being the lands recommended to be placed under complete or selective control:

1. With respect to each subdivision approval granted since March 10, 1967 in the 55,000 acres to be put under complete control; (*a*) To whom was the subdivision approval granted? (*b*) When was the subdivision approval granted? (*c*) What lands are included in the subdivision approval?

2. With respect to each subdivision approval granted since March 10, 1967 in the 35,000 acres to be put under selective control; (*a*) To whom was the subdivision approval granted? (*b*) When was the subdivision approval granted? (*c*) What lands are included in the subdivision approval?

Answer by the Minister of Municipal Affairs:

An exhaustive investigation of the records in the community planning branch of The Department of Municipal Affairs reveals that:

1. (*a*), (*b*), (*c*) No plans of subdivision have been approved since March 10, 1967 in lands recommended in the Niagara Escarpment Study to be put under complete control.

2. With respect to the 35,000 acres recommended in the sudy to be put under selective control there have been a total of 9 plans of subdivision given either draft or final approval since March 10, 1967;

| (a) Approvals were given to the following | (b) Dates of Subdivision Approvals | (c) Lands included in Subdivision Approvals |
|---|---|---|
| O. K. Vansickle | April 30, 1969 (Draft Approval) | Part Lots 5 & 6, Con. 4, Twp. Nassagaweya |
| P. Turkstra | April 30, 1970 (Draft Approval) | Part Lot 22, Con. 3 & 4, Twp. Saltfleet |
| Mathers Construction | November 7, 1969 (Draft Approval) May 14, 1970 (Final Approval) | Part Lots 17 & 18, Con. 3, Twp. Saltfleet |
| E. & T. Robinson Construction Co. Ltd. & Wentworth County Board of Education | May 27, 1970 (Draft Approval) March 18, 1971 (Final Approval) | Part Lot 20, Con. 3, Twp. Saltfleet |
| M. S. Nelles | August 15, 1967 (Draft Approval) February 15, 1968 (Final Approval) | Part Lot 6, Con. 2, Town of Grimsby |
| J. A. Climenhage Development Ltd. M. Mallette | December 2, 1968 (Draft Approval) June 24, 1970 (Draft Approval) | Part Lots 7 & 8, Con. 2, Town of Grimsby Part Lots 91 & 92, Twp. of Niagara |
| Queenston Development Co. Ltd. | September 6, 1966 (Draft Approval) November 3, 1967 (Final Approval) | Part Lot 31, Con. 4, City of Hamilton |
| Eastland Construction Ltd. | May 8, 1967 (Draft Approval) September 20, 1967 (Final Approval) | Part Lot 30, Con. 4, City of Hamilton |

The total acreage of land and number of lots involved in (c) above is 46 acres and 130 lots respectively.

20. *Mr. Deans*—Inquiry of the ministry: How many people were employed in the branch of The Department of Municipal Affairs which administers and answers inquiries about the tax rebate programmes including the farm tax rebate, the pensioners' rebate and the residential property tax reduction, as at December 31, 1968 and December 31, 1970. What was the total wage and salary cost of this branch in the fiscal years ending March 31, 1970 and 1971?

Answer by the Minister of Municipal Affairs:

The subsidies branch of The Department of Municipal Affairs administers a number of municipal subsidy programmes, three of which involve answering inquiries from various sectors of the general public:

1. Residential Property Tax Reduction
2. Supplementary Tax Assistance for the Elderly
3. Farm Tax Reduction

The branch has maintained a permanent staff complement of 35 during the fiscal years ending March 31, 1970 and 1971.

In addition to the permanent complement and any temporary clerical help which is needed, the branch has assembled and trained a special group of temporary and casual staff which it employs from time to time in periods of heavy enquiry from the public concerning the three programmes. Depending on the time of year and volume of public inquiry concerning the programmes this special temporary staff has ranged from a low of five to a high of 20.

With the introduction of the programmes of supplementary tax assistance for the Elderly and Farm Tax Reduction in 1970, casual and temporary clerical staff increased in peak periods to a high of 45 persons.

Branch staff employed has been as follows:

| | Regular Complement | Information Group | Temporary Clerical |
|---|---|---|---|
| December 31, 1968 | 35 | 15 | — |
| December 31, 1970 | 35 | 20 | 45 |

Branch salary costs have been as follows:

| | Fiscal Year ending March 31, 1970 | Fiscal Year ending March 31, 1971 |
|---|---|---|
| Regular permanent staff | $180,200 | $200,900 |
| Casual and temporary (including temporary clerical) | 82,700 | 166,300 |
| | $262,900 | $367,200 |

Question—*Mr. Deans:* Mr. Speaker, I would like to ask the Minister of Energy and Resources Management whether he would be prepared to table in the House the salaries paid to the top officials in the commissions under his jurisdiction, and particularly the salary paid to the chairman of Hydro?

Answer by the Minister of Energy and Resources Management:

**Ontario Water Resources Commission**

| | |
|---|---|
| Chairman | $37,500 |
| Vice-Chairman | $65.00 per diem |
| Commissioners | $60.00 per diem |
| General Manager | $35,000 |

**Hydro Electric Power Commission**

| | |
|---|---|
| Chairman | $40,000 |

# CONTENTS


Tuesday, July 27, 1971

**Problem of high-powered boats on lakes and rivers, questions to Mr. A. F. Lawrence,** Mr. Pitman, Mr. Ruston ..... 4891

**Creating Short Hills Provincial Park in Niagara peninsula, questions to Mr. Brunelle and Mr. A. F. Lawrence,** Mr. Pitman, Mr. MacDonald ..... 4891

**Future use of Pêche Island, questions to Mr. Brunelle,** Mr. B. Newman ..... 4892

**Transportation for prisoners from Don Jail to Union Station, questions to Mr. Apps,** Mr. Worton ..... 4893

**Disease among muskellunge in Lake Scugog, questions to Mr. Brunelle,** Mr. Pilkey ..... 4893

**Bill on pits and quarries, questions to Mr. Bernier,** Mr. Nixon, Mr. Gisborn, Mr. MacDonald ..... 4893

**Alleged threat by Ontario Medical Association that 50 per cent of doctors will withdraw from OHSIP, questions to Mr. A. B. R. Lawrence,** Mr. Pitman, Mr. Peacock, Mr. Makarchuk, Mr. MacDonald ..... 4894

**Bill on pits and quarries, question to Mr. Davis,** Mr. Nixon ..... 4897

**Hydro development on remaining sites on Madawaska River system, question to** Mr. Davis, Mr. Yakabuski ..... 4897

**Dressings used by Metro Toronto ambulance service, questions to Mr. A. F. Lawrence,** Mr. MacDonald ..... 4897

**Sanitation workers inhaling lead from automobile exhausts, and use of recycled paper, questions to Mr. Kerr,** Mr. Burr ..... 4899

**Provincial savings bank and debenture guarantees, question to Mr. Wishart,** Mr. MacDonald ..... 4899

**Docking facilities at Turkey Point in Long Point area, questions to Mr. Brunelle,** Mr. Makarchuk ..... 4900

**Former policemen hired by Liquor Licence Board, question to Mr. Yaremko,** Mr. Shulman ..... 4900

**Deduction of drug costs from comfort allowances to persons in institutions, question to** Mr. Wells, Mr. Shulman ..... 4900

**Sales tax on cottage properties, question to Mr. Winkler,** Mr. Good ..... 4900

**Financial aid for Summer '71 programme in Sudbury, question to Mr. Davis,** Mr. Sopha 4901

**Industrial air pollution at Columbian Carbon in Hamilton, question to Mr. Kerr,** Mr. Gisborn ..... 4901

**Policy on purchase of marine parklands, question to Mr. Brunelle,** Mr. Ruston ..... 4901

**Transfer of alcoholism research foundation clinic to Peel North, questions to Mr. Davis,** Mr. Lawlor ..... 4901

**Salaries paid to senior OWRC and chairman of Hydro, question to Mr. Kerr, Mr. Deans** (see appendix) ..... 4902

**Age of Majority and Accountability Act,** statement by Mr. Davis ..... 4902

**Extending sympathy on passing of Mr. Elmer Sandercock,** Mr. Davis ..... 4902

**Tabling answers to questions on the order paper,** Mr. Wishart (see appendix) ..... 4902

**Election Act, 1968-1969,** bill to amend, Mr. Dunlop, on second reading ..... 4903

**Motion to adjourn debate,** Mr. B. Newman, agreed to ..... 4925

**Age of Majority and Accountability Act,** bill respecting, reported ..... 4925

**Election Act,** bill to amend, Mr. Davis, second reading ..... 4931

**Recess,** 6 o'clock p.m. ..... 4946

**Appendix,** including answers to questions Nos. 17 and 20 on the order paper ..... 4947



No. 118

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Tuesday, July 27, 1971

**Evening Session**

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

5

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

## CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO



The House resumed at 8 o'clock p.m.

## LEGISLATIVE ASSEMBLY ACT

Hon. Mr. Dunlop moves second reading of Bill 126, An Act to amend The Legislative Assembly Act.

**Mr. Speaker:** Does the minister wish to make an opening statement?

**Hon. E. Dunlop** (Minister without Portfolio): No, sir.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Motion agreed to.

**Clerk of the House:** The 30th order, concurrence in supply for The Department of Health.

**Mr. V. M. Singer** (Downsview): We have lost the Minister of Health (Mr. A. B. R. Lawrence), that is the only problem.

**Mr. Speaker:** Shall this report be concurred in?

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker, the House leader indicated to me a few moments ago when I went over to speak to him that he might call this order. The Minister of Health is not here—

**Mr. Singer:** That was his evening surprise.

**Mr. Nixon:** —and if he wants to bring it forward at this time I do not think it would be profitable to debate it in the minister's absence, so we would agree with the concurrence.

**Mr. W. Ferrier** (Cochrane South): Mr. Speaker, in view of the fact that the Leader of the Opposition has agreed to let any debate go on concurrence, this party will also forgo any comments at this time.

Resolution concurred in.

**Clerk of the House:** The 31st order, concurrence in supply for The Department of Mines and Northern Affairs.

**Mr. Nixon:** Mr. Speaker, in the absence of the Minister of Mines and Northern Affairs (Mr. Bernier), we will forgo any comment at this time.

**Mr. D. Jackson** (Timiskaming): Mr. Speaker, we will also forego any debate at this time.

Resolution concurred in.

**Clerk of the House:** The 32nd order, concurrence of supply for The Department of Education.

**Mr. Nixon:** Mr. Speaker, in the absence of the Minister of Education (Mr. Welch) we will forgo any further debate on this concurrence at this time.

**Mr. D. C. MacDonald** (York South): As I said, this government really works as a team, does it not?

**Mr. Nixon:** We carried his bills last night when he was not here too.

**Mr. J. E. Stokes** (Thunder Bay): The Minister of Mines and Northern Affairs now enters after concurrence. I think it is kind of unfair. I was prepared to speak on this had the minister been present.

**Mr. I. Deans** (Wentworth): Mr. Speaker, I would just like one brief comment. During the concurrence motions, the ministers might find the time to drop by the House and at least afford the opposition—

**Mr. Nixon:** He is one of the brighter lights over there.

**Mr. Deans:** —an opportunity to discuss with them the things that they feel are important. It is not nearly enough to say that, in their absence, we forgo the debate, It is simply a matter of fact that there is no point in speaking to them if they are not here.

**An hon. member:** This way it adds up, does it not?

**Mr. MacDonald:** We knew it was at 8 o'clock that we were to begin.

**Mr. S. J. Randall** (Don Mills): The member is never here at 8 o'clock.

**Mr. Speaker:** Shall the resolution for supply for The Department of Education be concurred in?

Resolution concurred in.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Order number 16.

**Clerk of the House:** The 16th order; House in Commitee of the Whole; Mr. G. E. Smith in the chair.

## ELECTION ACT

House in committee on Bill 125, An Act to amend The Election Act, 1968-1969.

**Hon. E. Dunlop** (Minister without Portfolio): Mr. Chairman—

**Mr. V. M. Singer** (Downsview): This might be a little more heated.

**Hon. Mr. Dunlop:** Mr. Chairman, I will have an observation with respect to section 1, subsection 1 and an amendment to offer at section 7.

If I may, I should like to answer a question which came up during second reading to which I did not have the answer at the time, that is, with respect to the disposition of the ballots of voters who have been successfully challenged in the polling place. If they are successfully challenged, they are not given ballots by the DRO and thus do not vote. I had confused it with the situation of a person who has been successfully impersonated.

**Mr. Singer:** That is a good answer.

**Mr. J. E. Bullbrook** (Sarnia): Mr. Chairman, I want to address myself to section 1, subsection 2. For the convenience of the members of the House and certainly for the convenience of the minister, I would like to read from various sections of the instant statute and The Election Act, 1968-1969. If I might, with the permission of the minister, relate to the House that we did have some discussion during dinner hour in connection with the assertion that the minister had made that there was a choice available to university students. Perhaps he did not make that assertion, but I inferred it.

**Hon. Mr. Dunlop:** I did not make such an assertion, but I will speak to that after the member has spoken.

**Mr. Bullbrook:** I want to clarify it entirely, because our concern here is that we do not want, of course, the public to be under the impression that there is a choice available to university students in connection with the location of where they will exercise their franchise. It seems patently obvious to us that that is not the situation.

But what concerns us basically, Mr. Chairman, is a two-fold dilemma. Firstly, should there be such a choice? Secondly, is there a possibility in the attempt of the minister to extricate himself from the possibility of a choice that he might have disfranchised some university students? This might be a legalistic approach, but I am inclined to think that this is the practical application of all sections read together.

I want to, if I might, refer to you, Mr. Chairman, subsection 2, which reads: "Paragraph 4 of clause (m) of the said section 1 is repealed."

I will then refer to the parent statute, which is in the 1968-1969 compendium and is chapter 33 thereof. And I read the definition of "residence": "Residence and similar expressions used in relation to a person means his true, fixed, permanent home"—and I draw your attention to the word "permanent"—"permanent home or loding place, to which, whenever he is absent, he has the intention of returning." That is, therefore, the general definition.

I continue to read:

> Subject to the following rules:
>
> 1. The place where a person's family resides shall be deemed to be his residence unless he takes up or continues his residence at some other place with the intention of remaining there, in which case he shall be deemed to be a resident of such other place.

I do not think it is necessary for me to read the subsequent two subsections. I want to, if I might, go to subsection 4, and for the sake of expedition I do this very often and find that I should have read the two subsections that I went over. So I have changed my mind in mid-stream and I am going to read them.

**Mr. Singer:** Good!

**Mr. Bullbrook:** Subsection 2 says:

> The place where a single person occupies a room or part of a room as a regular lodger, or to which he habitually returns, not having any other permanent lodging place, shall be deemed to be his residence. No person shall be deemed to be ordinarily resident in quarters or premises that are generally occupied during some or all of the months of May to October only and generally remain unoccupied during some or all of the months of November to April unless (a) he is occupying such quarters in the course of and in pursuit of his ordinary gainful occupation, or (b) he has no quarters in any other electoral distict to which he might, at will, remove.

Now then, the relevant subsection:

> The place where a person, otherwise qualified as an elector, resides for the purpose of attending a postsecondary educational institution may be deemed to be his residence for voting purposes.

Now, I want to read that again because I think we have to take this is total context. Subsection 4 is now removed, and the intention of 4 was to cover postsecondary students and to withdraw from ambiguity the situation that now prevails:

> The place where a person, otherwise qualified as an elector, resides for the purpose of attending a postsecondary educational institution may be deemed to be his residence for voting purposes.

Now, that is now removed from the present statute. And may I say, Mr. Chairman, that of course I invite a dialogue in connection with this. I might well be wrong, and the minister, being much more knowledgeable as a result of his chairmanship, might wish to interject from time to time. I certainly invite that, if he feels that there is a manifest answer for what I consider an obvious difficulty.

So in effect we have the government, under section 1, subsection 2, removing the ordinary definition of a postsecondary student residence. As a result, we go on to the statute that we are now considering, and section 5(1)(d) it reads as follows:

> A person absent from his regular residence by reason of attending an educational institution, who is entered on the list of the polling subdivision in which he normally resides and who expects by reason of such absence to be unable to vote at the advance poll or on polling day.

That has to be read, in effect, with the original section that I mentioned to you in the parent statute.

The basic problem that we in this party see is the untoward interpretation given to the word "may" in connection with the exercise of the proxy. There semed to be a patent intention on the part of the minister, which I obviously misinterpreted and as did the member for York South (Mr. MacDonald) as he was so validly and vitally concerned about this, that the use of the word "may" in "may by proxy vote" was interpreted basically as giving an option as to where the student might vote.

Basically therefore we felt, in effect, that there was perhaps a choice available to the student. The fact of the matter is not that. The word "may" gives the student a choice, a choice either to vote at home—physically to go home and vote in his home riding—or to vote by proxy. Those are the alternatives under the word "may." Those are the only alternatives.

The fact of the matter is that as the statute reads, because of the deletion of the definition of residence available to a postsecondary student under (m) of section 4 under the parent statute, you get to the anomalous situation in some circumstaces where I see it that a student could be disfranchised.

I invite the attention, Mr. Chairman, of a hypothetical situation. A young man is 23 years of age and has no parents. He has no family of any kind, and he goes to Thunder Bay to work for the summer. He comes back and resides on St. George, which is our example.

I find it very difficult to believe that he can fall within the section itself. I find it very difficult, when you read "a person absent from his regular residence." Now recognize he has no regular residence, because since he has no family, he does not fall within the section of the original section of the parent statute.

**Hon. Mr. Dunlop:** I think the hon. member will find he falls under rule No. 2.

**Mr. Bullbrook:** No. 2. The minister says, in effect, he falls under 2—I invite the minister's consideration and answer to this—why does he require 4?

**Mr. Singer:** What if he is foolish enough to get married?

**Mr. Bullbrook:** Why does the minister require 4? Or what if he is married, of course, as my colleague from Downsview asks? That is the obvious answer.

But the minister might direct my knowledge and attention to why he requires 4 if he finds that the student falls within 2. I am taking a legalistic approach, but the fact is this. The minister cannot answer this type of argument from the point of view of the practical implications of it. We are passing laws here that people must abide by.

He cannot say in effect, "I am sure the returning officer would list his name in the area." I take the position frankly that he is not entitled to say, when he resides on St. George Street, that that is his permanent residence.

In point of fact it is an anomalous situation. How can a university student, because of the very nature and definition of education, that it has a terminal point and that there eventually will be a lack of permanency, how can he possibly say that he has a permanent residence there?

The fact of the matter is he cannot. He cannot take that position under the law. One knows of its very nature that education is a temporary situation and therefore the residence concurrent with such adventure in education of itself is temporary, so I say he cannot fall in there.

That is the situation I find myself in and I look to the minister for assistance in this connection. I think really what we have done here in deleting 4, we have attempted to assure that there was not a choice available to the university student.

I am inclined to think on balance that choice should be available. Better that he have a choice available than have no choice at all. I say to the minister frankly that there is a distinct possibility in circumstances, either of lack of parentage, lack of family, or in point of fact even a more ridiculous situation, at age 23. Since we have voted this afternoon that he attains his majority at 18, surely for example five years hence he can say to himself, "I am independent of my family"?

Think of the situation, for example, of a constituent of mine who has left Sarnia many years hence and happens to reside and work actively, politically for any party, of whatever persuasion in the riding of Downsview.

The fact of the matter is his family is still alive, and therefore if you follow the definition, here is a young man who lives in Downsview, actively participates in the politics of Downsview, to his and other people's benefit, but under a strict interpretation of the statute, he only qualifies to vote in Sarnia. It really is an anomalous situation.

And so I say to the minister that if he does not have that choice—and perhaps now I see the shaking of the head of our illustrious clerk who also, of course, is chief electoral officer and I have no doubt therefore that the minister will have some retort here, but think of that Downsview-Sarnia situation.

If his family still lives in Sarnia and if you delete the subsection 4, which is obviously the subsection that is meant to cover post-secondary students—and that is why I do not think you can rely on subsection 2—I would think a court in interpreting the matter, either 2 or 3, they would say this cannot possibly obtain in connection with postsecondary students because subsection 4 relates to post-secondary students. That is the fact of the matter.

So I see this great difficulty. As I say, I invite the minister to make a reply. For myself, and of course subject to further discussion, I feel that I would want to vote against the repealing of (m) in subsection 4. I think frankly that on the balance we should give the post-secondary students the opportunity to make the choice if necessary, but we certainly cannot through this Legislature put forth the possible result, no matter how remote, of the disenfranchisement of any elector in this province.

**Mr. Singer:** We need the amendment.

**Mr. Bullbrook:** Mr. Chairman, I was not going to move the amendment at this time. I am sure that my colleague—

**Mr. Singer:** That is the only way we can vote against it.

**Mr. Bullbrook:** Is it required that I do? I will move that section 1 be amended by deleting therefrom subsection 2.

**Mr. Chairman:** Mr. Bullbrook moves the following amendment, that section 1 be amended by deleting therefrom subsection 2. Is there any further discussion?

**Hon. Mr. Dunlop:** The member for Sarnia raises the possibility that the deletion of rule 4 from clause (m) of section 1 of the bill would possibly result in the disenfranchise-

ment of students. I suggest that this is not possible, even as read in relation to section 5 (1) of the bill. The reason for this is that rule 4 is the only addition which was made to this section when The Election Act 1968-1969 was adopted.

That is to say that in the previous Election Act the same definition of residence held with only three rules for its interpretation, and people like the member's friend from Sarnia did in fact move to Downsview for many years and some may well have worked in elections there. I am sure both areas are large enough to encompass that example statistically.

One point that I did want to mention here was that in discussing the definition of residence this afternoon, apparently I did use the word choice in relation to students. I tried to make it quite clear that people, whether they are students or whether they are retired or whether they have some gainful occupation or whatever things people can be, still in law have only one residence.

**Mr. Bullbrook:** In this law they could have none, Mr. Minister.

**Hon. Mr. Dunlop:** No, I think the member is incorrect. We are in a legalistic argument and here, of course, as you know, this Legislature is not the interpreter of laws. It passes them to the courts and others to whom the responsibility—

**Mr. Singer:** We try to understand the facts though.

**Mr. Bullbrook:** I think we try to understand the implications of the law, Mr. Minister.

**Hon. Mr. Dunlop:** People can have, for the purpose of the franchise, only one residence. This is one route to the franchise. Residence, age, nationality are the three basic ingredients of the franchise, so they can only have one residence where they are enumerated and by law they are entitled to be enumerated in that one which is their residence. We run into here, of course, what those trained in the law and those who are not have always found a great difficulty—the problem of determining residence and the problem of determining domicile.

What I believe is found in this Act under residence is part of the rules for the determination of domicile. I would like to remind you, however, that these rules which have been put in to the definition section have been the rules which have been in that definition section for many years. There is no prospect of disfranchisement.

I want to come back to my apparent misuse of the word "choice" this afternoon. I am not proposing to suggest that students have a choice of residence but that the student's residence may be in fact at the university. He is the person who in the first instance attests to that fact, in giving information to the enumerator. I believe that students are, of course, as honest as all other voters in our society and will attest to their residence honestly.

We do have provisions in our electoral systems in Canada for questioning statements made; objections may be filed at the time of revision and so forth. The person objected to has his opportunity of restating his case through a revising officer. I would think that we are in an excellent position to continue in the future as we have in the past; to rely upon the honesty of the information, the accuracy of the information furnished to the enumerators. I believe that where a student truly feels that he has broken his ties with his home, his lodging, under rule 2 or 3, is the place to which he habitually returns and that is it. That will be, in fact, his residence for electoral purposes.

**Mr. Bullbrook:** May I just continue, if the member for York South will permit for a moment. I say though you, Mr. Chairman, to the minister most respectfully that he has again directly skirted the very issue we are talking about.

First of all he talks about the honesty and integrity of the individual person being listed. Nobody is attacking that at all. That begs the question entirely.

Does the minister not understand, again most respectfully, that what he is saying is a subjective evaluation where he has put into the statute objective criteria? This is the problem. If he did not define residence, if he did not properly define residence in the statute, then a young man could say to himself, "Yes, I regard this as my residence." That is the answer.

The problem is the minister has defined for him where his residence is. He has said in subsection 1 that the place where a person's family resides shall be deemed to be his residence. That is what he has said. If the minister takes out subsection 4, as he is going to, if he has a family back in Sarnia it follows as a matter of clear

and absolute logic—he has said the place where a person's family resides shall be deemed to be a resident of such other up or continues his residence at some other place with the intention of remaining there.

May I say—in which case he shall be deemed to be a resident of such other place. Now the fact of the matter is what the minister is talking about is domicile. I did not intend to carry this forward legalistically, but he is quite right. I am taking a legalistic approach and I do not apologize one tittle for it because the fact of the matter is this happens to be a law that we are passing. I have to take a legalistic approach.

Now he is talking about domicile; he is talking about two things in the definition of residence. He is talking about the actual physical taking-up of residence and the intention to remain there. Now this is the dilemma that he faces these students with. Essentially this: He is saying that they must say to the enumerator "Yes, I intend to remain here on a permanent basis," because when he defined residence he said "Residence and similar expressions used in relation to a person mean his true, fixed, permanent home." The fact of the matter is, I hate—

**Hon. Mr. Dunlop:** And the next clause, read the next clause.

**Mr. Bullbrook:** All right. "Or lodging place to whichever, whenever he is absent, he has the intention of returning." Okay. Now there is the whole thing. When I do not read these things through it is not with any intention, I assure you, Mr. Chairman, of attempting to use the argument for my own advantage. What I left out does not in any way directly or collaterally affect what I am going to say.

The fact of the matter is the minister has called the student's residence his permanent home. Now by no stretch of the imagination on the objective criteria that he places before the young man, can he say "I intend to permanently reside for the rest of my intended existence at the University of Toronto." He certainly does not, for the university by its very nature—and I hate to reiterate this—but by its very nature is a temporary part of the path of life of that individual.

**Mr. I. Deans** (Wentworth): So is his parents' home.

**Mr. Bullbrook:** Well, so is his parents' home; that is the ridiculous part. But I say to the minister frankly, that I would wish that, for example, the Minister of Labour (Mr. Carton)—I do not mean, of course, to deprecate the minister in this connection—but I would like to hear from the lawyers. I want to say this to him—and this is a legal point; I recognize this—that without fear of contradiction from the other side, if a court was interpreting the situation in connection with the postsecondary student, it would say that subsection 2 does not apply, because subsection 2 says the place where a single person, et cetera, has a lodging. But then subsection 4 goes on and talks specifically about post-secondary students.

**Hon. Mr. Dunlop:** But if subsection 4 was not there, then how would they interpret it?

**Mr. Bullbrook:** The fact of the matter is, Mr. Chairman, that subsection 4 is part of the overall definition section. This is the problem that the minister has. This can be a full 360-degree argument; if the minister takes out subsection 4 then he can find himself, I say most respectfully, in the situation where the young man might not have any residence under the law itself. I say that to you. He might not have either a temporary one or a permanent one, as you define it. Basically, that is the thrust of the point. I say again to the minister through you, Mr. Chairman, I am not content with the reply that has been made. I just do not see the answer entirely.

**Mr. Chairman:** The member for York South.

**Mr. D. C. MacDonald** (York South): Mr. Chairman, I intervened at the close of the debate on second reading this afternoon because I was persuaded we had a confused situation on our hands, and so far this evening that confusion has been re-emphasized.

I think the hon. member for Sarnia is dead right, that in a legal interpretation of the Act residence is going to be back at the family home. There may be the odd instance of a person having no residence at all, as in the case the hon. member for Sarnia cited, of the person who had worked up in Thunder Bay, who was 23 years of age and came down here and really had no permanent residence.

But that is not the thing that disturbs me. The thing that disturbs me is that the minister comes back this evening and reiterates what in effect he said this afternoon, namely, that we have to accept the honesty of the statement of the individual himself, and if he

attests that this is his place of residence, then he is going to be entitled to be enumerated in the city where he is residing for purposes of postsecondary education.

**Hon. Mr. Dunlop:** Or any kind of education!

**Mr. MacDonald:** Or any kind of education. Now I know, because I happen to have had some discussions with the chief electoral officer in the interval, that the past interpretation has tended to be the one that the hon. member for Sarnia has put on it, the legalistic interpretation. And when I raised the question of the lumber camp worker, the answer was that this was a sort of traditional exception. The man is buried away back in the bush, he cannot get out, he is isolated and therefore traditionally we have winked at the law and permitted him to go where he was domiciled at the time he was enumerated.

**Hon. Mr. Dunlop:** That was not an answer I gave, was it?

**Mr. MacDonald:** No, it was not the answer the minister gave, but it underlines the answer that is likely to be given by the chief electoral officer who is going to be responsible for interpreting this Act.

Mr. Lewis pointed out two things: Firstly, that if a person is deemed by somebody not really to be eligible to be enumerated, he could be challenged at the revision court for enumeration and presumably at that point he could be eliminated. Secondly, he might be challenged when he comes to the polling booth, and if he is willing to take an oath that he is entitled to vote—in other words, that this is really his place of residence or he is really 18 years of age or he is really a citizen—then he must be given the vote but they record that it was challenged.

So we have these one or two checks along the way, but the confusion is still there. The minister persists—and I do not object to his persistence, because quite frankly I think it is a more sensible kind of interpretation—though the hon. member for Sarnia is correct that we are writing a law, and the legal interpretation is the one that is likely going to obtain if it is ever taken into the courts.

That brings me to the concluding points I want to make with regard to the amendment that is before the House. The purpose of an Election Act, in my view, is or should be to make it as easy as possible for every citizen in the province to vote. Not to raise obstacles.

I submit, Mr. Chairman, that the kind of procedures that have been established by elimination of paragraph 4 of clause (m) which removes the original definition of a postsecondary student and gives him a genuine option to vote where he is residing for the purposes of postsecondary education, or back home, by taking that out and coming up with this procedure—that he must either go home to vote or arrange for a proxy—the net result is going to be that many people are going to be disfranchised.

Strictly speaking, legally speaking, theoretically speaking, they are not going to lose their vote. But for a variety of reasons they are not going to take the time. You have made it most difficult rather than most easy. The minister rather emphatically said he agreed that that was the objective of the Act—to make it as easy as possible to vote. He is not doing it in this instance.

**Hon. Mr. Dunlop:** I am not suggesting we make it easy for any particular class of people to be able, in effect, to have two places of residence when all others have one place of residence.

**Mr. MacDonald:** Mr. Chairman, the thing that disturbs me about this is, for reasons that may have been intentional or perhaps just fortuitous in the whole development of this Act and its presentation in the House, we have isolated students when, in fact, many people are going to be permitted to vote, or certainly will get a vote, because they will not be there to be challenged. They will not be isolated for such close examination and for such ready challenge.

I am certain, Mr. Chairman, from my experience in elections down through the years that we operated on the assumption which I thought was the interpretation we got from the chief electoral officer and from the returning officers all the time—namely, that a person had the right to be enumerated in the place in which he was domiciled—and I am going to use that term in contrast to residence—on the day the writ was issued. If a person happened to come into a town which maybe was not his permanent residence; he was maybe only visiting for two or three months; he maybe had only a temporary short-term job; this was not his permanent residence. His permanent residence may have been elsewhere. But he was enumerated and he got a vote.

Indeed, it seems to me that, since our objective is to maximize the opportunities for voting within the Province of Ontario, the best way to do it is to say that where you

are domiciled on the day the writ was issued there you have the right to be enumerated. If, perchance, you leave that because your being domiciled is so temporary you have left before the election comes, well, fine, that is another matter.

**Mr. E. W. Sopha** (Sudbury): This has nothing to do with domicile at all; it has to do with residence.

**Mr. MacDonald:** Well, you see, the hon.—

**Mr. Sopha:** I have just come in. I am glad I did to correct the hon. member.

**Mr. MacDonald:** As a matter of fact, if the member had been in here earlier—

**Mr. Sopha:** Domicile is foreign to election.

**Mr. MacDonald:** I happen to know that domicile is foreign to elections—

**Mr. Sopha:** Well, why is the member using the term?

**Mr. MacDonald:** Therefore, if the member for Sudbury had been here and been able to follow the whole course of the debate and the explanation—

**Mr. Sopha:** Whether I was here or not has nothing to do with accuracy.

**Mr. MacDonald:** Can I finish it, then the member can get up and speak?

Interjections by hon. members.

**Mr. MacDonald:** I know it.

**Mr. Sopha:** It has nothing to do with domicile.

Interjections by hon. members.

**Mr. MacDonald:** Yes. There is nobody in that seat, Mr. Chairman. There is nobody in that seat at all.

**An hon. member:** The member for Parkdale (Mr. Trotter) is interjecting.

**Mr. MacDonald:** There is just a noise from the Mackenzie King spirit sitting up there.

Interjections by hon. members.

**Mr. MacDonald:** I come back to the concluding point I was attempting to make. We will support the amendment because the net effect of it is going to be to place students in essentially the same position that most other people are in. Namely, that where they are in residence on the day that the writ is issued they shall have an entitlement to vote. That, I think, is going to maximize the opportunities for voting which I trust is the objective of this governing party.

**Mr. Chairman:** The hon. member for Scarborough East.

**Mr. T. Reid** (Scarborough East) I would just like to make a couple of points as clearly as I can. I think that my remarks this afternoon have proved to be even more correct than I thought they were!

**Hon. Mr. Dunlop:** Good heavens!

**Mr. M. Shulman** (High Park): It is a surprise to us, too.

**Hon. Mr. Dunlop:** That is the most revealing statement I have ever heard!

**Mr. T. Reid:** I think the documentation that I put behind those remarks, Mr. Chairman, stands as it is.

I would like to raise this statement with the minister if I can get this message through to him. I think he has seriously misled many university students in the Province of Ontario in his remarks this afternoon. I think that inadvertently he has already probably created a state of confusion which is going to result in university students saying it is impossible to understand what the legislation is all about.

Let me put it this way, Mr. Chairman. If a student took the minister's advice, as reiterated this afternoon, and declared to the enumerator that he was, in his opinion, at university, at his place of regular residence to which he was intent on returning, that student would be very ill-advised to do so. Because if that student is in receipt of a student award from the Province of Ontario, I submit to you, Mr. Chairman, that he can be challenged and that challenge must be upheld by a revising officer.

Let me remind the minister what it means to accept a student award in the Province of Ontario from the provincial government. It means that a student acknowledges that he is dependent upon his parents and in my opinion, by making that admission and by his parents making that admission in writing, that student is a resident at the house of his parents.

**Some hon. members:** No.

**Mr. T. Reid:** I suggest to the minister that he had better clarify this, both with the Minister of University Affairs (Mr. White) and the chief electoral officer of this province. A student who is dependent on this government for funds because he is dependent upon his parents is, in my opinion, acknowledging that his normal place of residence to which he intends to return is the home of his parents. And this applies of course, except for the independent student.

There are many, many students—I believe it is 40 per cent of the students in this province—who receive an Ontario student awards grant and loan. Now a student cannot have it both ways. A student cannot say that because he is in residence in a college or university in this province, that is, therefore, his normal place of permanent residence to which he intends to return and at the same time states to another ministry of the government that really his home is with his parents and not where he is living on the university campus.

I submit to the minister, Mr. Chairman, that this type of confusion between the Minister without Portfolio (Mr. Dunlop) and the Minister of University Affairs, who is responsible for the student awards, is going to lead to a great deal of confusion in this province.

I submit this, sir. That the creation of confusion over the procedures whereby one becomes entitled to vote at one place or another place, is a way by which the minister disenfranchises students, whether or not he wanted to or whether it was inadvertently. I think this minister has a responsibility to the university students of this province to clarify, beyond any reasonable doubt, the grounds on which challenges cannot be made if that student says his residence is at a university campus.

There is terrible confusion and the minister must clarify it and I submit he can clarify it by accepting the amendment from this party.

**Hon. Mr. Dunlop:** Mr. Chairman, I would not think to accept the submission of the member for Scarborough East that dependency is a determinant of residence. It may well be so; I would think it is not.

As to having given any advice to students this afternoon, I did not. I told them the state of the facts as best I knew it and while they might or might not wish to read rules 1 to 3 of section M on residence, prima facie, the fact that they adduced would be taken as the facts of the situation, unless an opposition to the naming on the list was registered with the returning officer. Now that is a statement of fact, I think, not a matter of advice that I have given to them.

I agree with the member for York South that what we have been trying to do and which, I think, is an objective of electoral proceedings in a developed democracy, is of course, constantly to bring the vote closer to the people and make it easier to vote. Here the provision in a later section 5(1) on proxy voting for students, I think, is exactly that and does exactly that.

Finally, on the whole question of residence, I have never been entirely happy about the whole section and its rules 1, 2 and 3, then on rules 1, 2, 3, 4, which really I think are thrown out as a kind of guide to returning officers. Those who have studied these aspects of the law know that domicile and residence are matters which take up many volumes of case law and are not to be readily boiled down into a few phrases. In a definition section of an Act, they still have to be subject to some further interpretation. I would think that no one can put a perfect interpretation—a section—into an Act which is not free of dispute in matters so complicated as a domicile and residence. Here I—

**Mr. Sopha:** Those people are paid to clarify the law. That is what they are in office for. If they cannot do it, let us over there.

**Hon. Mr. Dunlop:** I gathered from the member's earlier remarks that he rather tended at least to agree with me in this section, however that may be wrong. Here is a legalistic quandary which has been with us for—

**Mr. Sopha:** It is not that at all.

**Hon. Mr. Dunlop:** —very many years. Mr. Chairman, I hope that when you put this question the amendment will be defeated.

**Mr. Singer:** Mr. Chairman, the difficulty is that the minister is trying to pass off this matter just as a legal quandary. It is a problem of legal draftsmanship. It is a problem of the ability of the government—and the minister speaks for the government—saying what, in fact, they mean.

What my colleague from Sarnia was saying, and I think most validly, is that the statute should be understandable and should have a clear and specific meaning in law. Where, unfortunately, the minister gets into trouble is in the confusion that is in his mind between the two words "residence" and "domicile." In law, a person can have

a multiplicity of residences at the same time. He can have a residence at his home—

**Hon. Mr. Dunlop:** Yes, I believe, Mr. Chairman, the—

**Mr. Singer:** He can have a residence at his— Well, if the minister would let me finish.

**Hon. Mr. Dunlop:** —confusion is because some of the rules of domicile have been applied to residence in this statute for many years.

**Mr. Singer:** If the minister would hear me out, perhaps I can explain it in language that he can grasp. I am going to try.

A person can have a multiplicity of residences at the same time. My colleague, the hon. member for Brant, has a residence at his farm and at the outskirts of the metropolis of St. George.

**Mr. R. F. Nixon** (Leader of the Opposition): Do not exaggerate.

**Mr. Singer:** While the House leader keeps us in session until the wee small hours of the morning, my colleague from Brant equally has a residence at a room in the Royal York Hotel. If he has a summer cottage, he has a residence at his summer cottage. If he has—

**Hon. G. A. Kerr** (Minister of Energy and Resources Management): Temporary residence.

**Mr. Sopha:** What is he talking about?

**Mr. Singer:** It is the word "residence." I am sorry that the Minister of the Environment does not understand the difference between the word "residence" and the word "domicile." He is not a very good lawyer. That has been obvious for the number of years he has been in the House.

**Mr. Sopha:** He left the practice of law to go into the environment.

**Mr. Singer:** That is right. From which he has never emerged.

**Mr. Chairman:** Order!

**Mr. Singer:** But in law, Mr. Chairman, one can only have one domicile, and domicile means residence plus animus manendi—

**Mr. Sopha:** Hear, hear.

**Mr. Singer:** —the translation is the spirit or the desire of staying. One is born with a domicile. One assumes, on being born, the domicile of one's parents, and at the age of majority one is given the opportunity, at least in our law, of choosing a domicile of choice, which can continue to be the domicile one is born with or can be one that one chooses alternatively. One could be resident in Canada for 30 years and still maintain a domicile in the United Kingdom, or in Spain, or in any other country. That is the legal significance of the word "domicile" and the minister, I am afraid, just does not understand that.

**Mr. Sopha:** Certainly.

**Mr. Singer:** Now, what he has been trying to do—and two of the lawyers over there are shaking their heads in agreement—the minister—

**Mr. Nixon:** Nodding in agreement.

**Mr. Singer:** No, no, are nodding in agreement; are nodding.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): What about regular residence?

**Mr. Singer:** All right. Now let us get to the point. The minister, who unfortunately is trying to interpret into this statute his somewhat peculiar idea of domicile, is away off the beam, and it is no wonder that we have not got a statute that we can understand. What in fact should be done is that one, for election purposes, shall be deemed to have one residency, which he is in according to rules 1, 2, 3, 4. Now the reason we got down to subclause 4 of this clause 1 in The Election Act was because this very confusion existed insofar as students were concerned.

The hon. member for York-Forest Hill will no doubt remember that prior to the 1967 election the problem seemed to be a very hot one; the same kind of concern was expressed. And it was agreed that—by reason of an administrative interpretation, and that is all it was, that the chief electoral officer felt he could honestly make, the students would be given a choice of residency for the purposes of determining where they could vote.

**Mr. Nixon:** No problem.

**Mr. Singer:** When the time came to review The Election Act some of us felt, and I was one who felt, that the time had come to put this into legislation in a form where

it could be found as part of our law. Therefore, we said—because of the difficulty that was resulting and because of the fact that we had to resort, albeit with the consent of all members of the House, all parties that were here, that it was necessary to resort to an administrative interpretation about which there was some legal doubt—"Let us put it into legislation." That was the genesis of subclause 4 of clause (m) of section 1 of The Election Act.

Now, what the minister wants to do is to set the clock back again. He wants to restore the confusion. And he says: "Well, if there is confusion, let the courts work it out" or "Let the voters who are asked be honest." Now what happens? It is not the returning officer who is going to determine it; it is going to be the enumerator. Up to the door comes the enumerator and says: "Mr. Dunlop, I am here to enumerate for the election. Are you a resident?" I am certain that the average person who answers the door, whether he is a student or not, would say, "Yes, I am a resident."

Does one then expect the enumerator to start reading section (m) and say: "Residence means . . ." and similar expressions, and so on, read it through one, two, three; "that it must be your permanent home and your parents are somewhere else"; it cannot be there and it cannot be here? No.

So it is not a question of honesty. It is a question of what would occur to the ordinary person who answers the enumerator's call, to say; "Yes, this is my residence."

That having been done, and with all the goodwill in the world and without the voter misleading anybody. As I interpret this section with subclause 4 being removed, he is then conveying improper and incorrect information to the enumerator. And if the enumerator does not ask the additional questions then the enumerator—albeit with all the goodwill in the world—if he puts that voter's name on the list, he is putting an ineligible voter on the list.

Very simply, sir, what my colleague from Sarnia had in mind was let us regularize the procedure that we worried about here for five years, which we regularized when we brought in these amendments when we put in subsection 4 to section (m). Let it go in that way, because we do not want to put voters in the position where they are giving improper information. We do not want to put enumerators in the position where they are, with all the good will in the world, wrongfully interpreting The Election Act. We want to give everyone an opportunity to vote where they are living at the time the enumeration is taking place. Now that is the simple thing, so let it stand and accept the amendment given by my colleague from Sarnia.

**Mr. Nixon:** Very reasonable.

**Mr. Chairman:** Are the members ready for the question?

**Hon. Mr. Dunlop:** May I just say one thing, Mr. Chairman, at the risk of delaying this vote? I do recognize, as my friend from Downsview perhaps thinks I do not, the distinction between domicile, particularly the aspects of domicile origin and intent and residence.

One problem that probably brought some of the rules of domicile into "residence" many years ago, I should think, in election law is, of course, that while one might think that the franchise should stem from domicile, nationality and age, domicile, of course, is almost totally impossible to define; and residence can be of course. What we are looking to in election law is one residence per customer, one place to vote.

I might comment—earlier, too, somebody pointed out the problem of the word permanent—

**Mr. Deans:** Just at the time of the election.

**Hon. Mr. Dunlop:** There is, of course, only one permanent residence, and this is not a legal consideration. This is a matter of life and death.

**Mr. Sopha:** Mr. Chairman, I see this problem in a very simplistic fashion. Perhaps that is because I am a devotee of politics for the simple-minded. My friend from York South, in importing the concept of domicile, carries on a polemic worthy of the most excellent of the Philadelphia lawyers. Nowhere in the statute is the word "domicile" used and surely, dealing with electoral maters, we do not ned to transgress into that esoteric branch of the law, which exists in law for a very special purpose.

**Mr Shulman:** The member for Sarnia is going to be very mad at the member for Sudbury.

**Mr. Sopha:** Let us put it aside by saying that it is possible for a person to have a domicile in a place where he has never set foot in his life; he need never have been

there in his life. That is the case of Gulbenkian and Gulbenkian; the Minister of Financial and Commercial Affairs will remember that one. Poor old Gulbenkian had never been in Persia, as it then was, in his whole born days, and the House of Lords found that he was domiciled there.

**Hon. Mr. Dunlop:** I would not call him pood old Gulbenkian!

**Mr. Sopha:** I see this problem simply. This is purely election bait, and this is the tip-off for the fall election. Back in 1968-1969, the bill, which at that time was Bill 217, received the unanimous support of all parties in the House and we decreed as a matter of political policy that students who had assembled at postsecondary schools or institutions would have the right to vote at those institutions.

Why we are making the retrograde step in 1971 can only be explained by the reason that the first citizen has decreed a fall election and he does not want the influence of the students' votes. He does not want them hived. They will be hived following Labour Day. They will start to assemble at the various universities.

I think of Laurentian; probably there will be something like 500 or 600 students who will start to foregather right after Labour Day. That could turn an election, that number of votes, especially when tomorrow at noon, with a 21-gun salute, I suppose, on the north pasture up here, 18-year-olds are going to have the right to vote. Now the Premier, obviously with the assistance of the Minister without Portfolio, is going to ask this Legislature to decree tomorrow that when they are hived at the postsecondary institutions, they will be deprived of their franchise effectually. So what the hand of Jacob gives with the left hand, the hand of Esau takes away with the right. That is the intention, and it is a dishonest one.

This is the politics of dissimulation to do that. None of you—I look at the member for Haldimand-Norfolk (Mr. Allan), a man who has been in the House many years; he should not be party to this type of dissimulation that is being foisted upon the public in this Legislature tonight.

Having decided in 1968 that they get the right to vote at their schools, they should retain it. It is as simple as that. We cannot lend our support to it. Back in 1968 we were content to give them that right to vote. When they are there and the enumerator comes around, for all intents and purposes that is their residence and they tell him they are living in East House or B Block or Huntingdon Manor or whatever it is.

But as I let my mind range around the province, I saw all those university towns that have opposition members; so it becomes a form of gerrymandering. Let us think of where they are. The riding of Port Arthur is held by an opposition member; Sudbury East —there are the universities in my friend's constituency; Peterborough is held by a member of the NDP; Waterloo is held by two fine members who grace this House with their presence; Windsor is Liberal territory—and which one is Brock in?

**Mr. D. H. Morrow** (Ottawa West): Queens is Conservative territory.

**Mr. Sopha:** You have to really reach to find one with a Conservative member.

**An hon. member:** Queen's is the only one they can find.

Interjections by hon. members.

**Hon. Mr. Dunlop:** What about Carleton and Toronto?

**Mr. Sopha:** Guelph is held by an opposition member. Well, to merely list them shows how much the opposition outnumbers the government members, and the Premier does not intend to allow the hiving of the students to assure their re-election.

I am very disappointed in him, and I wish he was here for me to say to his face that he has no business in making this retrograde step and taking out that. What difference does it make? Really, what difference does it make? Why should we require these people to journey miles to their homes to cast their votes at their place of ordinary residence—that is the proper term, ordinary residence—or to go through the gobbledegook of filling out papers to appoint a proxy?

Why does the minister complicate things? If they have the right to have a vote give it to them at the place where they are to be found on enumeration day. They are Canadian citizens, residents of this province and they have the inalienable right to vote. So how can the minister, in decency, stand up and seek to complicate what is otherwise a simple matter? The way he uncomplicates it is to leave that section 4 alone, and I just wish the first citizen would walk in here now so that we could say to him: "Look, get the member for York-Forest Hill off that hook once again!"

**Mr. Nixon:** Right.

**Mr. Sopha:** "Get him off the hook again tonight. The Premier did it before when a man of his character, his reputation, his integrity, considering the enormous role that he has played in the military and political life of this country, had to go out and try to make decent responses to the press outside when it was impossible to do so."

**Mr. Singer:** Right.

**Mr. Sopha:** He must have blushed, this man who has always spoken with sincerity throughout his whole life; he must have been embarrassed at the questions they asked him a few days ago out in the hall. So in order to straighten this out—and we make an issue of it; it is a matter of principle with us—for heaven's sake, do the right thing and accept this amendment. Leave the section of the statute as it was in 1968 and let them have their vote when the autumn leaves start to fall and we determine once and for all who is going to guide the future of this province. Accept it.

**Mr. Chairman:** The hon. member for Sandwich-Riverside.

**Mr. F. A. Burr** (Sandwich-Riverside): Mr. Chairman, one fact comes through to me and that is that this legislation should fit four sets of circumstances: One where the enumeration day and election day take place while the universities or the colleges, the post-secondary schools, are in session; one where both days occur while they are both out of session; the third one where the universities are in session on enumeration day, but out of session on election day: and the fourth, the reverse of that, where the enumeration day takes place in the summer and the election day after universities are open.

I am wondering whether this legislation is going to suit all four sets of circumstances. That is one observation. Then I have a question which arises from the statement of the minister this afternoon that certainly the residences will be enumerated. I visualize a situation where John Smith is enumerated at the University of Toronto. At the same time, back in his home town, his mother is enumerated and the enumerator says, "Is there anyone else over 18 in your household?" And she says, "Yes, my son Willie." So they put Willie down on the voters' list.

**An hon. member:** John.

**Mr. Burr:** John or Willie—John William. That is his full name.

**An hon. member:** Albert.

**Mr. Burr:** And this means that, unwittingly, John Willie is on the voters' list in two different ridings. During the election campaign, the son and his parents communicate by letter. They discover that he is on both lists. Now, has this young man a choice whether to vote by proxy in his parents' riding or shall he vote where he has been enumerated in his own university riding? I would like that question answered if possible, Mr. Chairman.

**Hon. Mr. Dunlop:** I do not know whether it is possible to answer it. I should think that he still has only one residence under the rules. I think that he would be the person in the best position to know which his residence was. He would not, of course, have the right to vote in both places simply because he was enumerated. It is a general offence to vote more than once in an election. I do not think that is news to the hon. member.

**Mr. Deans:** No, it is not.

**Mr. W. Ferrier** (Cochrane South): Mr. Chairman, to me the arguments put forward by the member for Sarnia and as explained by the member for Downsview are very clear and direct. These arguments make it very clear that a university student is not going to be excluded in any way from being able to exercise his franchise. If this section is withdrawn, I can very well see where he might be disfranchised or where the whole electoral process, as far as his being able to cast his vote, will be made very difficult.

We have had reason to believe that there will be challenging of university students by workers of political parties to see whether they are rightly or wrongly on the list. If this kind of technicality is going to exist where students who have their names put on the list where they are living, are by some kind of effectiveness on the party workers' behalf excluded, then it is a very sad and sorry day for the Province of Ontario that students can be excluded in this way.

Now, if the clause (m),—well, anyway, the section—remains in the Act, there would be no ambiguity and there would be no technical way that a student can be excluded. I just happen to feel that we argued very strongly on second reading that a student should be able to vote in his own home constituency if he so desires, or if he chooses to consider his place of domicile as his residence for the period of the election that he be able to opt to vote at that place.

I just feel that there is something underfoot here and, as the member for Sudbury said it could very well be that the Prime Minister does not want to have any block voting by university students. I just say, Mr. Chairman, that the arguments are very clear and direct and compelling. There is no ambiguity, if we accept these arguments. I for one am going to vote for the amendment as proposed by the hon. member for Sarnia.

**Mr. T. Reid:** I would just like to—

**Mr. Chairman:** One moment please. I would draw to the committee's attention that some of the members are being a bit repetitious. We are covering points that are already covered. I would ask you to stay to any new points that have not been covered.

**Mr. C. G. Pilkey** (Oshawa): I thought they were right on—perfect.

**Mr. Shulman:** What is the hurry? We have one month.

**Mr. T. Reid:** I would like to put to the minister the following proposition that section 4 of (m) in the old 1969 Act is very clear. It states exactly how a student is qualified to vote and where he is to vote.

I said this afternoon on second reading, Mr. Chairman, that what this government is doing is at the best devious and cynical and at the worst purposefully and carefully planned. This afternoon I said I suspect it is the latter. Is the minister does not accept this amendment, I know that it is the latter.

**Mr. Chairman:** The hon. member for Wentworth.

**Mr. Deans:** Thank you, Mr. Chairman, I am going to be very, very brief. I want to say to the minister that he has stated, and I believe him, that the intent of the government is to guarantee that every person has the easiest time possible in exercising his franchise to vote. Surely then there are only three things that matter: That the person be of proper age; that the person be properly accredited in regard to citizenship; and that he be registered to vote wherever he is at the time that the enumeration takes place. Surely it cannot possibly make any difference. No one can guarantee where they are going to reside. I cannot, the minister cannot.

There is no way that you can guarantee your permanency of residence. There are many people right now living in apartments who are registered or enumerated in one apartment and will have moved before election day. There is no requirement upon them to state that their normal residence will not be the place where they then are. It is just simply where they are at that time, if we want to make it simple, and I suppose we do want to make it simple. I hope we do.

If an individual is of proper age, if an individual is properly a citizen, then the only other requirement is that he be registered in the fashion in which we register voters, which is by enumeration. Wherever it is that he is living whether residence or domicile, where he is living at the time that the enumeration is taking place should surely be the only criterion.

There is no need for all of this very difficult structure that is being set up. There is no need for it at all. There will be students who may well be in residence, but who may want to vote in their home riding. If, as the minister says, they may take the time to travel home to vote, those selfsame people if they feel compelled, would take the time to travel home to be enumerated.

**Hon. Mr. Dunlop:** Or by proxy. They do not have to be home to vote.

**Mr. Deans:** I want to talk about the proxy but not now because this is not the appropriate time, because there is more to be said about that. But under this particular section, it makes good sense, that a person be entitled to vote wherever it is that he is living at the time of the election, and that is all. It is simple. It could not be any more simple than that.

**Mr. Nixon:** Mr. Chairman, the section which we are discussing is precisely the same in actual principle as the one which was withdrawn by the Premier's announcement a few days ago. They are exactly the same in that they were designed—and I use the word properly—to bamboozle the electorate of this province. I think it is a serious matter that once again this minister has been left as the major and only spokesman of the government in a matter of this import.

The fact that the section which the government seeks to withdraw was concurred in by all members of this House when the original Act was put forward a year ago indicates that the minister is not dealing in good faith when he puts forward the amendment which, if carried, will withdraw this safeguard which is proposed to be extended and has been extended by every member of this House a year ago; a safeguard that is designed to protect

the franchise of those young people particularly who are undertaking post-secondary education.

Frankly, I resent the fact that this minister has been left once again to carry the load of embarrassment—and all alone—in this particular debeate; that the Premier, who saved himself by putting the blame on this minister last Friday, is not present—

**Hon. J. W. Snow** (Minister without Portfolio): He is not embarrassed at all.

**Mr. Nixon:** —and if he is at the other end of this public address system soothing his football injury, then I would simply say that he should get himself up here—

**Mr. Singer:** Hear, hear.

**An hon. member:** Well done!

**Mr. Nixon:** —and he should take part in the debate. If he is prepared to insist that this section be removed from the statute, then surely he is not serving the best interest of the electorate at large and the young people in particular. If he is not coming up then I would simply say, Mr. Chairman, through you to some of the senior colleagues of the minister—

**Mr. H. Peacock** (Windsor West): Bring him out here.

**Mr. Nixon:** —who has the responsibility of the carriage of this legislation, that they had better get their heads together and give him some assistance. Surely the reasonable thing for the administration to do is to accede to the amendment put forward by the member for Sarnia and see that this section in the amendment is withdrawn and safeguard the rights that we are concerned with this evening?

**Mr. Chairman:** Anything further to the amendment?

**Mr. J. E. Stokes** (Thunder Bay): Mr. Chairman, I have one brief observation to make after listening for a considerable time to this debate. It is on a statement that the Minister without Portfolio (Mr. Dunlop) made earlier this afternoon; and that was, that when an individual is enumerated his occupation will not be recorded on the information and that everybody will be treated the same. Now how on earth is any enumerator going to determine legally whether a person is falsifying information in order to get a vote in one place as opposed to another if they are not designated as students? They are people —people attending university—and I see no reason why any enumerator would ask other than the normal questions of them or why they would not get the normal responses from a so-called student as they would from anyone else. So why is it necessary in the eyes of the minister and why is it an attempt of this legislation to treat students any differently if we are not interested at all in their occupation? They are just people. Why would they not be given a vote—

**Hon. Mr. Snow:** Very great people.

**Mr. Stokes:** —in their place of residence while attending a university of higher learning, just the same as though they were regularly resident in their home or in the home of their parents?

**Mr. MacDonald:** A very good point.

**Hon. Mr. Dunlop:** I think the member's point is an excellent one. The whole purpose of this thing is to treat students as people, not as a special class; and they will—

**Mr. Stokes:** That is all we are asking.

**Hon. Mr. Dunlop:** —have extended to them one privilege to vote by proxy, if they choose to exercise it. It is a people matter; that is, the same class and category of residents to which their franchise attaches.

**Mr. MacDonald:** It is like half a loaf to give them a privilege and take away their vote.

**Hon. Mr. Dunlop:** Mr. Chairman, the matter has been reasonably well ventilated and I hope that you will be able to place the question. I want to say that I have no embarrassment, regardless of the kind thoughts for my personal feelings expressed by the Leader of the Opposition.

**Mr. Shulman:** The minister should have!

**Hon. Mr. Dunlop:** I have no embarrassment placing this legislation before the House. I am equally sure that those voters who are concerned, although there has been a great effort made to confuse them as to the situation—and I think it has been a conscious one. I think there has been a conscious one but I think that come election day, whenever that may be, the true facts of the matter will come through to these very intelligent people.

**Mr. Sopha:** We treat them differently because every fall tens of thousands of our young people pick up from their ordinary residence and move to another one. That is why there are 110,000 people! The minister, in order to try to persuade us by empty rhetoric, says everyone should be treated the same. Of course, we treat them differently because we accommodate the processes of democracy to the nature of people with whom we deal, that is the name of the game.

We will not be a party this evening—what we actually should do, if we really were committed to principle—we should filibuster this bill. That is what we should do. We should continue to speak about this until the early dawn, putting up one speaker after another, in order to win a point of principle, because a very deep principle is involved. This is confiscation of a right and it is meant to be.

That Act that was rewritten as a result of the deliberations of the select committee has never been used in the electoral history of this province. It has never been used. It was rewritten for use at the next ensuing election and that is the one this year. That Act had the unanimous consent of this House a year after the election of October, 1967, and the government has the unmitigated gall, the nerve, to come in here on the eve of an election about which it has the deepest anxiety —the anxiety is so deep that the minister who promotes this bill through the House is not even running in that election. He has withdrawn.

**Hon. C. J. S. Apps** (Minister of Correctional Services): That is not fair.

**Mr. Sopha:** Well, it might be for other purposes but he is not a party to this election. A person, let it be said, and I hope it is disseminated all over the province, a person who is really scared, terrified, is the new-found Minister of Correctional Services. He sees the dark hand.

**Hon. Mr. Apps:** Mr. Speaker—

**Mr. Sopha:** The minister must wait until I finish my remarks. He is scared skinny in Kingston that if those students at Queen's get hived there in the fall of this year, he is out of office. It is said there are some 6,000 students go to Queen's, about that figure, I think I am right—well, that is probably something like 5,000 votes—and the majority against him. He has used his influence—just drop into your seat like you are in the penalty bench at Maple Leaf Gardens. Just drop in until the timer gives you your signal to come out.

I am not finished. The other one who is terrified is the Minister of Trade and Development (Mr. Grossman) over at the University of Toronto. As a result of the University of Toronto bill he probably will not be back. A couple of narrow-minded people are carried away by their own hubris—the modern word, hubris—their concept of their place in the political life of Ontario. They think the very sun would not rise tomorrow if they were defeated. In the councils of government, down the hall and the cabinet offices, they get their colleague, this innocent man, to fiddle around with the language of this statute and emasculate it of a very great democratic principle. They emasculate it. The minister should get up on his feet now and tell us about the electoral prospects at Kingston if this subsection is repealed.

**Hon. C. S. MacNaughton** (Minister of Transportation and Communications): Tone it down, tone it down just a little!

**Hon. Mr. Apps:** Mr. Chairman, if the members were to peruse the discussions throughout the select committee on election law—

**Mr. Singer:** We would find that the arch Tory is the member for Kingston.

**Hon. Mr. Apps:** They will find—

**Mr. Sopha:** The minister was against giving the vote to 18-year-olds.

**Hon. Mr. Apps:** —that, as far as I am concerned—

**Mr. Chairman:** Order!

**Mr. Singer:** The minister was against every advance.

**Hon. Mr. Apps:** —I would welcome the opportunity to—

**Mr. R. J. Boyer** (Muskoka): Keep quiet!

**Mr. Singer:** No, I will not!

**Mr. Chairman:** Order!

**Hon. Mr. Apps:** —to try to persuade the students of Queen's University to vote for me, and I think that I would be just as successful as the candidate chosen by the Liberal Party or the candidate chosen by the ND Party. I would have no fears whatsoever, but you must remember—

**Mr. MacDonald:** Why does the minister rig the Act, then, to have them vote elsewhere?

**Hon. Mr. Apps:** —that there are other people in the city of Kingston than the students.

**Mr. MacDonald:** Well, so what?

Interjections by hon. members.

**Hon. Mr. Apps:** And many of those people will resent the fact—

**Mr. Bullbrook:** Does the minister understand the impact now?

**Hon. Mr. Apps:** —that there are 8,500 students coming into the city of Kingston and by so doing could sway the election one way or the other, whether it is Conservative, Liberal or NDP?

**Mr. Nixon:** Why should they not?

**Mr. T. Reid:** They have long hair and they do not wear shoes.

**Mr. Chairman:** Order!

**Hon. Mr. Apps:** And no one here as yet has even thought about that. Secondly, it may be that some students going to university would like to vote in their home riding.

**Mr. Bullbrook:** They cannot.

**Mr. Singer:** They cannot.

**Hon. Mr. Apps:** Just a minute! If I have a daughter going to the University of Toronto, I know she would rather vote in the riding of Kingston and the Islands—

**Mr. MacDonald:** Is this the minister's daughter?

**Hon. Mr. Apps:** —and I am sure that there are many other people in the same category as that, who would very much prefer to vote in a riding in which they reside. I think that a lot of the discussion here about residence has been meant to try to confuse people. It is very simple as far as I am concerned; everybody knows where their normal residence is.

**Mr. T. Reid:** And the minister wants to tell them.

**Hon. Mr. Apps:** I do not want to tell them at all. They know that, and I think the hon. member for York-Forest Hill has indicated that.

**Mr. T. Reid:** The minister should tell them!

**Hon. Mr. Apps:** They know where their normal residence is. I think we are making it very easy for them to vote by proxy if they cannot go home.

**Mr. T. Reid:** They have long hair and some of them do not wear shoes!

**Mr. Ferrier:** It is an insult to make them vote by proxy!

**Hon. Mr. Apps:** I do not think so; it gives them an opportunity to vote by proxy because otherwise they may not be able to go home. So they have the opportunity of voting by proxy if they so wish.

But those are the two points that I would like to bring forth; that there are some people who would like to vote in their own home riding, and secondly—

**Mr. Stokes:** Why not let them vote for themselves?

**Mr. Bullbrook:** Continue. Get this over with!

**Hon. Mr. Apps:** —there are many people in the various university cities who could resent the fact that any election may be turned around because of the influx of many university students.

**Mr. T. Reid:** The minister wants a war against the young.

**Mr. Bullbrook:** They are all citizens. People who vote are all citizens.

**Hon. Mr. Apps:** And may I emphasize again that as far as I am concerned—and I am pointing right at the member for Sudbury—

**Mr. Bullbrook:** Would the minister permit a question?

**Hon. Mr. Apps:** I will stake my chances with the university kids in Kingston and I think I will do quite well.

Interjections by hon. members.

**Mr. Singer:** Mr. Chairman, we used to call the member for Kingston and the Islands the most reactionary Tory on the committee. He has not changed a bit. He was the instigator of all of these changes that the unfortunate member for York-Forest Hill is now trying to justify.

**Mr. Sopha:** It is pathetic.

**Mr. Singer:** He was the man who organized the secret meeting. He was the man who helped prepare the report that we did not see until it was there. He was the man who tried to restore the patronage. He was the man who wants to do away with vouching.

**Mr. Chairman:** Order.

**Mr. Singer:** He is the man who—

**Mr. Chairman:** Order. Order!

**Mr. Singer:** —wants to do away with the rights of students to vote.

**Mr. Chairman:** Order, please!

**Mr. Singer:** He is against—Mr. Chairman, I am in order.

**Mr. Chairman:** Let us get back to the amendment.

**Mr. Singer:** Oh yes, I am in order, oh indeed I am, Mr. Chairman! He is the man who wants to take away from the students the right to vote that he had agreed to, that was given to them in 1967, that was passed unanimously by the committee of which he was a member, that was brought before the cabinet of the day and was approved by that cabinet, that was brought before the Tory caucus, that he voted in favour of, that was brought into this House, that he voted again in favour of, and he was the man, Mr. Chairman, who led the surreptitious revolt behind closed doors to compose this document, the draft report that we never saw until we walked into a meeting in May of 1970. He was the man who tried to reverse those reforms because he felt the Tories were in danger. I am glad that he got to his feet in an attempt to defend his reactionary position so that the people of Ontario can see him for what he is.

**Mr. Chairman:** I will repeat the amendment.

**Mr. Sopha:** No, no, do not repeat the amendment. We are going to be here till midnight.

**Hon. Mr. Dunlop:** Mr. Chairman, a point of order.

**Hon. Mr. Apps:** I think the point of order, Mr. Chairman, was mine.

**Mr. Chairman:** Mr. Dunlop has a point of order, Mr. Minister.

**Hon. Mr. Dunlop:** Mr. Chairman, there are some matters that the member for Downsview is not privy to. He is guessing at some which I know are correct—

**Mr. Singer:** Dead on! He stands exposed.

**Hon. Mr. Dunlop:** —are incorrect because I was privy to them. But the point I would like to make is that I drafted that report. I drafted it and presented it for consideration by the committee.

**Mr. Sopha:** I want to put some evidence on the record.

**Mr. Chairman:** Are you ready for the question?

**Mr. Sopha:** Some of us know a couple of things about the political history of this province. My friend from Kingston and the Islands said that he is willing to take his chances with the students. I call to my memory that Bill Henderson told me that in the June election of 1957—

**Mr. Chairman:** Order.

**Mr. Sopha:** —he managed to get—I am right on the point, right on the point.

**Mr. Chairman:** You are out of order.

Interjections by hon. members.

**Mr. Sopha:** Do you want me to repeat it? He said he was willing to take his chances with the students at Queen's. Bill Henderson told me that in the June election of 1957 when the Liberal government was going down he managed to squeak through. He held on to his seat. But in the 1958 Diefenbaker landslide, when the election was held when the students were at Queen's, he lost very badly. He was out. They were the critical point, he told me.

The riding fell to a Conservative because they were caught up with the Diefenbaker magic that brought him the landslide, so my friend from Kingston and the Islands probably knows that. He knows the fact and he does not want the students at Queen's this fall to have the vote, because if they do, he suspects that he will be gone.

**Mr. Chairman:** Order.

**Hon. Mr. Apps:** Mr. Chairman, I do not know if it is a point of order or not, but I would just like to say a few things in that connection.

**Mr. Sopha:** It was not a point of order. It is not.

**Hon. Mr. Apps:** I am sorry, I did not realize that happened in 1957 and 1958 because I did not happen to be in Kingston at that time, so I did not realize that at all.

**Mr. Sopha:** Ask Bill Henderson.

**Hon. Mr. Apps:** But I still reiterate the fact that, regardless of whether the Queen's University students vote in Queen's or not, I am still willing to take my chances in that connection.

**Mr. MacDonald:** Vote for this amendment then.

**Mr. Singer:** Vote for the amendment then. The minister can take his chance.

**Hon. Mr. Apps:** As far as the member for Downsview is concerned, as usual he is so far off the mark that it is just not worth talking about, because what he says is not so.

**Mr. Singer:** The minister cannot answer it. He cannot answer it.

Interjections by hon. members.

**Mr. Chairman:** Are you ready for the question?

The hon. member for High Park.

**Mr. Shulman:** No, Mr. Chairman, I would just like to raise a point which I do not think has been raised before. I find it repugnant and thoughtless that the secret ballot was not given to the people. There is a parallel that I would like to draw to show the second-rate way the present government is looking at this.

In the last provincial election another type of person was not able to return to his normal domicile. That, of course, was the vote of the armed forces. No one has ever suggested that persons in the armed forces should have to vote by proxy.

**Hon. Mr. Dunlop:** That is in the Act.

**Mr. Shulman:** Of course. At the very least, they are allowed to vote on their own by secret ballot where they are. The vote is then transferred back to their home riding. In the armed forces, obviously, this is necessary because in many cases they are not within the jurisdiction itself and, obviously, if they are in Malta or if they are in Cyprus or in Suez, they cannot vote in that area. But the intention is very clear and the analogy is very clear that the secret ballot should be kept and the persons should be involved to cast the ballot themselves.

I would like to suggest, to the minister that, first of all he is making a serious error. I understand why he is making the error, because the government is frightened of these particular seats. It is frightened of losing St. George; it is frightened of losing St. Andrew-St. Patrick and losing Kingston and the Islands.

I think the government is going to lose two of the three in any case. I think the Minister of Correctional Services will be back. I think he is the only one who will survive the battle to come.

**Mr. Sopha:** That is the kiss of death.

Interjections by hon. members.

**Mr. Shulman:** But outside of that—

**Mr. Chairman:** Order.

**Mr. Shulman:** Outside of that, the very least the government could do, if it is not willing to give justice, because of the danger to these three seats, is arrange to have a secret ballot for these students at the universities to be transferred back to their home ridings.

**Mr. Sopha:** Headline in the Kingston Whig-Standard: "Shulman Supports Apps!"

**Hon. Mr. Dunlop:** I would like to say to the hon. member that I dealt with that question this afternoon at second reading.

**Mr. Chairman:** Question? The amendment is Mr. Bullbrook's amendment that section 1 be amended by deleting therefrom subsection (2).

All those in favour of Mr. Bullbrook's amendment will say "aye."

All those opposed will say "nay."

I declare the "nays" have it.

Is it the wish of the committee that we stack the vote?

Call in the members.

The House divided on Mr. Bullbrook's amendment, which was negatived on the following vote:

**Clerk of the House:** Mr. Chairman, the "ayes" are 35; the "nays" 51.

**Mr. Chairman:** I declare the amendment lost and section 1 carried. Are there any other comments, questions or amendments prior to section7?

**Mr. L. C. Henderson** (Lambton): On a point of personal privilege.

**Mr. Chairman:** State your point of personal privilege.

**Mr. Pilkey:** You have that water on the knee.

**Mr. Stokes:** That water is steaming.

**Mr. Shulman:** He has a condition called frozen knee.

**Mr. Chairman:** Order!

**Mr. Henderson:** In the paper I have before me, the Globe and Mail, July 28, 1971.

**Mr. W. G. Pitman** (Peterborough): That would appear as tomorrow's paper to me.

**Mr. MacDonald:** The member ran so fast after those hot pants—

**Mr. Henderson:** Mrs. Henderson, I presume my wife is Conservative MPP for Lambton.

**Mr. Singer:** What is wrong with that?

**Mr. Henderson:** I have got to apologize to this House tonight. I have sat out of order for close to eight years. I would think it is about time, as I really thought I was the representative for Lambton.

Interjections by hon. members.

**Mr. Chairman:** Order! The minister has an amendment to section 7.

**Mr. Singer:** No, I want to speak on section 5, Mr. Chairman.

**Mr. Chairman:** The hon. member for Downsview, section 5.

**Mr. Singer:** Mr. Chairman, very briefly we have discussed this both in the comments that were addressed to section 1 and on the second reading. Suffice it to say that section 5 carries on the principle that we found objectionable in the attempt to relegate students to the proxy vote and 5 is the implementation section. I am not going to cover the ground that was already covered in the debate. We oppose section 5 because we think it is wrong in principle and we will not support this section.

**Mr. Chairman:** Any more discussion on section 5? Does section 5 carry?

**Mr. Singer:** No.

**Mr. Chairman:** All those in favour of the carriage of section 5 will please say "aye."

Those opposed will please say "nay."

In my opinion the "ayes" have it.

Section 5 carried.

**Mr. Chairman:** Are there any other sections to be discussed before we reach section 7, like section 6? Shall section 6 carry?

Carried.

**Mr. Chairman:** Section 7, the minister has an amendment.

**Hon. Mr. Dunlop:** I move that section 7 be deleted and that sections 8 to 14 be renumbered as sections 7 to 13 respectively.

**Mr. Singer:** What a graceful retreat!

**Mr. Chairman:** The minister moves that section 7 be deleted and that the subsequent sections be renumbered. Shall the motion carry?

Motion agreed to.

**Mr. Chairman:** Are there any further comments, questions or amendments to any other section of this bill?

**Mr. Singer:** Section 9, Mr. Chairman.

**Mr. Chairman:** Section 9, the member for Downsview.

**Mr. Singer:** It used to be section 8. No, it is the present section 9 which is now section 8. Is that right?

**An hon. member:** That is right.

**Mr. Singer:** Mr. Chairman, section 9, as it is printed, was a section that we enunciated our objections to on second reading of the bill, the principle of restoring vouching to rural ridings. There is no sense, no rhyme nor reason why the government should believe that rural voters are more honest than urban votors.

Again, it is significant of the kind of prejudice that lies in the mind of those who inhabit the back-benches of the Tory caucus and the Neanderthals apparently are again going to get their way.

We oppose section 9, Mr. Chairman. There is no excuse for it being included in an election Act in a modern society.

**Mr. Ferrier:** Mr. Chairman, we similarly are opposed to section 9. As pointed out on second reading of the bill, we feel that in

adding to the rural polls of this province a second enumerator, we expect that a much more thorough and better enumeration will be carried out in the constituencies of the province, in the polls. We feel there is no justification for changing the Act before it has even had an opportunity to work out in practice.

It is subject to some abuse and I think that it will encourage a poorer enumeration. The enumerators will not be as diligent and as careful to see that every eligible voter who should be on the list is on the list. Furthermore, there are adequate revision procedures available to make sure that somebody who is, in fact, missed does get on the list.

We feel that this matter was thoroughly discussed in the committee and that a unanimous decision was reached. Then, by this secret meeting, with the members of the New Democratic Party and the Liberal Party absent, the decision was made to reverse the process and to bring this back in.

**Mr. Chairman:** I am going to have to bring the member to order. This entire subject was discussed at great length on second reading. I would ask him to restrict his comments to this particular section and not repeat anything that was said on second reading.

**Mr. Ferrier:** I would like to say, Mr. Chairman, that this is a matter of some embarrassment to the government. It is not unlikely that the government would like to shut somebody up on this particular section. I just feel there was bad faith when this was changed and there is no justification for bringing this in as a concession to the back-bench members. We will not support this section of the bill.

**Mr. Chairman:** The member for Scarborough East.

**Mr. T. Reid:** I would just like to state that in the wonderful riding of Scarborough East and West there are a number of rural polls. I would just like to assure the subdivision. I sit down.

**Mr. Chairman:** That was a very brief speech! Are there any other members wishing to discuss section 8? Shall section 8 be reported?

Agreed to.

**Mr. Chairman:** Are there any further sections upon which any member wishes to direct comment or questions or amendments?

Bill 125, as amended, reported.

Hon Mr. Wishart moves the committee rise and report one bill with a certain amendment and ask for leave to sit again.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the Committee of the Whole House reports one bill with a certain amendment and asks for leave to sit again.

Report agreed to.

## ACT GRANTING CERTAIN SUMS OF MONEY

Hon. Mr. McKeough moves first reading of bill intituled, An Act for granting to Her Majesty certain Sums of Money for the Public Service for the fiscal year ending March 31, 1972.

Motion agreed to; first reading of the bill.

**Mr. R. Gisborn** (Hamilton): The way the minister has been spending it, I did not think that he needed any more.

## ACT GRANTING CERTAIN SUMS OF MONEY

Hon. Mr. McKeough moves second reading of bill intituled, An Act for granting to Her Majesty certain sums of Money for the Public Service for the fiscal year ending March 31, 1972.

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker, this bill normally goes through three stages without comment, but I feel I should bring to your attention very briefly, sir, that this evening, without notice, the House leader called the concurrence in the supply for The Departments of Health, Mines and Northern Affairs and The Department of of Education, the expenditure totalling probably considerably over $2.4 billion.

It is true, sir, that all of these departments were discussed in some detail in the standing committee on estimates and in other standing committees. I merely draw to your attention, sir, that none of the responsible ministers for any of these three departments was present to undertake a part in the concurrence debate which is required under our rules.

I draw to your attention, sir, this fact, and the fact that the matters were called before the House without notice. I feel that this is a serious matter, an error in judgement on

the part of those responsible for putting the public business before the House. The matters, however, have been approved in principle and we will not oppose the bill.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, I would like to speak to this briefly. It is a matter of a few days ago that five other orders waiting for concurrence of departments were on the order paper. I was advised that there would be no debate upon them and they were then called. As for the matter of notice, these three which were called tonight have been on the order paper for days and, as I have stated on more than one occasion to the House, any matter on the order paper, of course, is to be called and the members should be ready to discuss it.

As to the question of—

**Mr. M. Gaunt** (Huron-Bruce): But the ministers have to be here.

**Mr. R. Haggerty** (Welland South): The ministers were not in their places.

**Hon. Mr. Wishart:** As to the question of the ministers being present, I agree the ministers were not in the House at the moment these orders were called. But even if they were not present through the entire discussion, there was nothing to prevent any member opposite, or any member in the House for that matter, speaking at length on any one of these orders, and his remarks, of course, would have been at least recorded if he had any sentiments to express.

It is true, as the Leader of the Opposition was good enough to point out, the estimates of these three departments were debated at great length in committee, but the final point I make is that very shortly after the orders were called, the ministers involved—I think perhaps with one exception—were present almost immediately in the House so that there was no need or no reason to be shy or to be reluctant to debate these orders if there had been any wish to do so. I simply wish to put that on the record, Mr. Speaker.

**Mr. J. E. Stokes** (Thunder Bay): Mr. Speaker, I think it is worthy of note that we did suggest to the House leader that we be given a reasonable length of time in order to prepare for the concurrence of the two departments in particular that we had served notice on, and those were Health, and Mines and Northern Affairs. We were not particularly disturbed; we were ready for those concurrences and some discussion on them. I think it is relevant, though, that neither of the ministers was here, and we did feel we wanted to engage them in some debate on matters that had not been fully covered in Health and in Mines and Northern Affairs. We were prepared to do that this evening, but since the two ministers were not present we felt it served no useful purpose to do so, and for that reason we did not take part in the debate on concurrence.

I think it is regrettable that the two ministers were not here because I can speak on behalf of this party; we were prepared to use the time remaining for supply to do just that.

**Mr. Speaker:** Is there any other member who wishes to comment before the minister closes the debate?

**Hon. L. Bernier** (Minister of Mines and Northern Affairs): If I may clarify a point here, I think the member for Thunder Bay will agree that I walked into the House prior to this notice that the estimates would be concurred in, and he certainly had the opportunity to enter into debate if he wished to. I want to make the record very clear.

**Mr. D. Jackson** (Timiskaming): I wish to correct that. I spoke for our party at that moment and the minister was nowhere in sight at the time I came to my feet to speak to it.

Interjections by hon. members.

**Mr. Jackson:** The minister was mistaken. He was not in his seat and he was not in the House at that moment.

**Mr. Stokes:** The question had been put before the minister arrived.

**Mr. M. Makarchuk** (Brantford): Let us get things straight.

**Mr. Jackson:** I would say that there are two of you blind and maybe both of you should get glasses.

**Mr. S. J. Randall** (Don Mills): Go get glasses!

**Mr. Ferrier:** Mr. Speaker, I had—

**Mr. Speaker:** The debate is on the motion for supply, not on the presence of the ministers or otherwise.

**Mr. E. Sargent** (Grey-Bruce): Well, if he tells the truth he will be all right!

**Mr. W. Ferrier** (Cochrane South): Mr. Speaker, I had prepared quite a lengthy pre-

sentation on the concurrence in supply for Health, but because the minister was not here there was no useful purpose in raising some matters in which we could not engage in debate. And rather than prolong things I let the thing go through, but I think in future—

**Mr. Gisborn:** The minister is defying orders. It is his responsibility—

**Mr. W. G. Pitman** (Peterborough): We are trying to be responsible.

**Mr. Ferrier:** I think in future it would only be a courtesy that ministers of a department whose department is up for concurrence should at least be in the House to give the opposition the chance to present a case that has been prepared.

**An hon. member:** You tell them!

**Mr. Speaker:** The provincial Treasurer has the floor to make any remarks if he wishes.

**Hon. W. D. McKeough** (Treasurer): Mr. Speaker, perhaps you might permit me to thank all the members, and I do so most sincerely, for the conclusion of the whole estimates debate. We are voting in this bill, which is, I suppose, by tradition and custom, a routine bill having gone through a great number of days of debate and argument and searching examination of some $4.8 billion, nearly $5 billion in estimates.

Perhaps you would permit me, as the person charged with presenting these estimates to the House in toto, to thank all members of the House for their consideration. I think the cause of good government and the people of the province is served by the efforts which we all do, and the hours, sir, which we all sit through and the strain on our posteriors during that time is perhaps rewarded because we are satisfied with the job that we have done.

I do regret, and I apologize most sincerely, I say this through you, sir, to the House leader, that I was not here to see the final concurrences. Unfortunately, I was detained in another place. I am particularly sorry that I did not hear the remarks of the member for Cochrane South; I thought after this time he might have had something to say about the estimates. That would have been a refreshing experience, and I would have been pleased to hear it.

**Mr. Nixon:** We thought you were softening up.

**Mr. Pitman:** Here we thought you were getting really civilized.

**Mr. Nixon:** Back to the same old stuff!

**Hon. Mr. McKeough:** I say in all humility to my friend, the Leader of the Opposition—

**Mr. Ferrier:** There is no conceit in the Treasurer's family; he has got it all.

**Hon. Mr. McKeough:** I say with great apology to my friend, the Leader of the Opposition, that if through some inadvertent action on this side or perhaps the precipitous action of the House leader, we caught the Liberal Party unprepared when we moved concurrence—

**Mr. Nixon:** We did not even miss the Treasurer. He was not one of the ministers concerned.

**Hon. Mr. McKeough:** I can only say, Mr. Speaker, that this will go on record tonight as being the 99th time we have caught the Liberal Party unprepared in this session, which will be small compared to what we are going to catch them with in the next few months.

**Mr. Gaunt:** We are prepared!

**Mr. Nixon:** The minister would have made a great leader. The Tories made a mistake. That is great!

**Mr. Pitman:** You are depositing a lot of trouble.

**Hon. Mr. McKeough:** Unprepared! You have been over there too long.

**Mr. Speaker:** Order!

**Hon. Mr. McKeough:** Twenty-eight years and you are worn out.

Interjections by hon. members.

**Mr. Speaker:** Order! The motion is for second reading of the supply bill. Is it the pleasure of the House the motion carry?

Motion agreed to; second reading of the bill.

## THIRD READING

The following bill was given third reading upon motion:

Bill 141, The Supply Act, 1971.

**Mr. E. W. Sopha** (Sudbury): No, I have no confidence in this government.

**Hon. W. G. Davis** (Prime Minister): At least the member for Sudbury is consistent.

## PETROLEUM RESOURCES ACT

Hon. Mr. Bernier moves second reading of Bill 117, An Act to regulate the Exploration and Drilling for and the Production and Storage of Oil and Gas.

**Mr. Speaker:** Did the minister wish to make any opening statement?

**Hon. Mr. Bernier:** No, Mr. Speaker.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Agreed.

## PITS AND QUARRIES CONTROL ACT, 1971

Hon. Mr. Bernier moves second reading of Bill 120, An Act to regulate Pits and Quarries and to provide for their Rehabilitation.

**Mr. Speaker:** Does the minister wish to make an opening statement?

**Hon. Mr. Bernier:** Thank you, Mr. Speaker. If I may be permitted to make a few brief remarks before the opposition members express their views on this very progressive bit of legislation, as I pointed out in the first reading of this bill, it is the result, of course, of exhaustive investigation and research by the members of my department. It is firm; it is progressive legislation. It expresses this government's determination to protect the quality of our environment and the aesthetics of life that have been so often overlooked.

I will be introducing a few minor amendments, namely of a clarification nature. The main amendment will strengthen the intent of the bill and will require that an annual inspection of a licensed area be mandatory.

**Mr. Stokes:** Northern Ontario, too?

**Hon. Mr. Bernier:** Yes. This will assure compliance with the Act, the regulations and the site plans and the conditions of the licence.

As a courtesy I would like now to give a copy of those amendments to the opposition parties.

Mr. Speaker, this Act will ensure a high degree of environmental protection and will remove an eyesore from the Ontario landscape. It is by far one of the most progressive pieces of legislation to be found anywhere in Canada and I look forward to the constructive criticism of the members opposite.

**Mr. Nixon:** Mr. Speaker, the minister has said that he looks forward to constructive suggestions and comments. I hope that is the tenor the debate will take, because there has been a substantial feeling of disappointment and disillusionment in the statements made by this minister, and to be fair I would say made by his predecessor.

Many people in the Province of Ontario have been waiting for the kind of legislation that the minister described when he said that this was progressive legislation. We need progressive legislation; we need legislation with tough penalties associated with it. I suppose as much as anything else, we need the administration of a statute under its regulations which will safeguard the environment in a way which will be much more significant than this bill, brought forward in haste, poorly prepared, to meet the requirements of an election campaign which seems to be upon us.

I recall in 1962 raising the matter with the Minister of Mines of the day concerning the regulation of pits and quarries in my own constituency of Brant. There are many of them there. There were practically no safeguards taken as to the basic requirements for an open-pit operation, and the very thought of setting aside funds to see that one of the pits, once it was worked out or abandoned, would be returned to some sort of useful capacity in the community, was beyond the thought of the companies concerned and certainly of no concern to the government of the day.

I well recall the Minister of Mines telling me that my question should be directed to The Department of Municipal Affairs. There I was told that local bylaws had the responsibility in this regard and that municipalities could do as they chose.

Following this up a bit further in my own municipality, I found that indeed there was a bylaw of sorts, but the local company, mostly Consolidated Sand and Gravel as far as large stone was involved, while they had some meetings with the municipality, still no changes in their policy nor their workings of the pits had been noticeable.

It was during those days that people moving out from the urban areas bought the farms for something other than simply means

of livelihood. They were prepared to keep them working as farms, but they were also very concerned with the environment and, in fact, had moved out from the urban community to take advantage of what the rural setting might offer them and their families.

They were very distressed indeed to find that this sort of industry was seemingly welcomed by all the municipalities, where the deposits of sand, gravel and quarrying stone were located, for tax purposes, was in effect operating without any controls whatsoever. Things went on with very little change until, actually, during the tenure in The Department of Mines of the hon. member for St. George, the present Attorney General (Mr. A. F. Lawrence), when the outcry requiring some sort of regulation particularly to protect the environment became very strong indeed.

The present Attorney General, being very sensitive to these matters—I am not sure whether or not his political ambition had anything to do with it—seized the issue and he seized it rather effectively with support from all sides. I remember some of the statements he made at the time which were critical indeed of the working methods of the pits and quarries companies.

In his normal and usual forthright manner —at least in those days—called for quick action, quick control, strengthening of the role of the municipality, or in fact unsurping that role entirely at the provincial level. As has sometimes been the case with the present Attorney General, the solution seemed clear to him; an exercise of authority wielded by a minister who was knowledgeable and aware of the powers that were in his hands.

It was not until he had made some of these statements that he found that there was a substantial outcry—it is the only word—from the industry itself. They had gone on for many years, since the beginning of quarrying in this province, with no effective regulation whatsoever. They realized that the regulations that were called for would cost them money; that it would restrict their operations essentially and so the counter campaign began.

It was interesting to watch the then minister soften his approach. His statements became much less certain and he began to talk about hearings and listening to the other side of the story. As a matter of fact, very much like the present Minister of Health (Mr. A. B. R. Lawrence) changed his tune after making brave statements about the control of the medical profession. He soon found that in this community the other side, even though they number only few people, can very effectively put their views before a Conservative government and did so with some strength.

I would say, Mr. Speaker, that the identical situation was faced by the then Minister of Mines. He had made statements predicting legislation that would be authored or at least presented by himself authored by his department—and there were even deadlines set for the presentation of the legislation. I well recall that minister, who has always presented himself as a very definite legislator—a person, as I say, sensitive to the power that he wielded in that department—becoming more and more vague in his predictions as to when legislation would be presented.

The minister knows as well as you do, Mr. Speaker, that the legislation never came forward under his auspices. Although there were questions in the House they were dismissed, usually with the answer that it was part of government policy which would be announced in due course. The next time anything definitive was said was by the same minister, the present Attorney General, during his campaign for the leadership of the Conservative Party.

He was frequently asked about this matter as he travelled about the province and used it really as a very substantial talking point since he was able to convince those of the more gullible in the Conservative Party that his views were still definite, in that he intended to take strong and effective action. He said publicly that it was only his more timorous colleagues in the cabinet of the day that prevented him from bringing forward the legislation and that this was the only thing that was tying his hands.

Mr. Speaker, that might be the truth, but there was very indication in the months before that, that the minister had lost some of his enthusiasm for what had appeared to him originally a very simple piece of legislation which would put authority and control, backed up by stringent penalties, in the hands of the Minister of Mines. As it happened, the present Attorney General was not successful in his attempt to become Premier. If he had been successful, we might be presented with very different legislation today than that which is before us.

I have felt during the debates and the questions that have taken place in this House since that time, that he has been extremely sensitive both to the questions that were asked and, if you will permit me, Mr. Speaker, to some of the answers that have

been forthcoming from the present Minister of Mines. I felt that the Attorney General could hardly restrain himself from jumping up and answering himself, and he did not restrain himself from whispering audibly to the present incumbent advice as to how the questions might be most suitably answered.

Whether his advice was followed or not, I remember being quite startled when, asking the new minister, really just a few days after he first assumed the portfolio and came into the House with this responsibility, what steps were to be taken to bring in legislation that had been essentially announced by his predecessor.

My surprise was associated with the answer of the minister, who of course pleaded that he had been minister for a short time, which was true, but he went on to say that he knew little or nothing of the circumstances of the legislation or of its urgency. For this reason, I questioned his statement on the introduction to second reading when he indicated that the staff and the department have been working for a good long time indeed to bring forward legislation which he chose to describe as the best in Canada.

If they were working at this and, I presume they were, it certainly was without political leadership. I believe that they are prepared to do whatever the policy of the government would dictate, but the policy has been vacillating; the legislation before us indicates the lack of leadership both by this Minister and his predecessor in this matter of some urgent importance. The other substantial complaint that I have, Mr. Speaker, is that because of the unconscionable delays there have been during this time—delays which really cannot be explained—the gravel pit operators and the quarrying concerns have continued, practically without any concern or thought for the environment, opening up a good number of new pit developments without sufficient supervision and concern by this minister and those people who work under his direction.

He must carry the responsibility and I know that he is aware of this. There have been documented cases of new pits being opened up, or at least ostensibly being opened up by a shovel going into an area which was owned by one of the aggregate concerns, taking out a few loads and therefore the area could be reported to the minister as an open working pit. The thought by the companies was that the control legislation would be forthcoming and they realized that the government policy was to grant licences to any operating pit without any question as to whether they should continue.

This has surely been one of the most gross situations that we have had to face in the months of continuing delay by this administration. There have been circumstances reported in this House also where the minister has been prepared to approve the licensing of an operation without sending his own inspectors to the site to see that it was as reported in the information that he very properly required. This may lead to the amendment that the minister predicted in his opening comments, in which he said that there would be an on-the-spot inspection every year of all operating and licensed premises.

This, of course, is an excellent provision, because the experience we have had, and I would think the rather disappointing experience the minister has had during the formative weeks of his own views in this area, would lead him to have something less than full confidence in the industry.

Mr. Speaker, I want to be fair and to indicate that some of the pit operators during the period—now almost two years in duration, perhaps a bit more—when there has been some public pressure on them, have undertaken some substantial changes to improve the situation without regulation or the passage of statutory controls.

There are incidents that we can see as we drive around the country where the pit operators have brought in their bulldozers to reduce the grades; sometimes to put in topsoil; to make some plantings; or to assist in the alternative utilization of facilities that are worked out or about to be abandoned.

I have to be fair in that regard. Some of the pit operators have been very sensitive to the fact that in order to take some of the pressure off the government, the best thing they can do is put up a nice fence and paint it, plant a few evergreens, perhaps put up a nice sign and take out a few ads in the local paper about how concerned they are about ecology and the environment.

I give them credit for that, and I do not want to denigrate their efforts. They are very late indeed. I do not believe they have done much to remove the public pressures which have properly been exerted upon the minister—and upon every other member of this House—from people who are living in those areas where the proximity of pits and quar-

ries makes their enjoyment of the environment much reduced indeed.

The legislation itself I have characterized as loose and poorly drawn. I regret, as have many other people in other types of legislation presented in recent weeks, the continuing concept of leaving the minister with overwhelming powers to set the regulations; in fact, to set the limits to the industry.

I will recall to your attention once again, Mr. Speaker, the principle of legislation enunciated by the former Attorney General, the present Minister of Financial and Commercial Affairs about a month ago. He said ideal legislation would simply be a statement of the principle and a section giving the minister the power to regulate it as he sees fit.

This might be ideal for a person in government but certainly for a taxpayer, a citizen or a private member of this Legislature, it is anything but ideal. We see as our concept of ideal legislation, legislation which spells out the boundaries of the powers granted by the Legislature to the responsible minister.

From that point of view this legislation is faulty indeed. It puts forward in most general terms the concept which certainly is supportable, that we have to control the influences on the environment by pits and quarries. Beyond that there is little or nothing that gives substance to the powers that we are asked to vote to this minister in this legislation.

We regret, among other things, that the legislation is not going to be uniform in its application across the province. I would expect there are a number of areas where the substratum is such that there is no aggregate there to be useful, and regulations need not apply. But on the other hand I do not believe that the regulations should be such that those areas are exempt. What is the point of that?

Obviously the minister's advisers and the growing group of inspectors that must work under his political direction will be concerned with those areas which have been heavily developed and will be developed in the future. I regret that the application of the statute is evidently not going to be uniform. I feel that it should be.

It may be, Mr. Speaker, that there are some areas in the province where the approach or the effect of the pit or the quarry on the environment would not be so noticeable since there might not be people living within 20 miles of it. But we of course, are trying to legislate for the control of the environment, both now and in the future.

The minister might think of that dirt road that used to run up the centre of his own town there at Hudson. I presume that even that has changed. I would presume that it is now paved with plenty of curbs and gutters.

**Hon. Mr. Bernier:** Just last week.

**Mr. Nixon:** Yes, the minister nods; right!

I have no doubt that even in the community of Hudson in the last five or six years there have been fairly substantial changes. I would also predict in the next few weeks and months there might even be more changes.

My point is this: You cannot say; "Yes, there is a part of Ontario where we can relax our concern; no one lives in that area of Ontario. We can send in the machines and rip the aggregate and the overburden away without any concern."

The thing is that there are very few areas in the province which in the next 30 years are going to be immune from the effect the environment will play on people living in this province. I make the point, Mr. Speaker, that we regret the lack of uniform application.

I am also concerned with the role that the minister is assigning to the municipalities in this legislation. This was one of the prime concerns when the former minister grasped this nettle. I must say he let go of it in an awful hurry when the municipalities expressed something less than enthusiasm for the feeling that "Big Brother" at Queen's Park ought to look after all these things, and we will decide whether or not your municipality will have a gravel pit and what its locations and boundaries will be.

At least in this legislation the role of the municipality is one that is not a complete nullity. The minister, in the legislation, is sharing some of the responsibility with them and this is better than the first approach, as I recall the former minister expressing it.

I still feel, however, that the role of the municipality is substantially in question. The municipal people in those areas where this is of great concern are worried for fear that centralized decision is going to be imposed upon the local municipal council which will then have to live with the centralized decission, both in answering the complaints of their local ratepayers and finding the wherewithal to keep up the related roads and to maintain their responsibilities based on an assessment which is essentially controlled at the centre.

Another objection that I would say I have to lump under the heading of loose legislation,

poorly drawn, is the extremely weak aspect in the bill of the requirement to rehabilitate abandoned and worked-out facilities. This, as much as anything else, is one of the problems that we face.

The minister has announced to us several times that he has made an aerial survey or a fly-over of the areas where gravel pits and quarries are in operation or have been in operation. One of the most startling things, even from Air Canada flights at quite a height is that you fly over areas which are deeply scarred with these pits which have been worked out.

There may be a couple of old rusted trucks sitting in one corner and a pool of funny-coloured water in another corner and that is it. There is a fence around it; weeds growing up around the fence. From the surface, as long as you do not crawl over the fence, and are warned not to, there is nothing there. From the air you can see that hundreds of acres have been rendered useless by the lack of regulation in years gone by.

I feel that the legislation should require the rehabilitation of these pits which have been abandoned in the past. There must be a title to them. There must be an area of responsibility which can be brought home. I would say that if the minister cannot assign the responsibility either to a corporate or an individual entitity, then the government itself is going to have to embark on a programme to clean up these messes. No one else is responsible but the government of Ontario if, in fact, there is not a corporate responsibility that can be registered.

I know of some of these pits myself. Some of them are dangerous. In recent years, I know of one or two that have been substantially fenced just to keep snowmobiles out and that sort of thing. There are warnings there but essentially it is a chunk of land which is just taken out of the useful community.

There is no doubt that it is going to have to be rehabilitated for some purpose. We cannot continue to leave it in that form, and this is, I think, a substanial gap in the legislation that is before us.

The other matter that I wanted to bring to your attention in this connection, Mr. Speaker, pertains to the hearings that the bill would set up in order that municipalities and corporations can express their views and their objections to rulings made by the department having to do with licensing and other areas.

I think that the pressure that has been brought on the government, and on private members too, and we all know that, has certainly not come from the gravel and aggregate companies. They want the government to stay out as the government has for so many years. They would like to go back to the way it was 15 years ago, I would expect. The real pressure has come from individuals who say, "I am not going to continue living where I do with the investment I have, with my feeling that my family and I have the right to enjoyment of the environment without being subject to the noise and the dust and the encroachment of the gravel pit without control."

It has been these individuals who have written the letters and made the phone calls, phoned in to the open-line shows, particularly to the former minister who subjected himself to quite a bit of that. It is for that reason I feel that the statute should, specifically, allow individuals to make their views known at these hearings. It would be more time-consuming, but the legislation, I suppose as much as anything else, is concerned with the quality of life, and life is concerned not with corporations or municipal councils but with the people who live in the areas concerned, even some of those who do not.

**Mr. Gaunt:** The minister likes those open-line shows. He was even on one tonight.

**Mr. Nixon:** Is that so?

**Mr. Gaunt:** He likes those.

**Mr. Nixon:** Mr. Speaker, I think the legislation could be improved substantially if we were to make amendemnts allowing the participation of individuals in these hearings.

The last point I want to make has to do with the section of the bill which says that on its passage, the special legislation concerned with the Niagara Escarpment is repealed. I still feel that the Escarpment should be dealt with by special legislation.

**Hon. Mr. Bernier:** Everything is incorporated in this Act.

**Mr. Nixon:** All right!

Mr. Speaker, the minister indicates to me that the legislation is repealed because it is largely incorporated here. But my point is this, Mr. Speaker, that we have to consider the Escarpment as one of those rare gifts from providence that we have here in Ontario, which has to be upgraded substantially. We have had a lot of discussion about

the lands on the Escarpment in this House during the last three months, but there is no doubt in my mind that it is going to have to be dealt with as a special and separate entity. If there is an area where there is a complaint that the Minister of Mines should not be concerning himself with the control of gravel pits, more than anywhere else it is with the Escarpment. In my view, there should not be any aggregate withdrawn from the Escarpment at all. We have objected even to the limits that the minister has put on it, that one cannot have a quarrying operation within 300 feet—is it?

**Hon. Mr. Bernier:** Yes, 300 feet!

**Mr. Nixon:** We feel that that leaves a kind of cosmetic effect which in the long run we will regret. The limit should be much broader and wider than that; there ought to be a stated policy of the acquisition by the province of the title to the land, or else the rigid control of land which is not held by some provincial authority or provincially-controlled authority.

I would predict to you, Mr. Speaker, we must come to this; that if it is not too late—and I do not believe by any means it is too late—that the future will see that Escarpment established as one of the grandest park areas and recreation areas, one of the most valuable, fabulous public reserves held in the name of the people anywhere in North America. I believe this is what we can look forward to.

I have heard arguments put forward frequently that the Minister of Mines should have nothing to do with the control of pits and quarries and the arguments make a lot of sense, because the aim of this bill is not to develop the sources of aggregate but it is to control the environment from the encroachments of the development of aggregate. The argument has been made many times, and I would simply say to you, Mr. Speaker, that I agree that this minister should not have control. But if there can be a gradation in agreement, I would say that when it comes to the Niagara Escarpment it is a serious matter indeed that the legislation is administered by The Department of Mines and Northern Affairs. This is a matter which is unconscionable and which should be reversed. I hope in the future that this can come about.

Mr. Speaker, I do not intend anything I have said to be construed as a personal attack on the minister. He knows that he should be subjected to some personal criticism. He himself has said in this House that he has made some errors. One of the ones, of course, was the famous letter in which he predicted that the extraction of aggregate from parks and conservation authorities was simply a matter of time. He retracted on that and the Premier made it very clear that government policy was just the opposite.

I think, however, that there should be some way to give assurance to the people that these lands are inviolate, and that the concept in the control of pits and quarries is to add to public lands rather than to contemplate using Crown lands for the provision of aggregate. There should be some way in which a firm statement of policy can be placed in the enactment. I think that this is a matter of grave concern and I hope that the minister will undertake to accept an amendment which obviously will be put forward when the bill is considered at a somewhat later time today or tomorrow.

I would say to you, Mr. Speaker, that we are concerned with the government's ineffectual approach to this problem. We believe that this legislation is loose legislation and poorly drawn for reasons that I have enumerated for you. I am concerned that the minister himself is not fully aware of what the people are demanding in this connection and I hope that this will be brought home to him in this debate. For these reasons we cannot support the bill in principle.

We want to see this Legislature take steps which will, in fact, control pits and quarries and also move effectively toward the preservation of the environment against the threats from the encroachment of pits and quarries. We do not believe that this bill does that effectively. We do not believe that this minister can do it effectively. We will oppose the bill in principle.

**Mr. Gisborn:** Mr. Speaker, in presenting the position of our party on Bill 120, An Act to regulate Pits and Quarries and provide for their Rehabilitation, I first refer to the minister's opening statement on the introduction of the bill for second reading.

Following his comments, he referred to several amendments he wished to make at the proper opportunity but during the supper hour I was informed that the minister's reference to the amendments came from the news media. One that interested me he omitted to comment on in his presentation of the amendments, and that is of using the present royalties the government is receiving from pits on

tonnage or whatever basis they are receiving them. These royalties would heretofore be put into special fund to be used for the rehabilitation or reclamation of the pits.

**Hon. Mr. Bernier:** That is on Crown lands.

**Mr. Gisborn:** On Crown lands?

**Hon. Mr. Bernier:** On Crown lands only. We get a royalty now of 10 cents a—

**Mr. Gisborn:** I wondered if we might have some further explanation of this.

**Hon. Mr. Bernier:** This is under The Mining Act.

**Mr. Gisborn:** Amendments to The Mining Act?

**Hon. Mr. Bernier:** No, it is under regulations under The Mining Act.

**Mr. Gisborn:** Then it will not be pertinent to this Act and we will raise the question of that situation—

**Hon. Mr. Bernier:** I have The Mining Act here so we can discuss it then.

**Mr. Gisborn:** Mr. Chairman, many of the things said about the principle of Bill 94, the environmental bill, are also true about this bill in the opinion of this party. Our decision to move for a complete rewriting of the bill was based on fundamental principles and factual findings since this bill is so important to our environment, and the providing of the primary essentials for the continuous development of our economic growth.

One of the major concerns I have is that the main assumption underlying the bill is that we are going to continue to dig and gouge for an ever-increasing projected demand for our basic construction materials of the province. That seems to be the overlying principle implicit in the minister's bill and some of the enunciations he has made. This concern—and this has been mentioned by the Leader of the Opposition—has been the contradictory summations of the two ministers of the Crown, the Minister of Mines and Northern Affairs and his predecessor, now the Minister of Justice.

In regard to the letter dated July 5, 1971, to a Mr. Symmes, the Minister of Mines and Northern Affairs is quoted as saying:

> The rapidly dwindling supply of this essential material may make its removal necessary from conservation and park areas in the not too distant future to maintain the economy.

On another occasion, the former Minister of Mines and Northern Affairs in a letter to the same person, Mr. Symmes, dated December 9, 1970, was noted as saying:

> Southern Ontario has been most fortunate in having sufficient sand and gravel in almost every location, at present, to sustain construction and maintenance requirements at reasonable cost.

The present minister's attempt at retraction of his statement, by saying that it was an unintentional oversight, would carry much more positive weight by providing in his bill a prohibition against the taking of sand, gravel or stone from conservation or park areas. We think that this is essential and we will move an amendment to that effect.

As to what we are to be faced with in southern Ontario in the future, let us hear what the mineral resources committee said to the Minister of Mines, bearing in mind that the committee was largely made up of self-interested groups from the industry. In the report on pages 4 and 5, minerals in the urban economy and utilization of mineral resources, they say:

> The rapid growth of municipalities in southern Ontario has led to a great expansion of the production of essential mineral raw materials for construction, such as sand, gravel, crushed stone, portland cement, clay, shale, gypsum, and so forth.

These are the pertinent, underlying facts that have to be realized throughout this whole province.

> In 1950, the Toronto-Hamilton-Niagara area had a population of two million and used about eight million tons of aggregate, or approximately 3.5 tons of aggregate per capita. In 1966, the Toronto-Hamilton-Niagara area had a population of about 3.7 million and used 48,266,000 tons of aggregate, or approximately 13 tons of aggregate per capita.

They predict, that by 1980, Mr. Speaker:

> The population of the same area will be about five million and the tonnage of aggregate needed will probably exceed 90 million tons annually or 18 tons per capita. A similar expansion of the use of construction aggregate is expected in other areas of Ontario.

This is what we have to keep in mind, the escalation of the projected need.

Mr. Speaker, the report says:

> There is a critical need for prime development of the mineral resources close to urban areas to ensure an adequate supply of essential construction materials for the growth of the community. In the best interests of the community, zoning regulations should take into account the need to assure the community of an adequate raw materials base for their economy. It is prudent to preserve and ensure the utilization of those valuable mineral resources that may be present in areas to be zoned.

I am still quoting now from the report.

> The aim of the planner should be a multiple or sequential use of the land. Sand, gravel or stone resources should be exploited first where possible and the land later rehabilitated for building or other purposes.

They go on to say:

> There are several factors which should be emphasized when considering the utilization of mineral resources in any municipality: (1) deposits of sand, gravel, stone and other minerals are available only in certain restricted areas—they have a fixed position; (2) the deposits are depleting assets which are non-renewable; (3) deposits of sand, gravel and stone are available in limited quantities; (4) sand, gravel and stone are high-tonnage, low-cost commodities whose cost of transportation is high and nearness to market is important. These factors are not sufficiently well known to planners, municipal politicians and the general public.

I want to repeat those previous paragraphs:

> Sand, gravel or stone resources should be exploited first where possible and the land later rehabilitated for building or other purposes.

I want to repeat the last paragraph I read:

> These factors are not sufficiently well known to planners, municipal politicians and the general public.

Let me say, what I think is sufficiently well known to planners, municipal politicians and the general public and to the members in this party as well; that what the self-interested groups who largely produced the report—the aggregate producers of Ontario and the quarry operators section of the Ontario Mining Association—are saying is that regardless of the aesthetic, conservation, recreation or any other apparent value of the given area, sand, gravel or stone resources should be exploited first. The years go by and the first is satisfied. We will start rehabilitation for building or other purposes. That is what they are saying.

Surely, Mr. Speaker, with the ever-increasing tonnage needs this is not enough. It is time now to express in principle our determination to use all of our exploratory ingenuity to find the alternatives. In this year of 1971, on a subject in which the problem of protecting our environment is the most important, is it not time for we as legislators to search in a more imaginative way for a source of these materials, apart and away from our growing communities?

Could we not consider the development of these materials on sites in more remote areas, either through government assistance to the private producers or by Crown corporations or jointly by both? Alternatives for supplies, to my knowledge at least, have never been mooted by those concerned with the production as a business, except to repeat the need for a supply close to our construction growth on the argument that it will keep transportation costs low. Equalization, as a subsidization of transportation costs, has been suggested as a possibility, if we can find and develop the supply of construction materials within 200 miles of southern Ontario.

I have met, Mr. Speaker, and spoken to a well known authority regarding this subject, Mr. Clark Muirhead, president of Muirhead Engineering Limited. Mr. Muirhead states that the Canadian Pacific Railway has advised him that unit trains could carry 6,000 tons of the material up to 150 miles at a cost to the shippers of 68 cents per ton. Even with the added truck transportation costs from the perimeter rail points to job sites, the cost would be less than at present.

We should look at this alternative—if we could find the areas where we could get the materials on a communal production basis with our rail lines delivering it to the perimeter sites for distribution to the job.

We have done this in the steel industry for some time. Hundreds of carloads a week were shipped that bore the heavy material into Stelco. They are still bringing it in by boat. Certainly Dofasco will be bringing theirs by rail from the Kirkland Lake area. I do not see any reason why this kind of a programme could not at least be considered with the fullest research and analysis possible.

We object to the broad discretionary powers given to the Minister of Mines and Northern Affairs in this bill. That has been mentioned by others opposing this bill and in the previous Bill 94. On this point, on being interviewed by the press, the minister said: "You will just have to trust me."

Mr. Speaker, it is not and cannot be just a case of not trusting the minister. The case, as far as this party is concerned, is that the minister has not forcibly and directly indicated the desire and will to find a solution and procedure to correct a serious socio-economic problem. The Minister of Mines and Northern Affairs with his portfolio is charged directly with the regulation of the extraction and disposal of minerals of the province for profit and economic growth. I have heard this minister, in the short time he has had the portfolio, and his predecessor before him, talk very happily about the numbers of tons of aggregate they hoped would be extracted in the coming years. This is an indication of the outlook, the philosophy of the minister; and here, I feel, lies a serious conflict. We feel this problem of the operation of pits and quarries should be in the hands of the Minister of the Environment.

Mr. Speaker, We feel that participation and decision making by municipal councils, individuals and citizen groups are too restricted to be conducive to the best development of community environment. What is the minister's decision as to what is to happen to tens of thousands or more abandoned gravel pits in southern Ontario? How are these going to be rehabilitated and by whom? These are questions that need to be answered and these questions should be covered by the bill. In this case,we cannot find any reference to them.

For years, pit and quarry operators have been extracting aggregate from all over southern Ontario, many with little regard for the noise, dirt and traffic hazards caused by their operation and even less for any thought of rehabilitating land they have disturbed. The thoughts of those citizens in the Uxbridge and Stouffville areas on the subject of the effect of gravel pit operations on the surrounding environment have not yet been thoroughly studied.

We do know many of the problems caused. It is the local residents who suffer from the dust and noise created by blasting and trucks. It is the local residents whose property is devalued and who pay the taxes to fix the damaged roads. It is the local residents who look at the unsightly mess created when a pit is in operation. It is the children and pets of local residents who may be injured or killed by gravel trucks speeding down country roads and it is the people, not the operators, who pay the taxes used by government to combat the pollution by said operations.

In the bill we find most of the operation of the bill are covered by regulations. We think there are several things that should be covered by the statutory Act. I will suggest five of them: A buffer strip of at least 100 feet in depth from the road fence to beginning of operations should be in the statute Act; screening from public view by landscaping; prohibition of hours of operating between 6 p.m. and 6 a.m. except by special permit, and there is no reason why that should not be a statutory power; notification of nearby residents of blasting and restrictions at blasting time; and provide that trucks be covered in a manner to prevent discharge of particles from the trucks, damaging roads, cars or people once the trucks have left the plant.

Mr. Speaker, This is a brief summary of some of the reasons that I move the reasoned amendment. I move, seconded by the member for Wentworth (Mr. Deans), that the motion for second reading of Bill 120 intituled, An Act to regulate Pits and Quarries and to provide for their Rehabilitation be amended by deleting all the words after "that" and substituting the words:

This bill be not now read a second time but be referred to the government with instructions to bring back the bill with the following changes, namely:

(a) that the discretionary power of the minister to set the terms and conditions of the licences for pits and quarries be replaced by statutory standards covering such matters as operation, noise, road use, dust control and rehabilitation, and no variations from the standards be permitted without public notice, public hearings and authorization by the Lieutenant-Governor-in-Council;

(b) that any citizen or group of citizens as well as municipal councils and corporations have the right to be heard at all hearings under the bill before the Ontario Municipal Board;

(c) that municipal councils have the right not only to veto the licensing of pits and quarries within their boundaries but also be entitled to be consulted in the establishment of any variations from the statutory standards

in cases where they are prepared to permit an operation to be licensed, and this consultation be prior to the public hearings;

(d) that the amount of the security deposit for rehabilitation be specified in the legislation and be adequate to ensure full restoration of the site or its conversion into a recreational or other approved facility;

(e) that provisions be added which would encourage the rehabilitation of abandoned pits and quarries;

(f) that licensing of pits and quarries in conservation areas of provincial parks be expressly forbidden;

(g) that the Act and regulations apply uniformly throughout the province;

(h) that the minister responsible for this legislation be the minister responsible for the protection of the environment and not the Minister of Mines and Northern Affairs;

(i) that a hearing be allowed on application for licences by operators of existing pits and quarries;

(j) that the minister be required to give reasons in all cases if he does not follow the recommendations of the Ontario Municipal Board.

Mr. Speaker, in the interest of the orderly development and provision of an important basic material for construction use, and at the same time in the interest of the preservation of our environment in keeping with 1970 and the future, I ask support of all members for this amendment.

**Mr. Speaker:** Mr. Gisborn moves, seconded by Mr. Deans, that the motion for second reading of Bill 120 intituled, An Act to regulate Pits and Quarries and to provide for their Rehabilitation, be amended by deleting all the words after "that" and substituting the words:

This bill be not now read a second time but be referred to the government with instructions to bring back the bill with the following changes, namely:

(a) that the discretionary power of the minister to set the terms and conditions of the licences for pits and quarries be replaced by statutory standards covering such matters as operation, noise, road use, dust control and rehabilitation, and no variations from the standards be permitted without public notice, public hearings and authorization by the Lieutenant-Governor-in-Council;

(b) that any citizen or group of citizens as well as municipal councils and corporations have the right to be heard at all hearings under the bill before the Ontario Municipal Board;

(c) that municipal councils have the right not only to veto the licensing of pits and quarries within their boundaries but also be entitled to be consulted in the establishment of any variations from the statutory standards in cases where they are prepared to permit an operation to be licensed, and this consultation be prior to the public hearings;

(d) that the amount of the security deposit for rehabilitation be specified in the legislation and be adequate to ensure full restoration of the site or its conversion into a recreational or other approved facility;

(e) that provisions be added which would encourage the rehabilitation of abandoned pits and quarries;

(f) that licensing of pits and quarries in conservation areas of provincial parks be expressly forbidden;

(g) that the Act and regulations apply uniformly throughout the province;

(h) that the minister responsible for this legislation be the minister responsible for the protection of the environment and not the Minister of Mines and Northern Affairs;

(i) that hearings be allowed on applications for licences by operators of existing pits and quarries;

(j) that the minister be required to give reasons in all cases if he does not follow the recommendations of the Ontario Municipal Board.

The hon. member for Essex South.

**Mr. D. A. Paterson** (Essex South): Yes Mr. Speaker, I would like to speak to the bill and make a comment on the amendment that has been moved by my colleague from Hamilton East.

I too, like the Leader of the Opposition, feel that the legislation as presented by the minister is certainly far too vague for us to really get a grasp of the full intent of the minister. I am sure that must be the outlook of the public at large who are trying to interpret what is attempted through this bill.

I regret very much that the regulations are not spelled out in much greater detail such as occurred in The Mining Act we passed during the last session. I believe there are some 14 sections in The Mining Act that

spelled out such things as the height of the working face in the quarries or gravel pits; the type of terracing that should be done; the fencing requirements; the shaping of the overburden that is removed when a pit or quarry is opened; the various precautions when a company is stockpiling the various types of aggregate in its pit or quarry. A very important thing is the rules regarding the proximity to an adjacent property and what is going to happen here.

These things just are not covered, in my estimation, in enough detail in, I believe it is in section 19 of this present Act.

It also does not indicate, in my reading of it, the type of equipment which can be used in these particular pits and quarries, the blasting provisions in regard to noise and the timing and so forth.

I do not know whether The Mining Act itself is going to take precedence in these cases, but the minister and certainly his officials are aware of the difficulties that I have experienced in my own riding in the area of the builtup municipality of Amherstburg. This has one very large quarry in its proximity and another lesser one on the other side. Frequently we are having difficulties in regard to noise, as well as the ground movement because of the occasional extra heavy charge.

Also there is nothing in this bill set out in regard to the hours of work which these quarries may carry on. They possibly could be a nuisance to the residents of the area if they are working on a 24-hour basis. Similarly the times of blasting should be something taken into consideration, such as in The Mining Act itself. So on this particular principle I think the bill itself is quite weak and far too vague.

In relation to the subsection section—section 2—I too, like the leader of the Liberal Party, really regret that this legislation is not applicable, and applicable on royal consent, all across the whole of the Province of Ontario.

I realize that aggregate can be found in certain areas of the province, but from time to time new bodies are going to be opened up in areas where we now may not expect it. These areas which will not be covered I assume the minister envisages possibly as remote areas in the far north. In a few years they really will not be remote.

The provisions of this Act should come into force and make sure that these areas are rehabilitated. I am sure that the people who are going to travel in campers and by other means into these areas on holidays, will be seeing our beautiful stretches of countryside and then all of a sudden will come upon a quarry that was opened up in 1971 or 1972 and is not rehabilitated. They are not going to be very shocked at the neglect of this government if, in fact, the whole of the province is not covered.

Also, I would hope that the minister might by doing this get around the problem of Crown lands and provincial parks by designating the total of the province that would alleviate this bit of concern which is still lingering in the minds of the public. I recall an article of a few weeks ago entitled, "The Main Problem Raised by Gravel Pits," by Ross Munro concerning the Uxbridge problems I quote from one paragraph in here:

> The gravel pit legislation introduced by Mines Minister Leo Bernier is not going to eliminate the one existing gravel pit in Uxbridge. Mr. Bernier said he will not support what he calls retroactive legislation.

And this is another point which I want to make further on in my remarks regarding the existing abandoned quarries. I do hope that the minister will comment on the total coverage of this province and how it might relate to provincial parks and national parks and Crown lands in particular.

But in relation to the rehabilitation of these now abandoned pits, this is quite serious in my particular area. Right in the backyard of the provincial Treasurer, there is a large abandoned gravel pit. Part of it is now in use, I believe, for a ball diamond and so forth. It has really been an eyesore right along the edge of No. 3 highway for years; and in many areas of my particular riding I have similar eyesores.

I do hope that the minister can initiate a programme such as I believe is still carried out through The Department of Energy and Resources Management in relation to the plugging of abandoned wells for gas and oil.

The minister may not be too conversant with that legislation, but the province has set aside a fund, or is utilizing funds paid by the operators at the present time, to plug these abandoned wells at no cost to the property owners or to municipalities in a great many cases. I think it would really enhance the image of this minister if he could come up with some sort of programme year by year of spending X numbers of dollars to rehabilitate these particular eyesores, initially

those that may lie close to scenic routes across our province.

There is one other matter in relation to this rehabilitation. I do not think there are sufficient safeguards in this legislation in relation to this rehabilitation should there be grading or backfilling being carried out. I know of an instance in my riding. One of these abandoned gravel pits was going to be used for a garbage dump; and thank goodness maybe that problem has been now been eliminated, but we fought that particular issue on the fact that certain organisms were going to get into the water table in that area because quite often there is a pool of water created. In my particular area we do a lot of irrigation and the ground water percolates through the porous soil and it could have destroyed a whole area if we had not been successful. That is one point I hope the minister can take into cognizance in his rehabilitation programme.

Another area on the principle of this bill that I am concerned about is that I agree the application forms—I believe it is quadruplicate copies which must be sent in to the minister or his officials when a new quarry site is to be opened up. I think the legislation should go even further, and possibly it is the intent of the minister that a copy of this should go through to the OWRC, specifically to their ground-water testing section, because opening up these pits in certain areas can certainly affect the ground-water levels in an area.

Secondly, I think a copy of the proposal should go to the conservation authority in the immediate vicinity that has jurisdiction over that area so they will know what is going on.

I might express my own regret that the province has not seen fit to cover all of southern Ontario with conservation authorities. I do hope that the area I represent and the surrounding county of Essex in their wisdom will move into a conservation authority this year, after a great deal of prodding.

The other point in relation to these copies of proposals is that I feel a copy should be filed with the municipality in which a quarry is going to be established. I think the municipal council should be fully aware of the intent of this company.

I realize that the minister can step in if there is no official plan in the area. I do not have the wording of the hon. member's amendment here that would give veto power to a municipality over the opening up of a mine or a quarry in that area. I think this is a very good suggestion, a very good suggestion, that the municipalities should have some powers.

My leader made a very salient point in regard to the removal of the Niagara Escarpment bill and the supposed embodiment in this particular Act. I too am sorry to see this special legislation gone because this is a unique area in our province and I had wished the minister would give this a little further thought, for two reasons. We are certainly concerned with the scenic beauty of this whole Niagara Escarpment, the Bruce Trail development and the conservation areas, and so forth, but in our discussions in the select committee on conservation, of which the leader of the Liberal Party and I happened to be members and on which we were active for two years, we made certain recommendations and we travelled the length and breadth of the Niagara Escarpment.

One of the things that came out of the discussion was, in one of our committee meetings a gentleman made a presentation of the hydrology of that area. He was not a geologist but he described the slanting of the rock formations and the disturbance of that, and what effect it could have on the whole ground water situation for the greater Toronto and Hamilton areas, and this has always stuck in my mind. I am sorry I do not have the details at hand to possibly enunciate any further.

So in that regard I would certainly support my leader's intent that no new quarries should be allowed to open up in that specific area of the Niagara Escarpment.

I have a couple of more points before concluding my remarks on the principle of this bill, and they relate down to subsection 6: "Whereas the minister can refuse a quarry the right to open up where the traffic density on local roads would warrant such." This is a very curious section and I have not really studied it to the full intent. It is one of extreme interest to myself because as a member of the Legislature I am plagued from time to time with calls concerning abuses by gravel and sand trucks on Highway 3 running between the gravel pits in Mersea township, travelling into the industrial area of Windsor, the confusion, the near accidents, the occasional accidents and the dangers they cause on Highway 3 and some of the country and township roads in the area. I would certainly think that in view of the fact we are now obtaining a new

bypass route because of the traffic density that this would be one area that the minister is going to have to look into, in relation to this matter, and I do not know what the intent is.

The other area that concerns me in relation to this particular principle is on Highway 401. As I travel into Toronto each week and I see the first outcropping of limestone formations on the Escarpment, I say, "Oh, oh, watch out for the gravel trucks," and from here on in it is hell on wheels. I guess it depends on the time of day at which one comes in. Because of the congestion of gravel and sand trucks along 401, and the occasional blowing of sand in the face of the very heavy volume of traffic moving into the metropolitan area and so forth, what is the intent of this in relation to this superhighway? Is the minister going to have this aggregate shipped in by train into the Metro area and distributed at a more leisurely pace? I would hope that he could comment on the principal intent of that section.

There is one other point I would like to make in relation to the principles of this bill intituled, An Act to regulate Pits and Quarries and provide for their Rehabilitation. That is in relation to my old problem of sand-sucking and removal of sand and gravel from our lakes. I realize that this comes under The Beach Protection Act and I just wonder if that Act should not be embodied somewhere in this Act to give one set of controls, one set of inspectors and so forth.

Here again, one has to relate this to The Mining Act in the special provisions of that relating to pits and quarries. In relation to this matter we are depleting a resource that is going into the States. We are getting a small amount of revenue compared to the millions of dollars worth of aggregate going into the American market.

It is one of our natural resources which is being depleted out of our side of Lake Erie, or the other Great Lakes, and we in Essex county are coming close to the point where we are beginning to run out of sand and some types of gravel for building, and who knows, possibly we should prohibit any export of this aggregate if we, in fact, are not going to prohibit the taking of this aggregate from the lake, as is the wish of many people in my particular constituency.

So, with these weaknesses in this bill, and various principles, I certainly support my leader in rejection of this bill in its present form, and I believe I can support the amendment once I have had the opportunity to study it in greater detail.

**Mr. Jackson:** Mr. Speaker, as one drives around southern Ontario, especially in the Toronto area, it is not difficult to see many abandoned pits and quarries that have just been left to knock down the real estate values and let the people in the areas worry about it. But it is not only common to southern Ontario, and it is not only common to the Toronto area. Coming from Kirkland Lake down Highway 11, it is almost impossible, even driving and paying attention to the road, not to notice less than 25 or 30 abandoned pits along the highway, pits that have been abandoned for many, many years. I am somewhat bothered by this bill for several reasons, basically because it gives the minister discretion to exempt certain areas of Ontario from the provisions of the bill, but also because the bill contains provisions to exempt certain operations from the provisions of the bill, namely wayside pits and wayside quarries. Surely, when we are talking about whether or not we rehabilitate a pit to improve the scenic view, we must start thinking about wayside pits which are within the public's view almost every moment during the day while travelling on one of our highways.

Just about two years ago I wrote to The Department of Highways concerning a small gravel pit—less than an acre but it was right on the corner of the main highway and a road leading into a camp that was set up by one of the service clubs, a camp that had been set up and maintained and operated at a great deal of expense for the benefit of the public in the area of Cobalt. I wrote and asked the minister at that time if they would do something about rehabilitating that corner so that they could at least screen the pit from the view of the tourists and the people who were using the facilities at the lake. I was told it was going to be done. I can assure you, Mr. Speaker, at this time nothing has been done; not a thing.

The thing that bothers me most about that is not that they did nothing because I expected them to do nothing. If you look around this country you will see hundreds of pits like that where they have done nothing to rehabilitate them. But what bothers me was that less than five miles distant from that point there is a monstrous gravel pit, a gravel pit that takes in 100 acres or more, and it was there at the time The Department of Highways gave permission to open up this

new gravel pit in an area where it was going to knock down the value of a park that had been provided at great expense to a service club. It just does not make any sense that we have these little wayside pits dotted all over the countryside, even if we do make provisions—and this bill does not make provisions—to rehabilitate them after they are used.

We in northern Ontario have been treated to something that people in southern Ontario have not been treated to, and the minister is well aware of it—the vast areas of slime and mine tailings, old pit-heads with skeletons of shafts, fallen-down buildings, excavations that have taken place, and the slag that has just been pushed out to one side and left.

Now we are being told in this bill and in the following bill, An Act to amend The Mining Act, that northern Ontario is going to be exempted from the provisions of this Act. What is going to happen is that we will continue to receive the same treatment we have had before. There will be no rehabilitation, or rehabilitation at the discretion of the minister. I must say that I just take a little back step when I think of the discretion of the minister, when I see the treatment that we have received from The Department of Transportation and Communications and from The Department of Mines and Northern Affairs over the past many years. They have not shown any effort to do anything about these. When the minister writes such powerful discretion into a bill, without the safeguards that my colleague has mentioned in his reasoned amendment, then what he does is really give free rein to most of these operators to do just as they like.

The minister is shaking his head to say that he is not going to give free rein to these. He is not going to exempt northern Ontario from the rehabilitation process or procedures. At the same time, that is not what the bill says. At the same time in section two—

**Hon. Mr. Bernier:** Crown lands.

**Mr. Jackson:** —in section 2, it says that the Act "applies only in such parts of Ontario as are designated by the Lieutenant-Governor-in-Council by regulation," which means the minister.

**Mr. I. Deans** (Wentworth): That is right. Those are pretty broad powers.

**Mr. Jackson:** If we give the minister that kind of discretion, where is he going to exempt? He is going to exempt in those remote areas of Ontario where the people are not there to fight back.

**Mr. Deans:** Or wherever the pressure is greatest.

**Mr. Jackson:** My colleague has said wherever the pressure is greatest, and I believe that—wherever the pressure is greatest. He is going to receive pressure from every construction company that works for The Department of Transportation and Communications over the next 25 years. They are all going to say that if they have to haul gravel 20 miles the contract price is going to go up. So for every 20 or 25 miles, we will have another pit.

That might be fine if some of the people in southern Ontario on the Tory side feel it is fine to have another pit every 25 or 30 miles. That is all right. Let them worry about that. In this party, we do not think it is right in an area where we are trying to promote tourism. We are trying to promote tourism because The Department of Trade and Development has not done anything else about promoting any other industries in northern Ontario. We cannot have these eyesores on the landscape. We cannot afford them. Surely for the minister to say that we are not going to exempt areas from the provisions of the Act is not so if it is not written in the bill. Unless it is written into the bill, in my opinion, it is not there.

I am somewhat disappointed, Mr. Speaker, that not only are parts of Ontario going to be exempt, but we have given the carriage of the bill and the authority to enforce the bill to the Minister of Mines and Northern Affairs. Over the past years in this province, as long as we have had a Department of Mines it has never shown any real effort to make sure that the mining companies or the pit and quarry operators do clean up. At this moment, what they have brought in is a bill that is so full of loopholes that even if the minister's intentions were the very best, he does not have the power to push them into doing anything. He does not have the power.

And perhaps after I sit down—

**Mr. Stokes:** He has the power, but he lacks the will.

**Mr. Jackson:** —the minister will explain why he exempts a wayside pit or a wayside quarry or an open-pit metal mine.

**Hon. Mr. Snow:** The member knows better than that.

**Hon. Mr. Bernier:** Read the Act. They are not exempt. The member has not read the Act.

**Mr. Jackson:** According to the Act:

> —pit means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral, or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit.

The next section, under "quarry," reads almost the same but it does not include a wayside quarry or open-pit metal mine, with the minister's new amendment.

**Hon. Mr. Bernier:** It is section 12(3).

**Mr. Deans:** It is what?

**Hon. Mr. Bernier:** Section 12(3).

**Mr. Deans:** False reading!

**Hon. Mr. Bernier:** Section 12(3).

**Mr. Jackson:** This says:

> The minister may issue the permit subject to such terms and conditions, including terms for rehabilitation and security therefor as the minister in his discretion considers advisable.

And that is what I am saying—"in your discretion." I do not trust your discretion, because we have seen what ministers do with their discretion. From bitter experience in northern Ontario we know what happens when the minister has too much discretion.

And this is the reason we have brought in an amendment to take away some of that discretion and to make it positive, to say to the people of this province that the minister, or that the government, is going to protect them; not if he decides to or decides not to!

Let me say that if enough pressure is put on this department, as has been done with other departments, if enough pressure is put on the exemptions will be made for the companies. And who suffers? We suffer; again, because the minister's discretion is there, we suffer!

If we are going to promote a viable tourist industry in this province, if we are going to be honest about having a country that we can be proud of and drive through and look out to our left or right and see this country as it was put there for us—

**Mr. B. Gilbertson** (Algoma): How do you make the roads?

**An hon. member:** The roads to where?

**Mr. Jackson:** One of the members to my left, the member for Algoma, has said how do we make roads? Well, let me tell him that I am not against taking gravel out, but I do not see any sense in taking the gravel from here and then going 25 miles up the road and opening another gravel pit—

**Hon. J. W. Snow** (Minister without Portfolio): Why not?

**Mr. Jackson:** —because the operator says to us that it is a little too expensive.

In this end of the province you do not allow it. Let me tell you that you would not take it out of North York. You are drawing it out of Uxbridge township, you are drawing it from the Niagara peninsula. Is it because northern Ontario has no value?

**Hon. Mr. Snow:** Where is it coming from in the Niagara peninsula, will the member tell me?

**Mr. Jackson:** Are there no gravel pits in the Niagara peninsula.

**Hon. Mr. Snow:** Not coming into Metro Toronto, no!

**Mr. Jackson:** Fine, they are coming from Uxbridge township then. So we have created a wilderness in Uxbridge township, as we created in Sudbury by letting Inco go on at the discretion of the Minister of Mines.

**Hon. Mr. Snow:** Does the member want to close Inco down too?

**Mr. Jackson:** Do you know, Mr. Speaker, the remarks from the Minister without Portfolio, if that is the only contribution that he is going to make in this House, should not have been made, because he well knows our stand on Inco and he well knows what Inco can do when they are pushed into doing it. They are now building a stack to throw the pollution a little farther, but at least they are doing something. And the only reason—

**Hon. Mr. Snow:** The members opposite are not responsible for that either.

**Mr. Jackson:** And the only reason that Inco is doing that is because this party kept pushing them—

**Hon. Mr. Snow:** The member is a dreamer.

**Mr. Jackson:** —and finally something is being done.

It was the same situation at Falconbridge when we were arguing about the potable water at Falconbridge, was there anything done by the Minister of Mines and Northern Affairs or The Department of Mines and Northern Affairs or The Department of Health or by the proposed Department of the Environment?

**Mr. Sopha:** Please, please. The member for Sudbury East (Mr. Martel) is in Halifax; leave Inco and Falconbridge alone.

**Mr. Jackson:** The fact is that we do not believe that the discretion should be there. The Act should be positive, it should say what is going to be done in no uncertain terms. It is going to have to set down the conditions under which an operator can work or not work, and it should not exclude any part of this province. The minister should have some discretion, but that discretion should be very limited.

Let us say to this House that if they want to establish a gravel pit in a reasonable spot and haul it out by train, fine, we might desecrate and—

**Hon. Mr. Snow:** Members might really consider that would they?

**Mr. Jackson:** Are we not doing it now? You go into Algonquin Park, Mr. Speaker. The railroad is in there right now hauling out sand by the trainload in one of our provincial parks. Let us find a remote area and set it aside as a gravel pit; we are not against that. But I am against it when every 25 miles around this country, we open another pit and put another eyesore on the landscape and then sit back and say, "Well, do you want them to quit? Do you want them to spend more money on our highways?"What good are highways into northern Ontario unless there is something to see, something to do when people get there.

We open up highways and we broaden them up every year, we put more lanes in and we surface them better so that we can get there a little quicker so that we can bring tourists into northern Ontario. We bring them in to see old gravel pits, old pitheads.

**Mr. Gilbertson:** It is not all gravel pits.

**Mr. Jackson:** Then we go to St. Joseph Island where they do not have a road, so the member does not worry about—

**Mr. Gaunt:** He has got a conflict of interest there.

**Mr. Jackson:** In closing, Mr. Speaker, I say that the bill should not exempt any part of this province. The minister should not have the discretion that he has written into the bill, and unless he is really serious about doing something to improve the situation—

**Hon. Mr. Snow:** We have great confidence in that minister.

**Mr. Jackson:** He should take the bill back and bring it back with the amendments that we have proposed.

**Mr. Haggerty:** I would like to ask a question, if the Bill of 1970 is repealed to go back and repeat perhaps what I said a year ago with Bill 79. I went on to say:

> Sand and gravel and shale and limestone are essential materials for the building and development of this part of Ontario. What we have to do is to make sure that the Escarpment is conserved and kept beautiful while at the same time permitting, as much as possible, the continuance of those operations which can be justified on economic and aesthetic grounds.
>
> The criteria we set are immensely important. This is the first of the many such enactments that we must consider in the years ahead. We have to safeguard the Escarpment for our children's children and for the generations beyond them. I am concerned that the minister has brought in this bill without first having completed the kind of detailed land-use survey that I believe must precede this legislation.

I find today, Mr. Speaker, the minister has brought in another bill dealing with pits and quarries in Ontario without any land-use survey.

I travel the Escarpment day after day coming to Toronto and I can think of one quarry, the Vineland quarries, located on the Escarpment at Vineland. My leader has said that he does not approve of quarries on the Escarpment but perhaps set back maybe a mile or so from the edge of the Escarpment. I think this is good, sound, reasonable thinking.

I was a little bit alarmed in dealing with the estimates of The Department of Mines and Northern Affairs, that the minister had allowed five new pit and quarry licences to operate in the protection area. Five within about a year! Perhaps at this rate if he keeps adding five every year, in 10 years, by the time the government gets to purchase the portions of the Niagara Escarpment as mentioned in the Gertler report, I think we will have nothing but a row of pits and quarries from here to Tobermory, if he does not watch his step.

On the other matter of centralizing the main decision with his office, with his department, I cannot go along with this view. I know certain municipalities in my riding and perhaps in the Niagara peninsula have their own municipal bylaws that are covered under The Planning Act. I was wondering perhaps if this would not conflict with The Planning Act, this bill here? Would this override the decision of The Planning Act? Under The Planning Act you are guaranteed some protection by the Ontario Municipal Board. I cannot see it in this Act. It is not there. All the power is invested in the minister's decision. Wayside gravel pits have been mentioned. I can recall the reconstruction of Highway 3 from Fort Erie to the Gorham Road. One of the local contractors received the contract and, of course, it was only about 12 or 14 miles from his quarry operations in Wainfleet township, and he wanted to open a pit for quarry operations within the township of Bertie. I will tell you, council had to move pretty fast to implement their own bylaw to prohibit any more quarry operators in that area.

This is what could happen with a wayside pit or quarry operator. At the wish of the minister and with a little pressure applied, he could have a pit even in the Niagara area every 15 or 20 miles along a major highway. I do not think this should be allowed.

I think the other matter is when an application for a quarry is filed with the minister for approval notice must be sent to the adjoining property owners, so that their views may be expressed in detail; in fact they might even veto such a licence. As it is now, adjoining property owners too often have very little say, even in expansion of existing quarries. Yet I believe this comes under a section of The Planning Act, whether it comes under the existing legislation of The Mining Act I do not know. But again when one looks at The Mining Act, if I can recall dealing with it in the estimates, I find many quarry operators will almost mine up to the edge of the road allowance.

Mr. Deans Undermined?

**Mr. Haggerty:** Undermined—no, mined up to it I think.

This again creates quite a problem within a municipality. I know the minister will be down in the town of Pelham in August to review a situation with pit operators in that area and it has been rather a contentious problem in the town of Pelham.

I can think of one agreement that the town council thought that they had finalized; this was with Fonthill Sand and Gravel. They called for a $50,000 government of Canada bearer bond to be placed with the municipality at the rate of $5,000 a year for rehabilitation. I presume that they had the agreement signed with the pit operator, and lo and behold, the pit operator sold out to another operator and I do not think this agreement would stand up in the courts today.

I think the minister must find something in his legislation that would stop this type of transaction. In any agreement the municipalities should be supported by this department or even by the government of Ontario for rehabilitation purposes.

On the other matter, dealing with the abandoned pits and quarries. I can think of an operation west of the city of Port Colborne —the Canada Cement property at Port Colborne—where they were in operation for some 40 years mining the limestone in that area. They closed the plant down and it has been demolished and today there are a number of open pits, I guess you would call them, in that area. They have completely destroyed the value of property in the area.

There is no use for that type of land any more unless it can be filled with water. This perhaps will be done by an underground stream or spring.

I think one of the most important tourist attractions in the Province of Ontario is the Sherkston quarry at Sherkston. I do not know if the minister has seen this site or not. Perhaps some 10,000 people would use this on a weekend; they use it for swimming. It is one of the safest places perhaps for swimming and is one of the cleanest. You will find no algae there. In many instances these abandoned pits or quarries can be used for recreation purposes. There is one that lies east of the village of Ridgeway, Ontario. This is also used for swimming purposes and for recreation.

I feel or sense that where there is water this department could use these abandoned pits for recreational purposes, for swimming and so on. It is a lot cheaper sometimes to have this than go out and build a large auditorium or put in a swimming pool that costs the taxpayers maybe $700,000 or $800,000 to build and then another $60,000 or $70,000 to operate throughout the year. I think there are many uses for this. There

are ways it could be used for water by the municipality—as a reservoir for drinking purposes. We had this matter investigated and reviewed by engineers in the township of Bertie a few years ago so we could use this type of a water resources for drinking purposes. I think it could be used perhaps in other places in Ontario.

Another thing is that once these quarries do fill up with water, this raises the water table within that area and perhaps some of the wells will come back to the farmers in that district, which would be a benefit to them.

The other matter I want to bring to the minister dealing wtih quarrying operations is the matter of the proposed tunnel in the city of Port Colborne. This will perhaps be about a mile and a half long. It is going to be dug in rock, channelled through rock, and in cases like this I think that this rock could be trucked to a nearby quarry and crushed there and used for road building or such purposes, or even directed to fill the existing open pit at the former Canada Cement plant property in Port Colborne.

I listened to the former minister speaking in St. Catharines, giving his views on the control of pits and quarries on the Niagara Escarpment and I can recall telling him there that perhaps we would not need the number of pits and quarries in Ontario if we used existing building materials. When you travel the Queen Elizabeth and hit Hamilton Bay and look at the steel industries there, you can see where they pick the slag up after it goes through the process of melting the iron ore from it and it is dumped into Hamilton Bay.

Much of the city of Port Colborne now was built from slag from the International Nickel Company at Port Colborne. Much of the slag from the Algoma Steel mills in Port Colborne also built many streets in Port Colborne. I say to the minister that perhaps he should have a little more research done on this, that we should be able to capitalize on the existing waste from industry.

I could think of another instance—Union Carbide in Welland, Ontario—which has a large slag pile east of the plant operations. The slag is stacked or piled pretty high and it creates quite a nuisance in the area from dust pollution. This slag pile could be used for road fill without digging additional holes in the ground.

I think we can reuse much of this material and it could be used for road building purposes. I am sure that the member for Sudbury could get up and talk about the slag pile at Copper Cliff which they are now using for building railroad road beds, and also for roads within the municipality without mining additional quarries for that material.

These things I bring to minister, hoping that perhaps he will give consideration to this bill here and perhaps maybe enforce some of these regulations that will say we will use this material.

My other concern with the bill is that I see nothing in here that says that when quarrying we are going to restore water lost to adjoining property owners. I understand that we can get this done through the Ontario Water Resources Commission. They will come in and tell the quarry operator that they will have to go in and drill the property owner's well deeper so that he can have another supply of water. There are not too many property owners aware of such a programme.

The other matter deals with section 4 which says "existing and anticipated final grades of excavation contours where necessary and excavation set backs." I think this should be defined in the minister's regulations, in the bill here itself. Too often the minister's department is a little bit too lenient in enforcing the existing regulations. Whenever the minister travels to Pelham and sees Centre Street there where the minister's department has allowed the pit operators to undermine a road right up to the edge of the road, he must wonder it has not gone by the wayside or some person is not injured by using that road. It could easily slip down another 40 or 50 feet causing a serious accident.

I think these things should be defined in the bill. Another problem is that the minister should define in here that quarries should be fenced in.

**Mr. Paterson:** That is right.

**Mr. Haggerty:** But in the bill—not by regulations—in the bill. The minute you allow a new pit operator to start up, he must fence that in.

The other problem I see missing from the bill deals with section 1(f): "'Pit' means a place where unconsolidated gravel, stone, sand, earth, clay, fill—" There is no legislation in the Province of Ontario that has the control over the removal of topsoil. It is no place in the bill nor in any other bill in the

Province of Ontario and I find that this is creating quite a nuisance to many property owners in Ontario where topsoil may be removed up to 12 inches and this actually leaves a small pit. Then it grows up into weeds with no control whatsoever. I think maybe the minister should come in with an amendment adding, after it says "clay, fill" the word "topsoil."

One other matter I mentioned to the minister, I believe it was today, was about a certain so-called pit operator and this was dealing with the area of Point Abino where the Buffalo Yacht Club has a large sand hill in a restricted area which is strictly residential. It is very odd but they have continued to mine this sand hill for a number of years. I understand that there is not too much control over this. I know that the municipal bylaw does not cover it. I say to the minister if he is going to allow this type of operation in a restricted area which will come under this bill, I think he should either issue them a licence or prohibit that type of mining in that area.

Here is a particular case where they are removing sand from a large sand hill and sometimes the removal is in a sheer 90-degree drop. Often there are youngsters playing within that area, and that sand could shift at any time, perhaps burying those youngsters. I bring this to your attention and that of your staff, because I think they had better get on the ball and get down there very soon.

These, Mr. Speaker, are some of the things that I raise to the minister here. Some I hope have been constructive and some I think are not, but I have to agree with my leader in saying that the bill was brought in rather hastily and there are many amendments that are required to make the bill workable throughout the whole of the Province of Ontario—not only in southern Ontario, but as the hon. member for Timiskaming says, it should cover northern Ontario, and I think the north should be protected by such a bill.

**Mr. Speaker:** The hon. member for Algoma has the floor.

**Mr. Gilbertson:** Mr. Speaker, I would like to make some comments in regard to this bill. I have been listening to the opposition and I thought they had been very negative; at least most of them do not seem to think that there are two sides to this bill.

I have had a little experience in regard to pits and quarries because we were in that vein of work. If we listened to many of the opposition, we would think we should do away completely with pits and quarries.

**Mr. Gisborn:** Whoever said that?

**Mr. Gilbertson:** At least it sounds as though you are going to make it impossible for us.

**Mr. Deans:** It must have been the member for Don Mills who said that.

**Mr. Gilbertson:** We must not forget that the cost of road building and everything—where you get the material to build these roads—determines the price and the cost. I think that we have to be reasonable about the crimp we put on the contractors and those who work in the kind of work where they build roads and haul fill, and so on. I think that this bill is good. It is certainly a step in the right direction and I want to commend the minister for bringing this bill in. We cannot regulate these things and do everything overnight, but I am sure that this is certainly going to help. We have taken great strides in regulating pits and quarries.

**Mr. Gisborn:** We are trying to get them to put it in the member's area.

**Mr. Gilbertson:** I do not like the idea of the opposition taking the negative side. I think that we cannot—

**Mr. J. E. Bullbrook** (Sarnia): It is hard to be positive with a thing like that.

**Mr. Gilbertson:** When you have a contract, you have to try to find out where you can get material closest to the job, and where it is going to cost the least for that material.

**Mr. Deans:** But you do not take into account the cost of replenishing what you have taken away.

**Mr. Gilbertson:** That is what this bill is to regulate. After you have taken your material, if you are never going to use that pit again, of course, you should do something to help to beautify it so it will not be an eyesore. But there are many pits—

**Mr. Makarchuk:** Put a Tory billboard sign in there.

**Mr. Gilbertson:** There are many pits that are going to be used over a period of years; you are never through with that pit. You may drive down the highway and you are going to be looking at that gravel pit but it is a great asset. You know that there is

material you can use for building roads and let us not minimize that.

**Mr. Bullbrook:** If the member drives down the highway looking at the gravel pits, he is in trouble!

**Mr. Gilbertson:** Not if you are in that kind of business. The member knows what it means.

**Mr. Makarchuk:** If the member keeps talking that way, they are going to get the whole thing—

**Mr. Gilbertson:** I am not going to be lengthy, but I want to say that I think that this bill is good. I am certainly glad the minister has brought this in. I cannot for the life of me see why both the NDP and the Liberals should not support this bill—

**Mr. G. E. Demers** (Nickel Belt): Do not expect them to.

**Mr. Gilbertson:** As time goes on, there will be times when we have to have some new regulations and do some improving on it—

**Mr. Deans:** That is what worries us now.

**Mr. Gilbertson:** I appreciate—

**Mr. Makarchuk:** Now the member is telling the truth! Now he is getting there.

**Mr. Gilbertson:** —this bill and I know that it is certainly going to help and it has just come at the right time. You know, it took hundreds of years to create this problem that is before us now, and you cannot expect to get rid of it overnight. It is the same as the pollution. You can pollute and then you expect overnight you are going to take care of it! I am glad that we have something on the move now where we are going to get some improvements and some regulations on pits and quarries. That is all I want to say.

**Hon. Mr. Davis:** That is the best contribution, other than the minister's, tonight.

**Mr. Pitman:** The Premier has not been here long enough.

**Hon. Mr. Davis:** I was listening to it in my den.

**Mr. Deans:** I am sorry, it is late. It is more than I can stand.

**Mr. Pitman:** It is awfully late.

**Mr. D. C. MacDonald** (York South): No member can speak from another seat.

**Mr. Deans:** Mr. Speaker, I guess it depends to some extent on which side of the House you sit, how you feel about government governing by regulation. I suppose if you are the member for Algoma and you sit as a back-bencher on the government side of the House, you have confidence in the ministers of the government to use regulations wisely and to govern properly with the use or regulations.

**Mr. Gilbertson:** That is right, and he will do it too.

**Mr. Deans:** But I also suspect that if you are the member for Algoma, you turn a blind eye from time to time to abuses that are brought about by the fact that regulations seem to be the order of the day.

**Mr. Gilbertson:** That is not our intention.

**Mr. Deans:** Anyhow, I want to say that this is another example of the governments' inability to deal appropriately with an existing situation. It is also another indication of the kind of haste with which the government has drafted legislation over the past two or three months, since the taking over of the government by the New Premier.

Here we have another Act—

**Mr. Randall:** The member's needle is stuck, he said that last night.

**Mr. Pitman:** What is the member for Don Mills doing here?

**Mr. Deans:** Here we have another Act before us after a number of amendments by the government before the bill has even reached second reading. No sooner is it introduced for first reading—

**Mr. Randall:** Who wound him up?

**Mr. Pitman:** No, he is doing fine!

**Mr. Deans:** No sooner do we get the bill handed to us on the order paper than the minister is up and explaining, as did every other minister of the Crown on every bill, bar none, that I can think of in this House in the past three months, pointing out that he is going to amend it. Now it is a pretty clear indication of a lack of foresight and a lack of thought.

**Hon. Mr. Davis:** Just shows how prepared we are to accept good advice, a pretty clear indication of flexibility and good sense.

**Mr. Deans:** The Premier says "a clear indication of flexibility." That kind of flexibility we can do without!

**Hon. Mr. Davis:** That is one of their problems over there.

**Mr. Ferrier:** The Premier's caucus and his cabinet must be asleep when they are scrutinizing this.

Interjections by hon. members.

**Mr. Deans:** It is unfortunate. One could reasonably expect that from time to time a bill would be brought into the House that might need an amendment or two prior to second reading, but the amazing repetition with which this occurs in this House over the last number of weeks brings you to believe that the government is incapable of drafting legislation that will adequately meet what they themselves are trying to accomplish.

**Mr. Makarchuk:** Assuming they know what they want to accomplish!

**Mr. Deans:** My colleague, in introducing what I consider is a very finely drafted amendment, an amendment that would bring the bill at least in part into line with the needs of the Province of Ontario, pointed out that this government is definitely biased in favour of the aggregate producers, that this government has taken a position over the years that is definitely biased in favour of aggregate producers and in opposition to the needs of people in general.

They do not give nearly enough consideration to the effects of the legislation which they introduce or the legislation which they fail to introduce, the effects of that legislation or lack of legislation on the people who live in the Province of Ontario.

I want to tell the minister about a particular quarry—

**Hon. Mr. Davis:** A short story?

**Mr. Deans:** A short story! If the Premier wants I will tell him, I will be glad to let it go.

**Mr. Pitman:** It is probably a horror story. It is about that time for telling horror stories.

**An hon. member:** They have thousands of stories about quarries.

**Mr. Deans:** I want to tell members a story about a quarry.

About three years ago, in fact if my memory serves me correctly, on October 10, 1967, the member for Don Mills, then the Minister of Trade and Development, made a grand statement in the press—

**Mr. MacDonald:** What, another?

**Mr. Deans:** He announced the development of a housing project in Saltfleet. This was going to be an extremely large development. It was going to meet the housing needs of the ever-expanding population of the metropolitan Hamilton area.

In the middle of this housing development, much to the minister's chagrin, there sat a quarry. I brought it to his attention one day in the estimates. Up until the time that I discussed this with him it was the intention of the government to build houses immediately adjacent to this quarry.

This quarry has a life expectancy of something like 25 years. The people who live in that area have been suffering continuously ever since that quarry was permitted to operate, not only from the abuses of the dust, not only from the damage of the blasting, but also from the inconvenience that it brings about from simply having to avoid being outside on certain days because that quarrying operation is obnoxious, extremely obnoxious.

The minister was going to, as I say, build houses immediately adjacent to the quarry, within 150 feet as I recall—

**Mr. Bullbrook:** A Tory quarry!

**Mr. Randall:** Get your gravel for free.

**Mr. Deans:** —within 150 feet of the quarry —get the gravel for free!

**Mr. Randall:** We also have three small graveyards so you will have your own ghost.

**Mr. Deans:** I brought it to his attention and I asked the then Minister of Mines, now the Attorney General, whether he was prepared to regulate the operation and to phase it out in order that we could provide houses for people and in order that those houses could be provided in an atmosphere that was conducive to reasonable living. Instead of that—and this shows the attitude of the government—they decided not to build the houses. They would not regulate the quarrying operation in order to meet the needs of the people; they decided not to build the houses, much needed though they were.

**Mr. MacDonald:** They dig quarries more than people.

**Mr. Randall:** What would have happened if they built the houses? The hon. member would have been here complaining about laying off workers.

**Mr. Deans:** No.

**Mr. Randall:** Sure, he would have been here complaining about laying off workers.

**Mr. MacDonald:** That kind of simplistic idea used to be put forward by the Telegram 10 years ago before they caught up with reality.

**Mr. Deans:** No, I told you—

**Mr. Randall:** Come on now! Come on.

**Mr. Deans:** This quarry is located within—

**Mr. MacDonald:** The member for Don Mills is out of date.

**Mr. Deans:** —a few hundred yards of the brow of the Escarpment—

**Mr. Randall:** The member for York South is 'way out of date.

**Mr. Deans:** —it has, as I say, a life expectancy of some 20 or 25 years, is going to be in the centre of future development for the area and obviously is not going to be regulated by this Act. I fail to understand how this government can, time after time, take such a negative view of the needs of people as opposed to the demands of the quarry operators.

My colleague from Hamilton East (Mr. Gisborn) pointed out that in the Niagara peninsula aggregate use will go from approximately 3.5 tons per capita in 1950 to 18 tons in the year 1980. Surely the suggestion that he makes some sense, that rather than going about the peninsula and going about Ontario developing small quarries each within a stone's throw of the other, it would make more sense to conduct a survey which would uncover the greatest source of aggregate and then to develop that in its entirety.

**Mr. Sopha:** The Frood open pit.

**Mr. Deans:** This is surely a much more sensible way of dealing with the needs of the Province of Ontario, notwithstanding the abilities of my friend from Algoma and his knowledge of the field, than to continue to develop quarry after quarry without any consideration for the amount of abuse and upset that it creates for people in the area.

This is what has happened and this will continue to happen because, as the member for Algoma points out, in his view—and I suspect he reflects the views of most of the people on the other side of the House—in his view, a quarry sitting empty is a great asset. The fact that he knows it is there—the fact that some day if he happens to need some aggregate he can turn around and go in there and get it, he feels is a tremendous asset to the Province of Ontario.

**Mr. Gilbertson:** What is wrong with that?

**Mr. Deans:** There will be no rehabilitation of that quarry with that kind of an attitude prevailing. There will be no rebuilding, or restoring of that particular operation to a use for which it could be used by other people in society as long as that kind of attitude prevails—that once you dig the hole you leave the hole in the ground for as long as there is anything in it—

**Mr. Gilbertson:** When you do not need it any more, then you restore it.

**Mr. Deans:** —that is worth using, and that there is no rehabilitation until after it is completely used up, which could take any number of years.

**Mr. Gilbertson:** If you need the material, use it.

**Mr. Deans:** That is the attitude, though, that is put out, that is suggested in this House by the Conservative members.

**Mr. Randall:** Oh, no.

**Mr. MacDonald:** Is the member for Don Mills repudiating the member for Algoma?

**Mr. Deans:** That is the attitude of the Conservative members in this House.

Now, my colleague from Hamilton East, in his amendment—

**Mr. MacDonald:** The member for Don Mills cheered him a few moments ago and now he repudiates him.

**Mr. Deans:** —says that municipal councils should have the right to veto any quarrying operation proposed for their jurisdiction and we consider this to be vital to any legislation. They must have the power at any time.

**Hon. Mr. Davis:** It is there.

**Mr. Deans:** No, it is only there provided there is no official plan. And where there is—

**Hon. Mr. Davis:** But official plans will show the gravel pits, or the areas where gravel pits are allowed.

**Mr. Deans:** I am sorry. No, I missed the point. Would the minister care to repeat it again?

**Hon. Mr. Davis:** The plan will show it.

**Mr. Deans:** No, the official plan will not designate it as a gravel pit.

**Hon. Mr. Davis:** It will designate it.

**Mr. Deans:** The official plan will not designate it as a gravel pit.

**Mr. MacDonald:** It does not, you know, designate it as a gravel pit or a quarry.

**Hon. Mr. Davis:** No, but it designates an area where it is permissible. It is the same thing.

**Mr. Deans:** For industrial purposes. No, it is not the same thing. Surely the Premier is not suggesting that an industrial designation which may well be used for light industrial development is the same thing as the digging of a quarry. Surely the Premier would agree that a quarry adjacent to someone's home is a much more obnoxious—

**Mr. Speaker:** Perhaps the hon. member will continue the debate by addressing members through the Chair. If the Prime Minister wishes to engage in the debate, he will be in his own seat.

**Mr. Deans:** Surely, Mr. Speaker, the Premier would agree that the development of a quarry adjacent to a housing development is considerably different from the development of a warehouse?

**Mr. H. Peacock:** (Windsor West): If the Premier is going to rub his eyes like that, he must sit in his seat too!

**Hon. Mr. Davis:** I am just going back to my own seat.

Interjections by hon. members.

**Mr. Deans:** He is saying any industrial development; and therefore there is no opportunity, even with an official plan, for municipalities to veto without going to the Ontario Municipal Board. I feel that kind of power ought to be vested in the municipality; that it should have the power at any time to decide what kinds of industrial development it will entertain within its boundaries. There is a lot of talk in this House from time to time about the need to establish more municipal autonomy. Surely, in that regard this is a step in that direction?

The other point I want to make, and the final point I want to make, is that in determining land use—and that is what this is all part of, determining land use—it is time that this province developed a land-use policy. It is time that much of that policy was administered by the proposed Department of the Environment. It is not nearly enough to have a minister whose prime responsibility is the sale and promotion of the mining and quarrying operations—it is not nearly good enough to vest in him the power to determine the rehabilitation of those things. He should simply be administering the rehabilitation of quarrying operations in accordance with standards established by the proposed Department of the Environment.

It is to that end that we suggest that this bill ought to be under the new Minister of the Environment as opposed to the Minister of Mines and Northern Affairs. The Minister of Mines and Northern Affairs is in conflict, and this is true; by the very nature of his office, he is in the business of promoting the sale of raw materials, including aggregate. Therefore he is not in the business of ensuring that the environment is not in any way desecrated.

These standards must be established by the proposed Department of the Environment for the total province. Then the individual departments, like The Department of Mines and other departments, should be forced to abide by the standards that we establish for this province to maintain the future of this province and its environment for future generations.

**Mr. E. R. Good** (Waterloo North): Mr. Speaker, I would like to say a few words regarding the legislation before us tonight for second reading. Basically I think there are two purposes for which this legislation is badly needed—legislation that would control the operation and use and location of pits and quarries.

We must first recognize, Mr. Speaker, that to supply the necessary amount of sand and gravel, crushed stone and cut stone for our vast developing urban areas in southern Ontario—the markets which are here—it is important that there be a supply of these ag-

gregates available. They must be available at a reasonable price.

Secondly, of course, comes the possibility, and in fact the very acute possibility, that the supplying of this aggregate to the huge markets of southern Ontario is not in the best interests of the quality of our environment from many points of view. To protect the environment of our province while accomplishing the first purpose is, indeed, a very difficult matter.

I think it is foolish to try to set one above the other—the need for the supply of the aggregate and the need to protect the environment. I think personally that the two must go hand in hand, all the way down the line or we are defeating one purpose or amplifying the other purpose.

Up to the present time I would submit, Mr. Speaker, that all the emphasis has been placed on the developing of the aggregate and the economic reasons required for this, to the complete neglect of the second purpose, which is the protection of our environment while we are developing these supplies.

As an example, the figures I have from 1966 show that $62 million worth of sand, gravel and cut stone were delivered to the Toronto market from an area within 60 miles of the Toronto area. The proximity of the supply to the major markets has really been the only consideration that anyone has taken seriously. In other words, regardless of where one can get it, if one can get it close enough to Toronto to deliver it here at the lowest possible cost, this has been the prime consideration.

The transportation, of course, is expensive. There is no doubt about it. The figures of a few years ago show that it cost $2.90 a ton to bring gravel in from Milton to Yonge Street in Toronto and half of this cost is for transportation. So we find that there is an increase of five cents a mile for every mile that the truck has to go beyond a certain limit to bring it in. Unfortunately, this has meant the development of most major pits has been no farther away than the Orangeville area from Toronto. But we are now getting down to the proposition where it is our basic Niagara Escarpment which has been exploited and raped for the production of aggregate materials for the Toronto and metropolitan area and, finally, we realize that something has to be done about it.

I personally do not feel that there is enough detail in the bill before us to show what this government is intending or what it will do. To begin with, there is a definite conflict of interest in that the Minister of Mines is responsible for the development of the resource and here we are asking him to take on the responsibility for the protection of the environment. This is a direct conflict. One cannot serve one to its best possibility and serve the other to its best possibility. The preservation of the physical qualities of the area, the landscape and the beauty of the area, the cuts through the Escarpment, the need for parks and recreational facilities and the infringement on our rural environment within a short driving distance of Toronto are the considerations that now must be given the emphasis. We have given the emphasis up to now to the development of economic sources of aggregate within the Toronto area. We must now put the emphasis on the other matter.

Emphasis, of course, must be given to the matters of pollution, dust, noise, concentration of trucks, safety aspects, the blasting aspects of developing the pits and the hours of operation. Many of these points, of course, are realized as important, but in this bill nothing is spelled out in detail. It is all left to the regulations and therein lies the great deficiency and the great flaw in this legislation and the basic reason for which we cannot intelligently assess the worth of it because there is nothing spelled out here as to what this bill will do. I will show members a little while later how Dr. Gertler has shown in the recent speech the same condition applies to the Niagara bill.

This bill in no way satisfies us in the Liberal Party that adequate measures will be taken. To begin with, the area of control applies only to southern Ontario. While I am talking about the pits and quarries along southern Ontario, I would like to just use an example. I would invite the minister to come along with me along Highway 401 some day and look at the halfhearted, disgraceful measures of rehabilitation that have been taken along the gravel pits bordering the 401 since the Niagara bill came along. There have been a few mounds of earth put next to the huge vacant holes in the ground to screen them from the worst moth-eaten-looking trees that one could imagine, which have been stuck in the ground with very little chance of them ever growing.

If this exercise is supposed to be the first step toward rehabilitation, I would suggest that the former Minister of Mines who brought in the Niagara bill, and supposedly

put these restrictions on the people along the 401 to give them an operating licence, would take a leaf from The Department of Highways. When they plant a tree screen along the highways they do a job of it, because they are spending public, taxpayers' money and they put in beautiful 10-foot-high fir trees in some instances or small cedar shrubs which grow up beautifully; but the excuse for a tree shelter along the 401 with that gravel pit out there is absolutely disgraceful in my estimation.

There has been nothing done. Rather than say yes, we planned it as a windbreak or a viewbreak along the 401 to hide our pit—it is a disgrace—the huge yawning holes are still visible, the cuts through the escarpment are a blight on the landscape and there seems to be nothing done. The greatest detriment that has to be overcome as I see it, in one manner or another, is the result of the trucking of this aggregate into the city of Toronto.

You can come down the 401 any day of the week and when you are caught behind 20 cars, you know exactly what the cause is; there are two gravel trucks up ahead somewhere. Yes, and probably each of them pulling a 20-foot truck behind a 40-foot stake, or whatever the size of these trucks is. They are jockeying for position and one thinks he can pass the other and they cannot get by; so there they go, hand in hand down the 401 for about five miles until finally the buildup behind is so great that one will finally drop back and let you out of it.

If I were Minister of Highways, I would have a paved shoulder built along that highway so quick that if a gravel truck had more than three or four cars behind it, he would have to pull off and let them get by.

In fact I do not think—and I brought this up in the Legislature before—that trucks should be allowed on the inside lane next to the median unless it is a dire emergency. They are kept in outside lanes in other provinces. There was a time in this province when I felt truck drivers were the most courteous drivers on the highway, but I changed my mind to a great degree. Most of the traffic coming in that causes the tie-ups in traffic is gravel trucks.

I think these people, and I could name you a half a dozen companies' names on the trucks, should get a letter from the Minister of Mines and Northern Affairs here to say if they do not behave properly on the highway, he will cancel their license to operate. He would do it if they did not operate properly in the pit and in trucking the aggregate into the city. This is still a part of their operation which is under the control of this government right now. That was just an aside.

**Mr. Nixon:** A very good one.

**Mr. Bullbrook:** A very good aside too.

**Hon. Mr. McKeough:** We are all in the mood for asides.

**Mr. T. Reid** (Scarborough East): We will take the minister aside.

**Mr. Nixon:** I see the minister is getting more and more in the mood all the time.

**Mr. Good:** The new minister has been reluctant to bring in this legislation up to now.

**Mr. Bullbrook:** The member missed the story of the Tory quarry.

**Mr. Good:** He had told us he wanted us to talk to the municipalities, and this evidently was not done by the former minister, and then he wanted to fly over the area.

Of course the pressures mounted. I think perhaps one of the crushing blows was when Mono township applied for zone change from agriculture to gravel pit use and the OMB turned up its nose because there were no proper regulations and bylaws.

In fact the OMB is quoted as saying that even the Niagara Escarpment bill in no way offered the local residents adequate protection. What an indictment that was, to this bill that was passed a year ago and which we told the minister at the time was nothing but inadequate.

Well, amid the confusion and pressure, the minister hinted in a letter last July that he may even have to supplement the dwindling supplies of sand and gravel by allowing removal of these materials from conservation areas as well as parks. This opinion of course was greatly criticized by both press and members in the opposition, and I believe the minister said that it was a slip of the tongue or something—well this, Mr. Speaker—

**Mr. Nixon:** And words to that effect.

**Mr. Bullbrook:** He used the Attorney General's favourite phrase: "I was misquoted!"

**Mr. Good:** Really, Mr. Speaker, this is unacceptable and really demonstrates the inadequacy of the minister and the legislation to deal properly with the problem at hand.

This bill is so big as to give us no indication of government intention, so we have no alternative but to vote against it. After a year of promises, we are no further ahead with this bill than we were with the one which it supplants.

The provisions cover only southern Ontario to begin with. This legislation still allows pits and quarries on Crown lands in Northern Ontario with no provision for rehabilitation.

The minister promised to extend the legislation in the future. I understand that royalties which are paid for the gravel rights on Crown land are not and have not and will not be used for rehabilitation. All right, there were 449 permits from Crown land issued last year and as I understand it there are no controls specified in there for rehabilitation of the area.

To start to deal with the bill itself, the bill sets forth that this control will be a joint operation with the province having jurisdiction over the operation as it affects the environment and the local municipality having control over the location, the land use and the zoning. It only applies in designated areas and areas which will be designated by the Lieutenant-Governor-in-Council, so we really do not know where the minister intends to use this authority. I would presume it will be basically in the Niagara Escarpment and southern Ontario areas, so operations will be licensed for a one-year term and applications will be filed with the minister.

The application, of course, will state the location and the shape and the acreage and the buildings and the size and the height and the drainage and the entrances. But the first deficiency in the bill shows here, where it says, "As far as possible the application must show the ultimate pit development, the ultimate road plans, water diversion, stock piling, stripping, tree screening, progressive and ultimate rehabilitation." Well, this is not good enough. These are the important matters that need control in the operation of a gravel pit—ones with which the the operators can project the future for that pit. If we do not know the ultimate intended use of the land after the pit has been completely taken out, we have no real control over the rehabilitation of that area and this is not good enough. This is where one of the major flaws lies in this bill.

**Mr. T. Reid:** It is only good enough for the Tories.

**Mr. Good:** We should be able to ascertain exactly what is going to happen to this area once they have taken this huge resource out of the ground. We should know what is going to happen. There is nothing in here that says that you can demand that. It just says as far as possible you want to know on the application.

Well, Mr. Speaker, I suggest this is all much too vague. The time for objection is fixed by the minister and is also a very indefinite period, and it specifies in the bill as to who will be permitted to object to an application. Mr. Speaker, I respectfully submit that it is everyone's business and everyone in the province should have the opportunity to object if possible.

The publication of applications will all be defined in the regulations and this, I say, is not good enough.

Someone already has dealt with the matter of local autonomy, and at least the authority of the local people in designating where the pits will go. Very few municipalities do have official plans. There is going to be a great problem there preventing the local people getting any control whatsoever until such time as they get official planning, and I have been urging on the former Minister of Municipal Affairs (Mr. McKeough) and the present Minister of Municipal Affairs (Mr. Bales) that some financial assistance to the rural municipalities in the Province of Ontario to get their official plans in and filed with the minister would be of great benefit.

Section 5, and then of course section 6, subsection 4, say that in the final analysis the minister has the final power of veto over the municipalities. Well, section 5 gives no opportunity for objections for the renewal of a licence. The rights of the people to object to a renewal are completely lost.

The final point which I would like to—pardon me, not the final point—one of the things which I think is not correct is that when there is an OMB hearing on it, there is nothing finalized by an OMB hearing. The OMB hearing, Mr. Speaker, is set up so that the chairman of the municipal board reports to the minister and then it is the minister who decides whether or not the licence will be issued, and that is final.

**Hon. Mr. Bernier:** Who wants that? Who said that?

**Mr. Good:** Now, I would like to speak briefly about the deficiencies in the vital part of the province and that is the prime inner area and the outer area of the Niagara Escarpment. This has been set out in such detail in Professor Gertler's report that I just cannot see why this bill did not include more than just one section—section 10—dealing with restrictions of the pits and quarries on the Niagara Escarpment.

Section 10 is the only one that deals with this and it says where there is an existing pit in operation the operation then may go no closer than 300 feet to the natural edge of the Escarpment. The inner area of the Niagara Escarpment as defined in the Gertler report is shown as an area of one mile above and below the face of the Escarpment.

Dr. Gertler categorically states, first of all, that new openings or breaches in the inner area are not to be permitted. New openings or breaches in the face of the Escarpment should not be permitted and the only thing that he has said in this area that the minister has taken into consideration is the fact that where there is an existing operation he may not mine closer than 100 yards or 300 feet to the face of the Escarpment.

One important recommendation that Dr. Gertler put in his report which has not been taken up in this section is that where an operator is now mining gravel close to the face of the Escarpment he should cease his operation when he runs to the edge of his present land and should not be allowed to enlarge that same pit over and beyond the land which he originally held. This is another deficiency in this bill.

The restrictions on the outer zone are spelled out in Dr. Gertler's report. That encompasses two miles on each side of the inner mile, so there would actually be four miles.

These matters, I presume, are all going to be left to the regulations. We have no guarantee that they will even be taken into consideration over and above the few things mentioned in section 10 of this bill.

The principle in section 11, Mr. Speaker, deals with the maintenance of a deposit with the Treasurer of Ontario as prescribed by regulation. This, of course, would be used for rehabilitation of the pit. We have no guarantee, Mr. Speaker, how this bonding, or money on deposit, or tonnage charge, will be implemented. I would like to see in the actual bill a tonnage charge put right in there in black and white so that a large pit will build up a rehabilitation fund proportioned to the amount of damage they are doing to the landscape. The minister shakes his head yes.

But we do not know what his intentions are when he puts it in legislation. It could be that the regulations will say, "You submit such a size of fund and we will look after it." This is just a licence to go on digging and say, "Well, we have so many thousand in there and we can walk away from the pit and the government can use that money up." There has to be a scaled tonnage charge which will be commensurate with the amount of gravel taken out of the area, so that the pit can really be rehabilitated after its use is no longer required.

There are now 14,000 deserted pits and quarries that blight the landscape of Ontario at the present time; an unbelievable number. People have walked away from these pits and quarries all over the province after they have made a good living. They have left them there as a blight on the landscape with no further economic use and no money to rehabilitate them into a park or swimming pool or something which is useful to the province.

There is no provision in here to do anything for these pits and quarries. This should be included somewhere, that through some manner or means of present levies on existing pits, gradually over a long period of time this matter could be cleared up. I think that would not be unreasonable to expect when we are dealing with this type of legislation. I would strongly urge the minister to include a tonnage charge in his rehabilitation fee and not just a bond so that the man will not walk away and leave the pit unattended after he has finished with it.

The wayside pits are allowed to be put in at ministerial discretion. My understanding is that there would be no deposits required; no bonding or tonnage charges are laid down in the bill for these. The ministerial discretion may provide that there be some bonding charges. A wayside pit, as I understand it, is a pit that is just used for a specific job, if one is building a highway from here to there and he wants gravel close at hand. There has got to be something more definite than this in the legislation or we just cannot support it, Mr. Speaker.

The last part in the bill which I think is inadequate deals with the fact that in the final analysis the minister may relieve any operator of any conditions that were required

of him under normal application if there are extenuating circumstances. I would certainly and sincerely hope that there will be no misuse or abuse of that provision whereby people can be relieved of some of the things set out here.

I have one final matter I would like to speak of and these are a few excerpts from a speech made by Professor Gertler, the man who gave this government a report some three years ago, which gave it all the information it needed for the formation of a very excellent bill. It gave the government everything it needed, and it was not forthcoming last year on the Niagara Escarpment bill and it is not forthcoming this year.

Dr. Gertler, in a speech made on June 3 of this year to the Canadian Association of Geographers, said:

> With regard to the third element of the Escarpment strategy, which is concerned with the extractive industry, it is quite clear that the temporary Niagara Escarpment Protection Act leaves a number of conspicuous gaps in the development control mechanism. It does not specifically invoke provincial standards, although under the general powers to make regulations, the minister may do so, and suggested as much in his defence of the bill on its second reading on June 2, 1970.
>
> It does not provide for a performance bond or any other industry-supported fund to assure that landscaping and rehabilitation plans will be implemented. The Act, while extending the protective zone to two miles on either side of the Escarpment edge and granting the minister discretion to refuse extractive industry permits in that zone, does not prevent new opening beyond the Escarpment and the 300-foot prohibited area back from the face.
>
> These shortcomings notwithstanding, the administration of the Act has already been submitted to and survived the test case from which a great deal can be learned. I refer to the case of Connor Sand and Gravel in the Hockley Valley.

Then Professor Gertler goes on to state that it was, in fact, the work of the citizens' committee that was more responsible for the prohibiting of that installation in Hockley Valley than the legislation or the minister's work in connection with it. So that in the long haul—

**Mr. Speaker:** I would point out to the hon. member that our standing rules prevent unnecessary long reading from documents. I would suggest to him that he has reached that point with respect to this report.

**Mr. Good:** I think there were just two sentences I read, Mr. Speaker.

**Mr. Speaker:** The hon. member has been reading from that report for a long time.

**Mr. Good:** I picked the report up just at the beginning of the last quotation. He goes on to state that it is questionable whether such a critical area of resource policy administration should rely so heavily on the human factor.

In other words, get it into writing, get it into legislation and do not rely on ministerial decision and citizens' groups in the various townships and valleys of this province to decide when and where you are going to have the aggregate business develop. Get it into black and white, and then people can understand what it is.

**Hon. Mr. Davis:** The member does not want to involve the citizens? I am surprised!

**Mr. Good:** Certainly, but they have to know what there is to be involved in. Professor Gertler says:

> One cannot resist the conclusion that the results may have been very different without the vigilance of the Save the Valley committee, from which the viewpoint of democratic process may be the most significant meaning of the entire experience.

Mr. Speaker, the bill is very deficient in that it tells us nothing of what the intention of government is. In conclusion, with your permission, Mr. Speaker, may I read one short paragraph which sums up our feelings very well?

**Hon. Mr. Davis:** As long as the member wrote it. Did he write it?

**Mr. Good:** It is from a Toronto paper.

**Hon. Mr. Davis:** Oh!

**Mr. Good:** I am sorry, I am not sure which one, but it simply says—

**Mr. Nixon:** It cannot be the Telegram.

**Mr. Good:** It says:

> It is a wretched Act, no more in its present state than a meaningless political promise, placing arbitrary powers in the wrong hands, offending against the principle toted by Premier William Davis that

the Act, not the regulations, should spell out the Legislature's will, whipped up in a panic to shut critics' mouths.

Even at this late hour it has not been successful in shutting the mouths of the critics on this side of the House.

Mr. Speaker, may I respectfully submit that the bill should be taken back? We cannot pass it in this particular state that it is in now.

**Mr. Speaker:** Is there any other member who wishes to engage in the debate? If not, the minister has the floor to close the debate.

**Mr. Stokes:** I think he is going to withdraw the bill.

**Hon. J. Yaremko** (Provincial Secretary): Tell us the way it really is!

**Hon. Mr. Bernier:** Thank you, Mr. Speaker.

**Mr. Randall:** Now give us the facts.

**Hon. Mr. Bernier:** I should start out by quoting the member for Algoma, I think, and pointing out that it is the intention of this government to stop the pollution of our landscape through the implementation of this particular bill.

I think for the members opposite I should read the principles and explanatory notes. I sensed that many of those involved in the debate this evening had really not done their homework. I say that with all sincerity.

**An hon. member:** Like the way the minister prepared his bill.

**Hon. Mr. Bernier:** I have not been in this particular department that long, but I have been long enough to know that some of the remarks were very quickly prepared. There was no—

**Mr. Stokes:** Something like the press releases the minister issues, both down here and up north.

**Hon. Mr. Bernier:** There is a lot of conflict between members in their own party. I would just like to read the explanatory notes to start with. The purposes of the bill are:

1. to control the operation of pits and quarries having regard to the environmental effects;

2. to ensure rehabilitation of excavation sites; and

3. to allow municipalities to control the location of future pits and quarries.

These are the principles we have been looking for and they are really strongly incorporated in this particular bill.

**Hon. Mr. Davis:** Excellent!

**Mr. Pitman:** Just saying it does not make it so.

**Hon. Mr. Bernier:** Mr. Speaker, I certainly want to thank many of the members who were involved, and I think there were some constructive criticisms and suggestions offered and certainly I will examine them in great detail as the remarks are gone over.

**Mr. Stokes:** It is the minister's last chance.

**Hon. Mr. Bernier:** I would point out again that this particular bill was in preparation for many months. There was consultation with the municipalities, there was consultation with the general public, the citizens of the province, and certainly with the aggregate producers.

I would point out again to those who were involved in the debate that it was the industry and the municipalities that wanted this particular legislation. It was the municipalities that wanted an involvement to a point, but here they wanted the province to move in and to provide uniform controls right across the province, which we intend to do.

I would point out that we are dealing with a very complex situation in southern Ontario, because here we are moving into private areas, into private concerns and private properties. In the granting of many of the deeds for properties in southern Ontario, the mineral rights were given. So this further complicates the situation where we are moving in and telling those owners of private property how to rehabilitate their property and certainly we intend to do this.

I note there was some expression of opinion made concerning the possible operation of pits and quarries in provincial parks and in conservation areas. The government position was clearly spelled out by the Prime Minister very recently again, and by myself, and I would point out to those members that this is prohibited, particularly as it applies to provincial parks under The Mining Act. So there is no danger at any point in time that gravel pits or quarries will ever be permitted in our provincial parks or conservation areas and I believe that is very plain and clear.

**Mr. Stokes:** What about Algonquin? Is the minister now aware that there is quarrying in the park?

**Hon. Mr. Bernier:** There have been some amendments introduced to the Act, one in particular a very good amendment, one that will remove from the obligation of the existing operators the necessity for an annual licence. That is being replaced by a mandatory stipulation that each site will be examined on an annual basis to make sure and to verify that the holder of that particular licence is complying with his site plan and complying with all sections of the Act, and of course if he is not then that licence can be revoked.

Certainly, as I pointed out in my opening remarks, it is the effort and the desire of the government, and the Act will do it, to provide that the landscape of the province is protected to the fullest.

I did sense some concern about the amount of discretionary power that is being placed with the minister, and also the amount of control that is being placed in the regulations. I would point out that if the problems that this Act attempts to deal with were problems that were clearly defined and capable of precise description, I would of course have been able to bring into the House a much more precisely worded piece of proposed legislation. It is desirable, of course, as we all know, that the law is to be written in such a way as to state the precise rules which would then govern all situations and we could then leave their application to the courts. But as the McRuer report clearly emphasizes this is not possible in the estabment of new areas of law.

In the early stages there are two alternatives. I was very disappointed that the members who participated did not refer to the McRuer report. There are now two alternatives. I would just like to leave them with you:

(a) to leave to the minister the discretion to make decisions in individual cases in accordance with his views as to policy enunciated in the Act. This, I feel, gives too broad powers to the minister and is therefore not desirable.

(b) to give guidelines to policy as experience develops. Precise reasons can evolve and can be put into the Act. Regulations are a halfway house between the absolute discretion of the minister and putting precisely defined rules into statutes.

For the benefit of the members I would like to read a couple of chapters from the McRuer report that certainly spell out in detail why when we are going into a new law, or a new area—

**Mr. Speaker:** I would point out to the hon. minister that the same restriction is placed on him as any other member.

**Hon. Mr. Bernier:** Well, all right then, I will refrain, but I think we can clarify this. We are going into a—

**Mr. Stokes:** Speak off the cuff; the minister is familiar with McRuer.

**Hon. Mr. Bernier:** Well, I am not a lawyer, I do not profess to be, but it has been clearly stated in the McRuer report, and I would refer the members, if they want, to look sometime at chapter 10 on page 121 and then also to follow up a little further if they will—

**Mr. Sopha:** Is that McRuer?

**Hon. Mr. Bernier:** Yes, that is the McRuer report.

**Mr. Sopha:** Well, speaking of McRuer, which verse is it?

**Hon. Mr. Bernier:** It is report 1, volume 1. If members will read section 3, the statutory powers, subordinate legislative powers, section 3, page 335, they will read a full explanation there as to why the regulations are set up at they are. And they are right there clear and plain.

**Mr. Nixon:** I will get on to it right away.

**Mr. Sopha:** Get that down in Hansard, each number, and we will look that up.

**An hon. member:** That is what we are waiting for.

**Mr. Stokes:** The member really researched that for them!

Interjections by hon. members.

**Hon. Mr. Bernier:** Gentlemen, I would like to put on the record the areas that will not come under the regulations. Of course, after the members have gone into detail in the McRuer report, they will want to know what parts will go into regulations.

**Mr. Bullbrook:** What about section 19?

**Mr. Sopha:** Fine, just table those.

**Hon. Mr. Bernier:** I would point out what exactly they are. They will be the rehabilitation procedures that will be followed by all the pits and quarries that are licensed. These will include an angle of final slopes on the excavations; dispositions of stripping and topsoil—I believe one of the members brought that up.

**Mr. Sopha:** Got you!

**Mr. Nixon:** Done!

**Mr. Sopha:** Just be careful of the language used this hour in the morning.

**Hon. Mr. Bernier:** There would be the planting of trees; the planting of shrubs and grasses; berms and tree screening; the backfilling requirements; building and plant setbacks will be included in regulations; the maintenance of buildings; excavation setbacks from roads and property boundaries. This is another concern of some of the members on the opposite side.

Hours of operation will certainly be a thing that will be included in the regulations.

**Mr. Gisborn:** That is one we do not agree with.

**Mr. Gaunt:** Now, we can buy that.

**Hon. Mr. Bernier:** Dust control on pit and quarry property; fencing requirements; entrances and exits will be controlled by regulation; access roads; warning signs; and noise control—

**Mr. MacDonald:** Here they come.

**Hon. Mr. Bernier:** —it will be enforced by a sound-level code; regulation of blasting; and of course security deposits will also be included in the regulations.

I should just outline what we intend to do, just how we intend to provide a fund for the rehabilitation of gravel pits and quarries. It is our intention to ask at the issuing of the licence, of course, a small fee—

**Mr. Sopha:** Existential philosophy!

**Hon. Mr. Bernier:** —and then, on a yearly basis, the operator will be required to deposit with the department a fee, as one of the members pointed out, rated as X number of cents per ton. This will be kept on deposit, to the credit of that particular operation, and as the rehabilitation progresses over the years of the operation, of course, certain portions of it can be returned.

In the event that that operator does not rehabilitate the property to the site plan that was filed at the initial request and on the initial application for the licence, a portion of the moneys deposited to the credit of that pit can be used for rehabilitation purposes. So therefore we will have a guarantee of funds that will not come out of the public purse; it will come out of that particular operation to guarantee the people of this province that those operations will be rehabilitated. And that is in there plain and clear. And I am sure—

**Mr. Bullbrook:** What does the minister do if there is no site plan required?

**Hon. Mr. Bernier:** Yes, there has to be a site plan filed.

**Mr. Bullbrook:** It is not in the minister's bill.

**Hon. Mr. Bernier:** Yes, it is. It will be required.

**Mr. Bullbrook:** Less than 10,000 cubic yards per year does not—

**Hon. Mr. Bernier:** Yes, any commercial site will have to have a site plan on application.

I would point one thing out for the member for Thunder Bay—I know he is interested because there was some comment about the control of gravel pits and quarries in Crown lands. While this may be out of the jurisdiction of this particular Act and it will be in The Mining Act which will come up for second reading in a few moments, but I would point out to him that the Province of Ontario will accept the responsibility of rehabilitating the gravel pits on Crown lands. We will do this by additional charge to the present operators and the present licensed holders of those gravel pits and quarries.

**Mr. Stokes:** I am glad to hear that. I have a list of them for the minister.

**Hon. Mr. Bernier:** Yes we will. I would point out, as the member for Thunder Bay well knows, we have gravel pits in northern Ontario that are licensed only for three or four months at a period. If there is a road construction going through, the contractor may obtain a licence, take out X number of thousand yards for that particular job, yet the pit is not exhausted. There is still a large amount of aggregate left that can be used, and which likely will be used maybe in three or four years hence.

**Mr. Gisborn:** Have we got the minister's assurance that it is not just the present royalty that is in the present fund?

**Hon. Mr. Bernier:** Yes, we have got it planned, and we know that we can provide the rehabilitation of the abandoned pits on Crown lands as well as looking after the present ones.

**Mr. Gisborn:** But is the minister going to use any of the present royalties or are they going into consolidated revenue?

**Hon. Mr. Bernier:** They go into the consolidated revenue fund, yes.

**Mr. Gisborn:** The minister is not going to use that for rehabilitation?

**Hon. Mr. Bernier:** No. "X" number of cents per ton will be taken from each operator.

**Mr. MacDonald:** In addition to the royalties?

**Hon. Mr. Bernier:** In addition to the royalties. We will also increase the royalty that we are now getting from Crown lands so the members have my assurance that those gravel pits, those exhausted gravel pits on Crown lands will be rehabilitated. I think this is something that we will all welcome in northern Ontario.

I want to assure the members of this House that we intend to be tough with our rehabilitation programme. This will be spelled out in the regulations. We are not going to be soft because we realize—and it has been expressed by members opposite—that there is a concern. We are as concerned as they are to restore to the landscape of southern Ontario the beauty, as I have said, that we in the north have never lost.

Gentlemen, I would just like to mention for the record some of the gravel pits and quarries in southern Ontario that have been rehabilitated. It is interesting to know that within the confines of Metropolitan Toronto there are some 60 clay and gravel pits that have been rehabilitated and are now used for parks, shopping centres and so on.

**Hon. Mr. Yaremko:** The members should drop by Willowdale park and see what the Christie pits are like.

**Mr. Gisborn:** Very interesting. An interesting—

**Hon. Mr. Bernier:** I point out that in St. Marys, Ontario, the old swimming hole down there is a former quarry. It is a very popular place. I am sure many of the members realize that.

**An hon. member:** It is the Prime Minister of Canada's favourite swimming hole.

**Hon. Mr. Bernier:** Ridgeway, as one of the members also pointed out, is another swimming hole. The Royal Botanical Gardens at Hamilton is the site of an old quarry, so this shows you what can be done if they are properly controlled and rehabilitated. A site on Jane Street, right here in Toronto, is the site of a former gravel pit and is now the site of a huge apartment complex. Ramsden Park on Yonge Street is the site of a former brickyard and clay pit and it has now been completely rehabilitated.

**Mr. Pitman:** What great excitement—

**Hon. Mr. Bernier:** Just to point out to members that they can be rehabilitated and put back to use because the land value is there. The opposition members get so emotional; they leave the impression that they cannot be and they certainly can. I would refer you to the book that was published by my department which points out it can be done with proper controls which we intend to impose.

Interjections by hon. members.

**Hon. Mr. Bernier:** I want to assure the members of this House, gentlemen, with regard to The Niagara Escarpment Protection Act that while it will be repealed, all aspects of that Act have been incorporated in the new Act. Certainly, the suggestion of the Leader of the Opposition that we consider widening that protective area is something worth considering and I will certainly take it under consideration. I think it is a very valuable point, well worth looking into.

There was some question raised about the hearings and the individual not being allowed to appear. I would refer those gentlemen to section 5, subsection 1, which does provide that the individual directly affected can be heard at these hearings. Of course, in the regulations will be incorporated the requirement that the municipality must notify by mail those who are directly affected.

**Hon. Mr. Yaremko:** The member for Sudbury is making notes.

**Mr. Sopha:** Is the minister going to rehabilitate the Frood open pit?

**Hon. Mr. Yaremko:** The world's greatest swimming pool!

**Hon. Mr. Bernier:** I am glad the member brought that up. I would point out that this is one of the amendments that does not include metal mines. We are strictly concerned with gravel pits and quarries. I was interested in the conflict between two members of the NDP. One said that it should be taken from the north and the other said that it should not. So this is a bit of confusion, of course, that exists.

**Hon. Mr. Yaremko:** The conflict between two? That is pretty good of them.

**Hon. Mr. Bernier:** I think the reference—

**Mr. MacDonald:** The Provincial Secretary is talking to himself again. Wake him up.

**Hon. Mr. Yaremko:** I am glad the member is listening.

**Hon. Mr. Bernier:** —of moving gravel and aggregate at 68 cents a ton is completely wrong. We have figures, quoted to us today, that to move aggregate just 100 miles by unit train, is over $1.08 per ton.

**Mr. Sopha:** Who said that?

**Mr. Gisborn:** That is the first information the minister has disclosed to this House since I have been here.

**Hon. Mr. Bernier:** I am sure if the member was around and had been listening he would have heard matters of interest that would enlighten him on the whole aspect on the pit and quarry operations in the Province of Ontario.

**Mr. MacDonald:** The minister has had a lot of time to bring it in.

**Mr. Gisborn:** That is exactly the figure they gave him when we include the trucking.

**Hon. Mr. Bernier:** Certainly, the member for Wentworth made a reference, when he compared the movement of iron ore pellets from Kirkland Lake with the gravel. I think this is a very different type of comparison and certainly the values are quite different.

**Mr. Sopha:** Did the minister have about four hours sleep this afternoon?

**Hon. Mr. Davis:** He is really with it this morning.

**Hon. Mr. Bernier:** Gentlemen, I could go on for some considerable time I suppose. I have some committee notes here.

**An hon. member:** I will vote for the minister.

**Another hon. member:** The minister has the audience's consent.

Interjections by hon. members.

**Hon. Mr. Bernier:** I am sure members are aware of the purpose of the bill. I am sure they are aware of the amount of research and effort that went into preparing the bill that will provide the people of the province with the protection they require and they demand.

**Mr. Stokes:** He has copious notes.

**Hon. Mr. Yaremko:** He has the opposition confused.

**Mr. MacDonald:** Call the vote, we will show them!

**Hon. Mr. Bernier:** I want to take this opportunity to compliment one of the local newspapers, the Globe and Mail, because this is one newspaper out of the three that has done a tremendous job in keeping this issue before the public and certainly before the government.

**Mr. MacDonald:** They certainly tripped the minister up.

**Hon. Mr. Bernier:** And in this same vein I want to say that it was the former minister of this department who brought this issue to light; it was not the members of the opposition. The former minister of this department was the one who was concerned in his very brief term of office, and he was the one who was responsible, of course, for The Niagara Escarpment Protection Act and for the laying of the foundation for this particular Act which is before us this evening.

**Mr. Randall:** There will be a good editorial tomorrow.

**Hon. Mr. Bernier:** Gentlemen, I note an amendment by the member for Wentworth. I could go on and break down every aspect of his amendment. I am certainly sure that now that members have heard my explanation they will be more than anxious to support the bill and the amendments I will be introducing.

**Mr. Pitman:** Do not count on it.

**Mr. Speaker:** Hon. Mr. Bernier moves second reading of Bill 120.

Mr. Gisborn, seconded by Mr. Deans, moves an amendment that the motion for

second reading of Bill 120 intituled, An Act to regulate Pits and Quarries and to provide for their Rehabilitation, be amended by deleting all of the words after "that", and substituting the words:

This bill be not now read a second time but be referred to the government with instructions to bring back the bill with the following changes, namely:

(a) that the discretionary power of the minister to set the terms and conditions of the licences for pits and quarries be replaced with statutory standards covering such matters as operation, noise, road use, dust control and rehabilitation, and no variations from the standard be permitted without public notice, public hearings and authorization by the Lieutenant-Governor-in-Council;

(b) that any citizen or group of citizens as well as municipal councils and corporations have the right to be heard at all hearings under the bill before the Ontario Municipal Board;

(c) that municipal councils have the right not only to veto the licensing of pits and quarries within their boundaries, but also be entitled to be consulted in the establishing of any variations from the statutory standards in cases where they are prepared to permit an operation to be licensed, and this consultation to be prior to the public hearing;

(d) that the amount of the security deposit for rehabilitation be specified in the legislation and be adequate to ensure full restoration of the site or its conversion into a recreational or other approved facility;

(e) that provisions be added which would encourage the rehabilitation of abandoned pits and quarries;

(f) that licensing of pits and quarries in conservation areas and provincial parks be expressly forbidden;

(g) that the Act and regulations apply uniformly throughout the province;

(h) that the minister responsible for this legislation be the minister responsible for the protection of the environment, and not the Minister of Mines and Northern Affairs;

(i) that hearings be allowed on applications for licences by operators of existing pits and quarries;

(j) that the minister be required to give reasons in all cases if he does not follow the recommendations of the Ontario municipal board.

The members will understand that the question to be put is whether this bill shall now be read for the second time.

The House divided on the motion that Bill 120 be read a second time, which was approved on the following vote:

| Ayes | Nays |
|---|---|
| Allan | Ben |
| Apps | Bolton |
| Bales | Brown |
| Bernier | Bullbrook |
| Boyer | Deans |
| Brunelle | De Monte |
| Carruthers | Edighoffer |
| Carton | Ferrier |
| Connell | Gaunt |
| Demers | Gisborn |
| Downer | Good |
| Dunlop | Haggerty |
| Dymond | Jackson |
| Evans | MacDonald |
| Gilbertson | MacKenzie |
| Guindon | Makarchuk |
| Hamilton | Newman (Windsor-Walkerville) |
| Haskett | Nixon |
| Henderson | Paterson |
| Hodgson (Victoria-Haliburton) | Peacock |
| Hodgson (North York) | Pilkey |
| Jessiman | Pitman |
| Johnston (St. Catharines) | Reid (Scarborough East) |
| Kennedy | Ruston |
| Kerr | Singer |
| Lawrence (Carleton East) | Smith (Nipissing) |
| MacNaughton | Sopha |
| Meen | Spence |
| Morningstar | Stokes |
| Morrow | Worton—30 |
| McKeough | |
| McNeil | |
| Newman (Ontario South) | |
| Price | |
| Randall | |
| Robarts | |
| Root | |
| Rowntree | |
| Smith (Simcoe East) | |
| Smith (Hamilton Mountain) | |
| Snow | |
| Stewart | |
| Villeneuve | |
| Welch | |

AYES
Wells
White
Whitney
Winkler
Wishart
Yakabuski
Yaremko—51

**Clerk of the House:** Mr. Speaker, the "ayes" are 51, the "nays" 30.

**Mr. Speaker:** I declare the motion carried.

Motion agreed to; second reading of the bill.

Shall this bill be directed to Committee of the Whole House?

Agreed.

## MINING ACT

Hon. Mr. Bernier moves second reading of Bill 129, An Act to amend The Mining Act.

**Mr. Speaker:** Is it the pleasure of the House—

Interjections by hon. members.

**Mr. MacDonald:** They really do not want any consideration.

**Mr. Jackson:** Maybe some of them would like to get out of here and the way to do it is make some reasonable amendments to the bill so that we can get out of here. But at the same time the bill does not do what it is supposed to do, and that is to provide for the needs of northern Ontario. The remarks I made on the pits and quarries bill are, I think, quite applicable in this situation. We still have the situation of pits and quarries all over northern Ontario that are going to be left untouched.

**Hon. Mr. Snow:** Why does the member not table his last speech?

**Hon. Mr. Bernier:** The member should have been here during my explanation.

**Mr. Jackson:** Mr. Speaker, the minister says he wishes that I had been here, but I do not care what the minister says, the bill does not say it—and unless it is in black and white, I do not believe the Tory government will do it.

Interjections by hon. members.

**Mr. Pitman:** Calm down over there!

**Mr. Jackson:** All I am saying is that it is window dressing, and it is not really going to do the job the minister says it is going to do, and I would like him to withdraw it, make the necessary amendments to Bill 120 and bring them back to the House.

**Mr. Nixon:** And have him resign!

**Mr. Speaker:** Does the minister have any comment on second reading?

**Hon. Mr. Bernier:** Yes, Mr. Speaker—

Interjection by an hon. member.

**Mr. Jackson:** Why does the member not get up for once and speak?

**Mr. P. J. Yakabuski** (Renfrew South): The member for Timiskaming is taking all the time—

**Mr. Speaker:** Order!

**Mr. Yakabuski:** —and there is no time left.

**Mr. Speaker:** Order!

**Hon. Mr. Bernier:** Mr. Speaker, the amendments of this Act are, of course, to streamline and to provide housekeeping and they will provide greater administration within The Mining Act. There is no reference in the amendment with regard to pits in northern Ontario. The amendment with regard to the granting of permits for gravel pits is transferred from the central agency in Toronto to the mining recorders in northern Ontario in the various mining districts. We have received numerous complaints—

**Mr. Sopha:** Question! Question!

**Mr. Jackson:** Why have two bills to do the same job?

**Hon. Mr. Bernier:** Because one deals with Crown lands and the other deals with private lands, and I pointed this out in the explanation of the previous bill. I pointed out to the member for Thunder Bay, and he was very much in agreement, that we were changing the regulations under The Mining Act which would increase the royalties for gravel taken on Crown lands. In addition to this, there would be an extra number of cents per ton, which would provide for the rehabilitation of abandoned gravel pits in northern Ontario and on Crown lands and also for existing pits—

**Mr. Jackson:** Why does the minister not write it in the Act?

**Hon. Mr. Bernier:** It is in regulations.

**Mr. Jackson:** Why not write it in?

**Hon. Mr. Bernier:** It is in regulations and has been provided for.

**Mr. Jackson:** Why not write it in?

**Hon. Mr. Bernier:** It is in regulations and is very plain. The member has my comments in Hansard. Mr. Speaker, I have no further comments.

**Mr. Deans:** All the minister's comments are not worth anything.

**Mr. Speaker:** The motion is for second reading of Bill 129. Is it the pleasure of the House the motion carry?

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Agreed.

## NIAGARA PARKS ACT

Hon. Mr. Davis moves second reading of Bill 121, An Act to amend The Niagara Parks Act.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be directed for third reading?

Agreed.

**Clerk of the House:** The 16th order, House in committee of the whole; Mr. A. K. Meen in the chair.

The Honourable the Lieutenant Governor recommends the following:

RESOLVED:

*that* the moneys necessary for the purposes of section 45 of The Environmental Protection Act, 1971, shall be paid out of the consolidated revenue fund as provided in Bill 94, An Act to protect the Natural Environment.

Resolution concurred in.

**Mr. J. E. Bullbrook** (Sarnia): Did they include the $35 million from Dow in that? They might not get it this year.

**Hon. W. G. Davis** (Prime Minister): We might not get this year.

## ENVIRONMENTAL PROTECTION ACT

House in committee on Bill 94, An Act to protect the Natural Environment.

**Mr. Chairman:** Are there any comments, questions or amendments to any section of this bill? If so, what section?

**Mr. R. F. Nixon** (Leader of the Opposition): Section 3.

**Mr. Chairman:** Section 3. Any section before section 3?

**Mr. H. Peacock** (Windsor West): Section 1.

**Mr. Chairman:** The member for Brant has the floor.

**Mr. Nixon:** On section 3, Mr. Chairman, there is an amendment I want to offer for your consideration, sir, that is based on an experience that we had some months ago when it was brought to the attention of the House that the fishermen in the Great Lakes system, particularly in the west end of Lake Erie and in Lake St. Clair were deprived of their livelihood because of mercury pollution.

At the time, there was some considerable discussion in this House as to who would pay the costs of meeting the payments that were necessary to be made to the fishermen. The minister at the time came forward with a programme which would in fact make loans available, and a statement was made by a representative of the government—I do not know whether it was the Minister of Energy and Resources Management or the Minister of Lands and Forests—that the fishermen as individuals might bring suit against the alleged polluter, Dow Chemical, but the government would take no action on their behalf.

It was said further that the moneys advanced to the fishermen would be recovered if in fact they entered into suit and were successful. I recall at the time the discussions urging the minister—in that case, the Minister of Energy and Resources Management—to take action on behalf of the fishermen concerned. He said repeatedly that he did not have the power to take such action, and my amendment deals with increasing the powers that the minister would have under section 3.

The amendment to section 3 would be as follows; it would be a new subsection, subsection (k):

The minister may on behalf of Her Majesty the Queen and the right of the Province of Ontario and at the expense of the government of Ontario, bring action in any court in Ontario against any person who has done any act prohibited by this statute, for and on behalf of any person or class of persons whose health, livelihood or safety has been adversely affected by the commission of such prohibited act.

There is no sense in belabouring this. I would simply recommend it to the minister and the House for their careful consideration. I believe the responsibility of the government is to accept the power from the Legislature to enter into actions of this type. The minister explained some months ago that he did not have the power. He has not asked for it in this statute, but we in the Opposition feel that the responsibility of the government, either through this minister or through the Attorney General, is to acquire this power and the responsibility to act in the circumstances similar to those which I have briefly described.

**Mr. Peacock:** Mr. Chairman, we in this party support the amendment which has been moved by the Leader of the Opposition, and particularly like the references in the amendment, if I read it correctly, to the introduction of the thought into the legislation that a class action may be undertaken. Is that correct?

**Mr. Bullbrook:** Yes.

**Mr. Peacock:** The member for Sarnia assures me that it is. So a group of persons who are adversely affected by way of impairment of their health or damage to their property may combine together to go to the courts to recover adequate compensation and costs for the damage or injury which has been done to them.

As I pointed out to the minister on second reading, a group of persons on the west side of Windsor, have found themselves in the position where they just had no recourse under the statutes of this province. They formed together to undertake a class action in the courts of the state of Michigan, where such actions are countenanced, to sue polluters in that jurisdiction whose effluent was crossing the international boundary and causing harm to health and property, and they are proceeding with that action. Insofar as this amendment encourages that, then we in this party give our support to it.

**Mr. Chairman:** Do any other members wish to comment on this amendment before the minister replies? The member for Sarnia.

**Mr. Bullbrook:** Mr. Chairman, if I just might, I would just like to add one very short thought. It is inferentially included, of course, in the comments by my leader, but the essential ingredient and the ingredient that we propounded for the minister's attention some 18 months ago, was the difficulty that faces these people on these classes of people in taking on highly sophisticated, very wealthy, huge corporations.

They just do not have the technical expertise, they do not have the financial resources so to do. This amendment put forward by my leader, of course, puts the onus upon the government to protect the interest and bring some degree of equity and balance and justice to the courts.

**Mr. Chairman:** Any other members? The minister.

**Hon. G. A. Kerr** (Minister of Energy and Resources Management): Mr. Chairman, this is a compensatory type of provision. It really is making it possible for the minister to undertake an action in tort really, although it does refer to the statute. I might refer the hon. members to section 27 and section 28. First of all, 18 provides a provision whereby the minister may order that damage that is caused as a result of contamination be repaired, and this of course would apply to anybody suffering such injury or damage. Section 27—

**Mr. Bullbrook:** That does not indemnify that section, as you know.

**Hon. Mr. Kerr:** No, right! And section 27 really refers to plant, fish or other living matter. This is where the quality of the water is impaired, as in the mercury situation, and this gives us some power to—

**Mr. Bullbrook:** What subsection are you referring to?

**Hon. Mr. Kerr:** The new section 27 on page 94. What I am saying here is, I realize it does not go as far as the amendment provides, but I think as we indicated on second reading, that this is basically regulatory legislation. It is legislation giving the department, the minister and the government certain powers to prevent pollution, certain powers

before the fact so that situations will not develop where there is possibility of contamination or injury.

I think that by adding this particular subsection, you are really going beyond the basic philosophy of this legislation, which is control legislation. I think that the amendment and the purport of the proposed section would be much better in separate legislation, a fisheries compensation Act, a personal injuries compensation Act, or something like that, dealing with this type of remedy. I think it would be much better than making it part of this type of legislation.

**Mr. Bullbrook:** This is the Act that spells out the minister's powers. It should be in this Act.

**Hon. Mr. Kerr:** Well, as I say again, it would go beyond any legislation as is intended by this proposed section; we get involved in the whole field of tort and of damages.

**Mr. Bullbrook:** Would the minister permit a question at this stage? Is it not a fact, Mr. Chairman, that the minister is involved, and as a matter of government policy he is involved, as the minister, in the whole field of tort right now? The only proposition being put forth, quoted by my leader in this amendment, is to enable the minister to take that type of action on behalf of a person or a class of persons. And I am wondering if it would be reasonable for us to expect him to direct his comments to the question of indemnification if, as a matter of policy, he is prepared to go that far. It seems that he is.

Is it unfair also for us to ask the question, since this is enabling legislation that tells the people of Ontario the powers that the minister will have, and his obligations concurrent therewith, why should not these powers be in this statute?

**Hon. Mr. Kerr:** Well I agree that the whole field of tort is involved in many of the sections dealing with control. However, as I say, they are more of prevention and control before the fact, in other words. The proposed amendment in fact is a remedy after the fact, after the damage has occurred, after somebody has suffered damages, so that there is the whole element of compensation.

I agree, as submitted by the hon. member, that there should be broader provisions in our legislation for indemnification. I agree. But I do not think that it should be in this particular bill. I think that if we are going to have a whole philosophy or a whole provision dealing with compensation, such as in the situation in the Lake St. Clair area, this should be a bill dealing specifically with fisheries, say, which would be introduced by my colleague, or a general bill providing for compensation in the event of damage from pollution.

But I do not think—

**Mr. Bullbrook:** Will the minister permit me just to make a comment at this stage, since it probably is worthwhile that we do have some type of dialogue? The very purpose that the amendment takes place in this legislation is that my hon. leader does not just visualize the necessity of this minister to protect fishermen alone. The fact of the matter, as the minister well recognizes, is that he might be called upon in the future to protect farmers in connection with the loss of water quality. And he might be called upon to protect other classes of persons. So it should be in this general enabling legislation, sir.

**Hon. Mr. Kerr:** In my remarks there was no intention to limit the class of persons; we were using fishermen and the mercury situation as an example. But I cannot help but feel that if we brought in an amendment like this—although for some reason or other it is permissive—if we are going to bring it in, let us bring it in and possibly make it mandatory. But at the same time—

**Mr. Bullbrook:** The minister does not want to make it mandatory.

**Hon. Mr. Kerr:** Well, in any event, I can see a situation where we would have to set up a separate branch dealing with litigation and prosecutions all over the province.

**Mr. Bullbrook:** Purely permissive!

**Hon. Mr. Kerr:** I know. But how would we pick and choose?

**Mr. Nixon:** The government has a $25 million suit on now!

**Hon. Mr. Kerr:** That is the section we got rid of at the end of this Act, section 102, where there was a certain amount of permissiveness, shall we say, in the mind of the minister as far as who was going to sue and who was not. And it would be the same thing here—

**Mr. Nixon:** That is permissive legislation.

**Hon. Mr. Kerr:** Every group would require or demand that the minister take action on their behalf. And I can see a multitude of actions being required or requested to be launched—

**Mr. Bullbrook:** There is nothing reprehensible in the amendment at all—not one thing reprehensible!

**Hon. Mr. Kerr:** I do not want to use that word. I think basically the idea is very good, but I do not think it should be in this Act. We have considered compensation—

**Mr. Bullbrook:** Do you want a fishermen's protection Act, a farmers' protection Act?

**Hon. Mr. Kerr:** No, I think we can do it in broader, more general legislation. I agree with that.

**Mr. Nixon:** A fisherman's bill all right—this is an environmental bill of rights.

**Mr. Chairman:** Order.

**Hon. Mr. Kerr:** I am not averse to the idea of legislation dealing with indemnification, but I do not think it should be in this legislation. I think it takes a separate bill with the whole procedure being set up on how to deal with suits of this kind, how the minister would deal with them, how he would sign class actions, commence—

**Mr. R. Haggerty** (Welland South): All this bill is is a lot of talk.

**Hon. Mr. Kerr:** —class actions, what the basic grounds would be, the provision for evidence in the whole thing. It is more than this subsection.

**Mr. Bullbrook:** Would it be unfair then for us to take from the minister's remarks that he is giving us at least some kind of collateral undertaking as far as government policy is concerned? It does not satisfy my hon. leader, because the fact of the matter is, as I mentioned before, there is nothing unattractive at all in the acceptance of this. You could very easily, if you want to bring in some general legislation in the future, amend this statute and take the powers out.

All the Leader of the Opposition is asking the minister, Mr. Chairman, through you, is to say to the people of Ontario: "We now have the power to protect you." To say that this legislation is purely control legislation is not correct. The fact of the matter is you are given significant powers in this. Not just powers of control, but remedial powers and punitive powers.

**Mr. Chairman:** The member for Windsor West.

**Mr. Peacock:** Mr. Chairman, with reference to section 93 I believe it was, the compensatory sections of course leave out any reference to compensation for injury to human health, damage to real or personal property, and provide only for the negotiation of a settlement. There is simply nothing in 93 which in any way fulfils what the amendment moved by the Leader of the Opposition seeks to do; that is, to permit a person or persons to sue for compensation on account of the damage that they sustain.

**Mr. Chairman:** Anything further?

All those in favour of the amendment will please say "aye."

All those opposed will please say "nay."

I declare the "nays" have it.

Section 3 agreed to.

On section 4. The member for Windsor West.

**Mr. D. A. Paterson** (Essex South): Section 3, Mr. Chairman?

**Mr. Chairman:** Section 3 has been carried.

**Mr. Paterson:** Could I ask one question?

**Mr. Chairman:** Yes, you may ask a question, but the section is carried.

**Mr. Paterson:** On 3(a) the minister is appointing people to investigate problems of pollution, waste management and waste disposal. I would like to get a clarification from the minister as to who has the ultimate responsibility. I assume that it will be people in his department, as compared to those persons in the waste management section of county health units. I am thinking specifically of my own county health unit where there are people in the field doing waste management work, septic tanks, sewage problems and so forth. Is this bill going to put these people out of business?

**Hon. Mr. Kerr:** Right.

**Mr. Paterson:** What is going to happen?

**Hon. Mr. Kerr:** Mr. Chairman, I think the hon. member was referring to section 3(a). Well, the idea of that section is quite general, to investigate problems of pollution, waste management and so on. For example, in both

waste management and waste disposal the department is undertaking studies at the present time, mainly on a county basis but in some bases on a regional basis, as to the best way for an area to set up disposal units or incineration or sanitary landfill sites on a larger or area basis, mainly because certain parts of that area, maybe a town or a township, just do not have the wherewithal or the area to provide this for the people. So we are undertaking studies to suggest methods by which those municipalities can properly and efficiently dispose of their wastes.

I think in the last few remarks of the hon. member, he was getting into the whole area of septic systems, was he not?

**Mr. Paterson:** What I want to know is what is going to happen to the personnel of the existing county health units who are doing this type of inspection work and who are co-operating with the minister's area officials at the present time. Are they going to be out of a job and superseded by the minister's people or are they going to continue working together?

**Hon. Mr. Kerr:** I do not assume or propose that any of these people be out of a job. For example, the local officer of health and his inspectors are involved in the whole area of health inspection—for example, food, hospitals, hotels, restaurants, as well as septic systems and certain areas in waste management.

So I would think their duties would be restricted and the area that is now under this legislation would be dealt with probably by new personnel or, for example, in the event, that the local medical officer of health or the staff, because of reduced responsibilities, only needs three inspectors instead of six. If that should occur, I would think that we would be involved in hiring those people.

**Mr. Paterson:** That is the answer I wanted.

**Mr. Chairman:** Section 4, the member for Windsor West.

**Mr. Peacock:** Mr. Chairman, I would suggest to the minister that this part II, as enacted by section 4, ought to include a reference to the environmental council that is established in part XII of the Act, for reasons that will become clear when the amendments are moved to later sections of Part II. I think that part II, which sets out the general provisions, ought to contain within it the provisions of the bill enacting the establishment of the environmental council and setting out its duties.

Let me leave that for the moment and ask the minister why the office of the chairman of the Ontario Water Resources Commission, rather than the general manager of the commission, is to be designated as a director. Is there any diffculty with the sense of this section in which any one of four different offices of director may mean "director" for the purpose of this part of the Act, when one or more of them may be involved in carrying out the provisions of part II?

**Hon. Mr. Kerr:** Mr. Chairman, in part II there is a definition of "director" and there are the directors of the various branches, including the OWRC.

**Mr. Peacock:** That cannot mean all of them. The word "director" cannot mean each of the directors—the director of air management, the director of waste management and so on—and all three or four or more of them together. It means one or the other.

**Hon. Mr. Kerr:** Yes, it can be each one. For example, under "litter" or more particularly under "herbicides and pesticides," which is part VI you could have the director of waste management, for example, or the director of OWRC. It depends on whether it deals specifically with waste or if there is a question of the contamination of water involved here. In both situations, under that particular part, you may require the services or the appointment of two directors.

**Mr. Peacock:** Not all four of them at once.

**Hon. Mr. Kerr:** No. But I do not see from the wording whether or not that would require all four. Does the hon. member think we should have between (a) and (b) the word "or?"

**Mr. Peacock:** "Or." Yes!

**Hon. Mr. Kerr:** All right. I am not averse to an amendment such as that, if it is from the point of view of clarification, Mr. Chairman.

**Mr. Peacock:** I just do not know if it is necessary or not, but can the minister tell us—

**Mr. Chairman:** Does the minister wish that amendment to be made—the suggestion that "or" be inserted at the end of the second line of subparagraph (a) of section 4?

**Mr. Peacock:** And again in (b).

**Hon. Mr. Kerr:** Mr. Chairman, I want to make it clear that there could be situations, as I have said, where you would require the services of more than one director, dealing with a particular matter. So I do not want to limit that by—

**Mr. Peacock:** I can see that.

**Hon. Mr. Kerr:** Yes. So I do not think the word "or" is required there.

**Mr. Peacock:** Can the minister say why the chairman of the Ontario Water Resources Commission is to be designated as one of the directors, rather than say the general manager? I ask this because it may not be that in every case the chairman would be a full-time officer. Or is it required by the Ontario Water Resources Commission that the chairman should be a full-time officer of the commission?

**Hon. Mr. Kerr:** Certainly, Mr. Chairman, as long as the Ontario Water Resources Commission continues in existence under its present setup, or similar to its present setup, the chairman would be a continuing officer. He is the senior officer in the commission; he is the number one man, really; he is over the general manager. His duties are somewhat different, but I think that in comparsion with branch directors he is probably a more likely person for this Act than the general manager.

**Mr. Peacock:** I do not wish to belabour this, Mr. Chairman, but since the commission is somewhat independent of the minister, the chairman of the commission holds a position somewhat analogous to that of the minister. The general manager of the commission holds a position somewhat more comparable to that of a director of one of the branches.

**Hon. Mr. Kerr:** Mr. Chairman, the chairman may be making more money than I am, but I do not think that he is as powerful as I am.

Interjections by hon. members.

**Hon. Mr. Kerr:** I do not want to belabour this, but where you have the general manager dealing with the whole day-to-day administration of the commission, including those areas that are not provided for in this bill, it seems to me more logical that we have the chairman.

**Mr. Chairman:** The member for Welland South has a question on section 4?

**Mr. Haggerty:** Thank you, Mr. Chairman.

My concern is that I see nothing mentioned in the total Act here of the word "noise," noise pollution. Dealing with part II, section 4, I have an amendment. I move that section 4, part II, be amended by adding, after section (b), a new section (c), by adding the following: "the director of the noise management branch of the department," and a new section (d), "such other directors of branches of the department as may be designated by the minister to administer any part or parts of this Act."

Interjections by hon. members.

**Hon. Mr. Kerr:** Mr. Chairman, if I might refer the hon. member first of all to the definition in section 1 (c) of contaminant:

> "Contaminant" means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them present in the natural environment as—

It is our intention that this includes noise.

Section 6, which is our prohibition section, says: "No person shall deposit in, add to, emit or discharge into the natural environment any contaminant—I think section 15 is another prohibition section where we are not able to measure the contaminant, which would be noise or the emission.

And in section 16 we deal in a broader sense by way of saying that if "the emission or contaminant has an offensive odour; may endanger the health or safety—" and so on.

So I feel that this Act in those particular sections does provide for noise. Then, of course, later on in the Act there are provisions to provide regulations dealing with noise.

**Mr. Haggerty:** Mr. Chairman, that might be well what the minister said—and I think the regulations would cover sound and vibration—but if we look at section 1 (i), it says: "'Natural environment' means the air, land and water—" Again, it does not define the word "noise" or any combination or part thereof. This is the point I am trying to get to the minister.

When it comes to part II, the general provisions, it says: "In this part, 'director' means—" and then it spells out: "(a) The director of the air management branch of the department; (b) the director of the waste management branch of the department—" Perhaps you will have further in the Act

water management director, but I wanted to make sure that the word "noise" was spelled out there.

The reason I bring this to the minister's attention is that there is a new industry that has located in the city of Port Colborne, and I am sure before long it will be receiving a petition from a number of the ratepayers within the area objecting to the noise from a drop forge. This can cause quite a nuisance within the area, and I do not know just how the minister would plan on controlling this type of noise. The building has already been erected and they are presently working on the drop forge. I just cannot see where the minister is going to have any regulation that would actually control this. This is why I want to put the word "noise" in there—to make sure it is going to be covered.

**Mr. Nixon:** Good idea!

**Hon. Mr. Kerr:** Well, I might clear this up. Again, the hon. member referred to the definition of natural environment. It means the air, land and water. Certainly noise would be included in that classification. We can use the words "air" or "the atmosphere."

**Mr. Haggerty:** Well, now the minister is speaking in pretty broad terms. He is talking about all kinds of pollution.

**Hon. Mr. Kerr:** Yes, well I am hoping that is everything—air, land and water—as far as the natural environment is concerned.

**Mr. B. Newman:** Why not be specific?

**Hon. Mr. Kerr:** That is right, it is the medium.

Now I might also refer to section 94 (1) c, which is quite specific; I would say that is really almost dealing specifically with noise. It says: "Prescribing maximum permissible amounts, concentrations or levels of any contaminant." So if we are dealing with noise, with vibrations, and requiring certain decibel levels, either at the manufacturer's level for the equipment that is available—for example, a snowmobile or a mower—or, as I say, if we want to go back to the source the hon. member was talking about—for example, a plant that may be aggravating neighbours—this particular section covers that. Now I have here—

**Mr. Haggerty:** But we cannot say that is air pollution though.

**Hon. Mr. Kerr:** To satisfy the hon. member—I thought we dealt with this section. What particular section does he want amended?

**Mr. Haggerty:** By adding that section to part II—director of noise.

**Hon. Mr. Kerr:** I think his amendment is too involved.

**Mr. Haggerty:** I would like to add it into the first

**Hon. Mr. Kerr:** Is it all right if we have it under the definition of contaminant?

**Mr. Haggerty:** Why not incorporate it in—

**Hon. Mr. Kerr:** I am satisfied, and I do not know what more I can say. I can keep repeating myself, that the definition in section 1 (c) includes noise. You know in any dictionary it means any solid or gas, odour, heat, sound, vibration.

**Mr. Bullbrook:** Is the minister saying that sound and noise are synonymous?

**Hon. Mr. Kerr:** Pretty well, yes.

**Mr. Bullbrook:** I am not taking issue with him. I just wanted to know.

**Mr. B. Newman** (Windsor-Walkerville): Why not specify noise?

**Mr. D. C. MacDonald** (York South): Mr. Chairman, are we still on 4?

**Mr. Chairman:** We are still on 4.

**Mr. MacDonald:** Mr. Chairman, I would like to ask the minister a question to satisfy my own curiosity. By including the chairman of the Ontario Water Resources Commission as a director in the meaning of this Act, what exactly is the significance of that? Does that in effect mean that The OWRC Act becomes part of this Act except that the agency retains its autonomy and independence, but the integration is assured because the chairman becomes a director of this Act?

**Hon. Mr. Kerr:** Mr. Chairman, I would say that in consultation with the officials of OWRC we decided on the chairman and he is the senior official of the commission. We decided that rather than appoint, for example, the general manager who was more involved in the day-to-day operation of the—

**Mr. MacDonald:** That is not the point I am raising. The point I am raising is that since the chairman has been designated as a director, does that, in effect, mean that The

OWRC Act becomes a part of this Act? Its operations are in effect integrated with this Act although the agency retains its independence and autonomy as an on-going emanation of the Crown?

**Hon. Mr. Kerr:** Yes Mr. Chairman, if the hon. member will refer to part 4 dealing with water where there are certain sections set out—sections of the existing OWRC Act which will become part of this Act. Certainly the way this part is written now it does not include all the operations of the commission by any means. Really, for the purpose of this Act when we are dealing with water, certain sections which are mainly regulatory and enforcement sections are now part of this bill. Therefore, we require someone such as the chairman to be appointed under this Act for the enforcement of orders and other things, such as other branches that are in this bill.

**Mr. Chairman:** Gentlemen, we have an amendment proposed by the member for Welland South that there be added subclause (c) as follows: (c) The director of the noise management branch of the department and.

All those in favour of the amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

Section 4 agreed to.

**Mr. Chairman:** Section 6?

**Mr. K. C. Bolton** (Middlesex South): Section 5, Mr. Chairman. I would like to ask the minister the significance of section 5: "Nothing in this Act or regulation prohibits the disposal of animal waste in the normal operations of a farm."

What is the significance of this and the intent of it? Does it give complete carte blanche to the farmer to pollute the air any way he likes with a piggery or to dispose of animal waste in streams and so on? What is the purpose of it?

**Hon. Mr. Kerr:** Mr. Chairman, it is not the intention really of this section to give the farmers complete carte blanche. As the hon. member would appreciate, for example, if he refers to section 15—

**Mr. Nixon:** I mean the minister has got it both ways.

**Hon. Mr. Kerr:** Right!

**Mr. Nixon:** Whatever kind of letter the minister gets he can point out the appropriate section. The minister has got it both ways—precisely.

**Hon. Mr. Kerr:** I really do not know what the hon. member is driving at yet. Just give me a minute here.

**Mr. Nixon:** All right.

**Hon. Mr. Kerr:** We talk about no person adding to or depositing into the natural environment a contaminant that has an offensive odour. The hon. member knows that this is part of a normal farm operation—

**Mr. Nixon:** What does the law say?

**Hon. Mr. Kerr:** —that you are going to have a little oofrapaloofra out behind the barn. You do not want to sue that man because he happens to have a pile there—

**Mr. Nixon:** It says notwithstanding any other provision in this Act you cannot make an offensive odour on a farm.

**Hon. Mr. Kerr:** No, but I think that section 5—

**Mr. Bullbrook:** I like the smell.

**Hon. Mr. Kerr:** It is the opinion of the draftsmen that section 5 is a catch-all section and that the provision in section 15 does not override that.

**Mr. Nixon:** It says "notwithstanding any other provision."

**Hon. Mr. Kerr:** No. But there you have a specific section in section 5—"Nothing in this Act or regulations prohibits the disposal of animal waste in normal operations of a farm" —I do not think anything else overrides that in this bill. Now I may be—

**Mr. Bullbrook:** The judge would fall off the bench if he were reading those two sections together. He really would.

**Hon. Mr. Kerr:** Well, I think the—

**Mr. Nixon:** So would anybody else if you read the two of them. You have got them both ways.

**Hon. Mr. Kerr:** You are picking up my argument. I am trying to answer the hon. member. As I say, we are not eliminating the farmer from our control or regulations as far as contamination and pollution are concerned. The hon. member mentioned the contamination of streams, for example, that run through

a farm. In my opinion that is not a normal or a good farm practice and therefore he would be in breach of this Act.

**Mr. Nixon:** It does not say "good." It says "normal."

**Hon. Mr. Kerr:** This is the intent. I do not feel, Mr. Speaker, that in the event of a prosecution under this Act—

**Mr. Bullbrook:** They go scot-free.

**Hon. Mr. Kerr:** —in the event for example that OWRC analyses water downstream from that farm and it indicates that he has—

**Mr. Nixon:** Oh, forget it.

**Hon. Mr. Kerr:** —been putting liquid manure on ice on his farm, he is subject to prosecution under this Act.

**Mr. Nixon:** Oh-ho! Is that right?

**Hon. Mr. Kerr:** Yes, this is the type of thing.

**Mr. Nixon:** Mr. Chairman, the minister had better make it clear whether he considers spreading manure in the wintertime normal farm operation or not. He has specifically referred to it.

**Hon. Mr. Kerr:** Did I?

**Mr. MacDonald:** He said "on the ice."

**Mr. Chairman:** He said "on ice."

**Mr. Nixon:** Well, sure. That is where it goes. You do not have to spread it in the middle of the river. You could spread it on ice and it ends up there. That is where it does end up. It is not good practice but it is normal, believe me.

**Hon. Mr. Kerr:** I am thinking, for example if that particular field was on a slope down to a stream—

**Mr. Nixon:** They are all on a slope down to a stream. All of them are.

**Hon. Mr. Kerr:** —and it ends up in the stream.

**Mr. Bullbrook:** How do you reconcile those two sections really? How do you reconcile those two? One section says, "nothing in this Act will affect that section" and then you go to the other section and it says, "notwithstanding any other provision of the Act." They are mutually exclusive.

**Mr. Nixon:** No doubt about it.

**Mr. J. E. Stokes** (Thunder Bay): You had better shore that one up a bit.

**Hon. Mr. Kerr:** Well, Mr. Chairman—

**Mr. Bullbrook:** You really do not need 5. Might I suggest that? You really do not need 5, because 5 is purely placating some rumblings you got either from the minister or the rural community. The fact of the matter is you are not going to be prosecuting farmers who operate normally. I think it is a redundancy to put that in.

**Mr. Peacock:** There is not one farmer on the opposite benches. Not one. They are all across the hall. Take it out right now. They are all across the hall.

**Mr. Bullbrook:** Would the Premier agree with that? It is a bit of a redundance.

**Mr. Peacock:** Not one, except the minister.

**Hon. Mr. Kerr:** I agree that we do not prosecute farmers who undertake normal, good farm operations. But in view of the very broad provisions of section 15 for example, the agricultural community can really say that having a normal operation, keeping a barn, keeping cattle, would subject them to prosecution under 15(a).

**Mr. Bullbrook:** But Mr. Minister, they can still say that; because the agricultural community, be they lawyers or not, can read the words "notwithstanding any other provision of this Act." Now, that is what causes my leader great concern.

**Mr. Stokes:** If it is "normal" for them to pollute you are going to continue to allow them to do so?

**Hon. Mr. Kerr:** All right. In the interest of clarification—and I think there is some validity to the submission of the hon. members for Sarnia and Brant—if we deleted—

**Mr. Stokes:** And Middlesex South!

**Hon. Mr. Kerr:** —section 5 and added a subsection to section 15, say, section 15, subsection 2, which says: "Clause (a) of subsection 1 does not apply to animal waste disposed of in accordance with good farming practices."

Do members like that? I think that is great.

**Mr. Bullbrook:** That is right on.

**Hon. Mr. Kerr:** So what we would do is delete section 5 and add, Mr. Chairman,

a subsection to section 15 which would be section 15(2) which would read: "Clause (a) of subsection 1 does not apply to animal waste disposed of in accordance with good farming practices."

**Mr. Peacock:** No.

**Mr. Bullbrook:** The hon. member does not like that. What is wrong?

**Mr. Peacock:** No, I do not like the word "good."

**Mr. L. C. Henderson** (Lambton): That will not meet the hon. member's needs. He has a pig sty in his area.

**An hon. member:** Hear, hear. Send somebody over to pick this—

**Mr. Bullbrook:** Give it to him!

**Mr. Bolton:** Mr. Chairman, I have worked on farms. I recognized the fact that pigs are going to smell and the smell does no harm. But I also have, as does the hon. member opposite, a great many complaints about excessive odour at particular times of the year in pig factories.

**Mr. Henderson:** Any time of the year it counts. Any time of the year is important.

Interjections by hon. members.

**Mr. Bolton:** All right, I have asked the minister that there should be certain regulations applied to these cases. There should be no carte blanche provisions to exempt people from pollution of that kind. That is all. And what the minister says quite meets our needs.

**Hon. Mr. Kerr:** Just take out the word "good" if the member wants to.

**Mr. Haggerty:** Mr. Chairman, I wonder why the minister has not used what is suggested in the book "Suggested Code of Practice for the Establishment of New Livestock Buildings, Renovation or Expansion"—

**Hon. Mr. Kerr:** If there was only some way.

**Mr. Haggerty:** "—of Existing Buildings or Disposal of Animal Waste"?

I wonder why he has not incorporated some of this in the new bill here?

**Hon. Mr. Kerr:** Mr. Chairman, in that code, which is nothing more than a code, there is no enforcement section. It is a guide for the community and deals strictly with agriculture.

This bill is a very broad bill dealing with everything. What else would the hon. member suggest we incorporate in here?

**Mr. Haggerty:** How is the minister going to force a certain piece of property or establishment that is definitely creating a nuisance, an odour nuisance? I can think of a couple of places in my particular riding where the minister's staff have been in at different times trying to find some solution to it.

**Hon. Mr. Kerr:** Could I have that subsection?

**Mr. Bullbrook:** Are they farms?

**Mr. Haggerty:** Yes. Both.

**Hon. Mr. Kerr:** Have you got another copy of that subsection?

**Mr. Chairman:** Gentlemen, it has been moved by the minister that section 5 be deleted and that subsection 2 be added to section 15 which would read: "Clause (a) of subsection 1 does not apply to animal waste disposed of in accordance with"—and it did have "good farming practices"—but I understand the minister wishes to delete the word "good." So it will read, "in accordance with farming practices."

**Hon. Mr. Kerr:** "Normal farming practices."

**Mr. Chairman:** "Normal farming practices."

**Mr. Bullbrook:** We have to have some criteria.

**Mr. Chairman:** "In accordance with normal farming practices."

All those in favour of the motion will please say "aye."

All those opposed will say "nay."

**Hon. Mr. Kerr:** Unanimous!

**Mr. Chairman:** Carried!

Interjections by hon. members.

**Mr. Chairman:** Is there any discussion of any section between section 5, now deleted, and section 16?

**Hon. Mr. Kerr:** Mr. Chairman, I just might mention that the same subsection should be in section 16.

**Mr. Chairman:** I will come to that in a minute then. Is there anything in between?

The member for Windsor West.

**Mr. Peacock:** Mr. Chairman, section 6 is one of the fundamental clauses of this Act. It says very little—

**Hon. Mr. Kerr:** Oh, I am sorry, we are not there yet.

**Mr. Peacock:** It speaks of contaminants, and contaminants are defined as "any natural medium." These contaminants do not become pollutants until, I assume, they are caught by the levels set by the regulation. The section is difficult to read parallel with a section such as 27, subsection 1, of The Ontario Water Resources Commission Act, which has much more precise language as to what the prohibition against pollution of the waterway happens to be. I ask the minister if he can tell us how the prohibition in 6 relates to the prohibition found in section 27, subsection 1, of The Ontario Water Resources Commission Act. This prohibits any municipality or person from discharging or depositing anything at all into any waterway and then goes on to create an offence for doing so, on summary conviction, making that person liable to a fine. How do they read together?

**Hon. Mr. Kerr:** Mr. Chairman, section 6, as I have indicated, is a prohibition section dealing mainly where we are able to measure the contaminant—where we have some standard or criterion, such as the stack emission or, in the future, decibel levels as far as noise is concerned. One has to read 6 in conjunction with the definition of contaminant.

Section 27, I realize, is more specific as far as the injury is concerned, but we are talking here about a substance that is added to water, for example, that will do certain things and we—

**Mr. Peacock:** Section 27 does not make sense.

**Hon. Mr. Kerr:** Yes, section 27 makes a great deal of sense. We are talking about a substance. In other words, we are broadening the interpretation of impaired water quality. For example, again, we go back to mercury in water; the water itself really, if you analyse the water, meets all our standards and criteria. Really, the quality of that water has not deteriorated.

**Mr. Peacock:** You are talking about something else altogether.

**Hon. Mr. Kerr:** We are talking about if you put something in the water and it causes injury to any person, animal, bird or other living thing. In the situation with mercury, fish were injured from the point of view of contamination and it results in the limitation of the consumption of fish or other living matter.

Then we go on, of course. The main purpose of this section is requiring a permit or a licence. This is not so much a control section or a prohibition section. It is a specific requirement under a part of the Act, particularly from the point of view of insecticides or pesticides.

**Mr. Peacock:** Mr. Chairman, in every case, in section 6 or section 27, the Act purports to set up a prohibition and then it immediately takes away from—

**Hon. Mr. Kerr:** I cannot hear the member.

**Mr. Peacock:** I said, Mr. Chairman, in each of section 6 and section 27 or wherever prohibition is set up, the Act immediately proceeds to take away from that prohibition. It does so in a manner which I described in second reading as considerably reducing, I think, the force of the prohibition in each case, as compared with the kind of prohibition that is enacted in The Ontario Water Resources Commission Act, for instance.

Why is it that the minister did not place sections 15 and 16 with section 6? Or that the section 103, subsection 1, in the miscellaneous provisions was not brought up into the general provisions of part II, so that all of the prohibitions are together in one place and the violation of the prohibition is made an offence in that same part of the Act, and it is set out there immediately thereafter that the offence is punishable by a fine or prison and so on? And bring it all together so that the prohibitions are expressed in a more absolute way than are now set out and that the force of the sanctions is immediately evident and visible side by side with the prohibition.

**Hon. Mr. Kerr:** Mr. Chairman, there is no particular reason why 6 and 15 are not together. They are in the same part of the Act under general provisions. The whole section under general provisions sets up your prohibition section and how you implement those controls and enforce that prohibition, so that there is no specific reason. I think that it is clear enough, really.

Then section 103 is the offence section. It is at the end of the Act, after you have a series of prohibitions, stop orders control

orders, potential offences and then you have your penalty section. I think it is natural that it should be at the end.

**Mr. Chairman:** Does section 6 carry?

**Hon. W. A. Stewart** (Minister of Agriculture and Food): No, Mr. Chairman.

**Hon. Mr. Kerr:** We are on section 6.

**Hon. Mr. Stewart:** I know the minister is on 6. The problem that I see here, with respect, Mr. Chairman, to the minister, is that when you read section 6: "No person shall deposit in, add to, emit or discharge into the natural environment any contaminant"; now when you read "contaminant," that to me could very well include animal wastes. Now, with the removal of section 5, as has been pointed out by the minister, in favour of the addition of subsection 2 to section 15, in my humble opinion, section 6 then simply means that no farmer can clean his stable out. He can, in no way, "emit or discharge into the natural environment any contaminant," any stable effluent, that would create, in any way, an odour problem.

**Mr. Peacock:** Read the last phrase, which is an extension to the regulation.

**Hon. Mr. Stewart:** To me that is simply completely redundant and cannot be operated as far as the farm is concerned. I point out that in section 9 we come to the same kind of a situation. I will deal with that one later on. Once you take out section 5 you immediately put the farmer back into an untenable position under section 6.

**Mr. Nixon:** Mr. Chairman, if you will look at that section 6, it says: "No person shall emit or discharge into the environment in concentrations or levels in excess of that prescribed."

**Hon. Mr. Stewart:** Right! How can you prescribe the level of odour of animal waste in regulations? As a dairyman, with great respect to the Leader of the Opposition, I expect he likely clears his dairy barn twice a day, as is normal farming practice for a dairy farm, likely by automatic stable cleaner.

Another dairyman right down the road may use a loose pack system and builds up a concentration of animal waste with bedding to three or four feet in depth. It comes time that he has to remove that from the stable lounging area. There is no way you can compare the odour levels of one in comparison with another. It just cannot be done.

How are we going to prescribe in the regulations what animal odours can be permitted?

**Mr. Nixon:** The same way we prescribe in section 15.

**Hon. Mr. Stewart:** No way!

**Mr. MacDonald:** Is the minister's worry not met by the additional clause that was put in section 15?

**Hon. Mr. Stewart:** I do not read it so. I I think that the subsection put in in section 15 quite adequately takes care of section 15 "having an offensive odour." You do not see that in section 6 at all. I just do not think that it will work.

**Hon. Mr. Kerr:** The only thing that I want to say, Mr. Chairman, I think the hon. minister answered his question in that it would be difficult to measure odours, particularly odours of this kind, and therefore it would not come under section 6. It would apply under section 15. Section 6 deals only with those emissions, shall we say, that can be measured by criteria—decibels, emission levels and things like this, whether it is sulphur dioxide, lead or something like that. So we would not attempt to measure that type of a contaminant—an agricultural contaminant, shall we say, or animal waste—under section 6. But I have no objection to adding the same subsection, similar wording to section 6 that we did in section 15.

**Hon. Mr. Stewart:** Fine.

**Mr. Henderson:** Mr. Chairman, it would appear to me, as I have listened to the debate, that the opposition is not worried about the problems of this province—

**Mr. MacDonald:** Oh go away!

**Mr. Henderson** —they are worried about personal gains, the opposition and the NDP.

Interjections by hon. members.

**Mr. Henderson:** This bill is very good for the farmers of Ontario—

**Mr. MacDonald:** Go out for a walk!

**Mr. Henderson:** —and I think it should be adopted in its entirety.

**Mr. MacDonald:** The minister accepted it. What is the member doing?

**Mr. Henderson:** They do not know the problems of the people of this province.

**Mr. Chairman:** I think the minister is suggesting that section 6 have added at the end—

**Hon. Mr. Kerr:** A subsection.

**Mr. Chairman:** As a subsection, so section 6 would be (a) and (b), I expect.

**Hon. Mr. Kerr:** Clauses 1 and 2.

**Mr. Chairman:** All right. Clauses 1 and 2, and clause 2 would read: "Clause 1 shall not apply to animal waste disposed of in accordance with normal farming rights."

Interjections by hon. members.

**Mr. Chairman:** So we will treat that as an amendment then to section 6 by adding subsection 2. Is there any further discussion of section 6 and the amendment proposed. All those in favour of the amendment will please says "aye." All those opposed will please say "nay."

Section 6, as amended, agreed to.

**Mr. Chairman:** Is there any further discussion to any section up to and including section 15, which has been passed? Anything in between?

**Mr. Stokes:** On section 9.

**Mr. Chairman:** On section 9, the member for Thunder Bay.

**Mr. Stokes:** I move that section 9 be further amended by renumbering the present subsection 4 to become subsection 5 and by the addition of a new subsection 4 to read as follows:

(4) Before giving his approval, the director shall give notice to the council of his intention to give or withhold approval, and the council shall hold public hearings on the plans and specifications, or change or increase, and call witnesses and receive representations from any person with an interest in the matter.

**Mr. Chairman:** It is moved by the member for Thunder Bay that there be an addition of a subsection 4, with the present subsection 4 being renumbered as subsection 5, as follows:

> (4) Before giving his approval, the director shall give notice to the council of his intention or give or withhold approval, and the council shall hold public hearings on the plans and specifications, or change or increase, and call witnesses and receive representations from any person with an interest in the matter.

Any discussion on the amendment? The member for Windsor West.

**Mr. Peacock:** Yes, Mr. Chairman, as I indicated in speaking to section 4, it was our intention to bring into part II the work of the council and to provide that the council should be referred to whenever any of the other provisions of section 9 are implemented by the directors. That is, where a new source of pollution of some modification of an existing source is brought to the attention of the director by an application for approval of plans, structures, changes or increases in the methods of production, then any member of the public, as well as the applicant, who has an interest in the changes which are taking place, should be heard by the council and should be heard by the council before the director gives his approval.

As the minister knows, in second reading we pointed to this exclusion—total exclusion —of the public or any person or group of people in a neighbourhood or community, from the administrative processes of the Act which set up the procedures for approval of control or abatement programmes. Members on this side of the House pointed to any number of instances where such control and abatement programmes arrived at by the minister on recommendation of his experts have proved unsatisfactory to the persons on whose behalf the approvals were supposed to have been made.

May I point once again in speaking to this amendment, Mr. Chairman, to the remarks of Mr. Justice McRuer in the fifth volume of his third report. He is referring to the prohibitions set out in the Ontario Water Resources Commission Act and the exemption. He says:

> An approval may be given without any publicity and without any opportunity for those affected to be heard. Take, for example, the water of a well or a pond. It is difficult to understand why any approving authority should have power to grant an approval of a discharge into the well or pond, both which may impair the quality of the water.

So as to escape the penalties provided by the Act! The least one would expect would be that a person who would be affected by the approval granted should have an opportunity to be heard before a decision was made.

I repeat again, Mr. Chairman, that the minister earlier in this session, following soon upon the release of this report of Mr. McRuer and on a number of other occasions, indicated his agreement with that particular section of McRuer's report. The person or persons on whose behalf the prohibition has been enacted should have the right to be heard when an exemption from that prohibition is to be granted. In section 9, obviously we are talking about a manner in which an exemption may be granted because approval is going to be given by the director. That approval may be given without notice to anyone—except presumably to the applicant—of the creation of a new source or the alteration of an existing source of pollution.

It simply cannot be that we move into a new era of administration of the protection of the environment without bringing in this element of public participation that McRuer says is so glaringly absent from The Ontario Water Resources Commission Act provisions, and which surely ought to be part of the provisions of this Act. Section 9 is the first of the sections of the Act in which is this thought that this kind of participation by private persons acting on their own behalf or in the public interest should have the right to be heard before approval is given. The appropriate body which should bear the representations is obviously the council on the environment.

**Mr. Bullbrook:** I wonder if I might be permitted to ask the member a question? I personally feel that I would like to support the intent of the amendment—when you say before giving his approval, the director shall give notice of his intentions—It causes me some concern when you do not have people necessarily directly involved or having a direct interest; how is he going to give notice per se?

**Mr. Peacock:** As the member for Sarnia points out the language of the amendment does not indicate to whom the notice be given. The thought is, of course, the director would first of all certainly give notice to the council because he would have to indicate to the council the recommendation be proposed either to grant the approval or to withhold the approval or to modify the application in some way.

Following upon receipt of that, the council itself, through the adoption of its own rules of procedure and publication of the rules of the procedure would notify the person, as the Labour Relations Board does.

**Mr. Bullbrook:** The Labour Relations Board notifies people who have an interest—

**Mr. Peacock:** The Labour Relations Board—

**Mr. Chairman:** I would ask the member to direct his attention to the Chair.

**Mr. Peacock:** My attention is sometimes diverted, Mr. Chairman.

The Labour Relations Board by the statute and by the rules of procedure as they apply to intervention—those persons are readily identifiable there. In this particular case, obviously the question of identity as to who has an interest is a much broader matter and I would suggest that it be left totally open—that the council on the environment proceed in the same manner that the Canadian Radio and Television Commission does when it proposes to hear an application from a broadcaster or a community cable television antenna operator. It puts into the daily newspapers of that community an advertisement to the effect it is proposing to hold hearings into the application of the broadcaster and I would think that the council of the environment could operate in the same fashion.

Whenever it receives from the director, provided in this amendment, his intention to give an approval or to hold it or to vary it, then the council at that point would advertise its intent to hold hearings into the recommendations of the director, and any persons in that community or persons with particular interest, by way of their professional capacities or their business interests, could ask to be heard by the council before the approval is given.

**Mr. Chairman:** The member for Lambton.

**Mr. Henderson:** Mr. Chairman, I would like to bring to the attention of this House that we are studying a bill that is very important to the people of Ontario and when I look at the clock it is 3:05, July 28—

**Mr. Peacock:** Was the member looking at the clock earlier this evening across the hall?

**Mr. Henderson:** Yes, I was around looking at it.

**Mr. I. Deans** (Wentworth): We will support a motion to adjourn.

**Mr. Henderson:** I am not speaking about adjournment, that is the interesting part—

**Mr. Peacock:** Move we rise and report.

**Mr. Henderson:** —July 28, 1971, and this bill to me is very important to the people of the riding—

**Mr. D. Jackson** (Timiskaming): Mr. Chairman, the member is out of order.

**Mr. Henderson:** —of Lambton and to the people of Ontario, but I must admit that I am very disappointed. The Leader of the Opposition is not in the House at the moment.

**Some hon. members:** Oh! Oh!

**Mr. Henderson:** —the leader of the NDP is not in the House (Mr. Lewis), but the Prime Minister of the Province of Ontario is sitting in his seat and representing the people of Ontario as a great Prime Minister would do.

Interjections by hon. members.

**Mr. Chairman:** Would the minister care to—

**Mr. MacDonald:** The water is boiling on his knee again.

Interjections by hon. members.

**Mr. Bullbrook:** I can hardly contain myself! Freedom of speech!

**Mr. E. W. Sopha** (Sudbury): Let us just make the record accurate. The Leader of the Opposition has been in the House all evening and he stepped out a minute ago.

**An hon. member:** Since 1 o'clock this afternoon.

**Mr. Sopha:** He stepped out a minute ago—

**Mr. Henderson:** He is not here. Right now he is not here.

**Mr. H. Martel** (Wellington South): He is calling the kettle black!

**Mr. Chairman:** Order!

Interjections by hon. members.

**Mr. Sopha:** He stepped out a minute ago in order to get some refreshments—

**Mr. Henderson:** I have been waiting for eight minutes—

**Mr. Sopha:** —in the way of food and he was not this evening engaged in the bacchanalian pursuits that impelled the member for Lambton to his feet.

Interjections by hon. members.

**Mr. Henderson:** Do not be too sure; your leader is not disinterested.

**Mr. Sopha:** Bacchanalian—get that, be sure you get that.

**Mr. Chairman:** Order! Mr. Minister.

**Hon. Mr. Kerr:** Mr. Chairman, referring to the proposed amendment, I think first of all we should probably—

Interjections by hon. members.

**Mr. Henderson:** Where is the leader of the NDP?

**Mr. Chairman:** Order.

**An hon. member:** Defeating the Tories.

**Mr. Deans:** The member is not in his seat.

Interjections by hon. members.

**Mr. MacDonald:** Mr. Chairman, I move that we either adjourn or have that man move out so we can go back to business.

**Mr. Chairman:** Will the hon. members please cease this and let the minister reply and discuss the amendment that is before the committee.

**Hon. Mr. Kerr:** Mr. Chairman, I think this amendment probably envisaged a different role for the council than is intended in this bill. If the hon. member will refer to sections 89 and 90, they set out basically the main purpose and function of an environmental council. It is not really to administer this legislation or administer the department.

We have in the bill rather elaborate procedures dealing with contamination and pollution control; the number of officials from directors to provincial officers to the minister; the provisions under section 80 for appeal, involving both the courts and the ministers and provision for certificates of approval, control orders and stop orders. All these things are provided quite elaborately and many of them as required by McRuer, as recommended by McRuer, for the administrative functions of a department, particularly administering very—I am not going to use the word—strict type of legislation like this.

To have, as is suggested in this amendment, that for every approval the director has to give notice of his intention or to give with or without approval to the council, you would really frustrate the whole function of this department. You would have nothing but a series of public hearings. Really this is not a philosophical thing or an emotional thing. It is rather a very accurate thing that we are talking about—ambient air quality,

or the level of exhaust emissions and things like this. I think the technicians, the phycotoxicologists, and people like that are better able to made a decision based on scientific knowledge than some decision from a public meeting that would go to an environmental council, who really themselves are not necessarily experts.

**Mr. Bullbrook:** The minister misses the point. Most respectfully, he misses the point.

**Hon. Mr. Kerr:** No, I have gone by it.

**Mr. Bullbrook:** Right. One does not have to have experts in connection with quasi-judicial hearings. When the Ontario Municipal Board goes out it does not necessarily always listen to the experts. If the minister reads the report of the chairman last week he will agree.

But the minister does make a point here. The problem is that the amendment and the minister are completely polarized. My friends on the left want a hearing in every circumstance; the minister does not want a hearing at all.

**Hon. Mr. Kerr:** I do.

**Mr. Bullbrook:** He does not provide for a hearing.

**Hon. Mr. Kerr:** In section 80, Mr. Chairman, with due respect here, is it 80 or 81?—in a case where there is an appeal in section 81 it, in fact, can become a public hearing—I am sorry, section 82. So anybody that the director may indicate can become parties to the hearing, but I feel that to have public hearings dealing with control orders to stop orders or approvals, as I say, would really frustrate the administration of this legislation.

**Mr. Peacock:** Mr. Chairman, of course, the minister should also include in his remarks the fact that that section 81 applies only to the reference of a question of law, not the judgement as to what is the tolerable level of pollution or contaminant. That is surely what we have got to bring into this legislation, that some body, such as the council on the environment, will permit in some circumstances—the member for Sarnia says he would require it in every case—perhaps that is a bit extravagant but—

**Mr. Bullbrook:** Does the member agree with my interpretation of the amendment? It does require—

**Mr. Peacock:** Yes I do, of course. The member for Sarnia is always right in these remarks on interventions. Perhaps that is extravagant to require in every case, but, as he points out, the minister simply will not permit the person affected—those that McRuer says should be given the right to be heard—to be heard at all, because sections 80 and 81 do not allow for what McRuer has in mind on page 2113 of the fifth volume of his third report.

Section 80 applies only to the applicant and section 81 applies only to a party to a hearing where the appeal is on the question of law. It also further narrows it in the last part of subsection 2 to the matter of the source of contaminative and whether it includes contamination of the water and air as well as questions of waste disposal site or waste management. So we do not have in sections 80 or 81 what McRuer is saying in his report.

**Hon. Mr. Kerr:** Mr. Chairman, section 82 is not just for appeals to the court. It includes both appeals to the court and to the minister. There is no restriction on section 82. And the hon. member might refer to section 11, subsection 2—

**Mr. Bullbrook:** Section 82 cannot apply—82 blatantly cannot apply—because it says "the person requiring the hearing"—therefore there is no provision.

**Hon. Mr. Kerr:** I pointed that out if there is an appeal from a director's order—it could be by the polluter shall we say—the director may—

**Mr. Bullbrook:** Right.

**Hon. Mr. Kerr:** I should say the board may indicate other parties who can be part of the hearing. It can be the public. Subsection 2 of section 11, when we are dealing here with control programmes, involves the environmental council, so the public is not excluded from that type of provision, because the environmental council of course can hold this type of a hearing.

**Mr. Peacock:** It does not say so in part 12 does it, setting up the council?

**Hon. Mr. Kerr:** Yes.

**Mr. Bullbrook:** Talking about section 11, subsection 2.

**Mr. Peacock:** Yes. The minister says section 11 subsection 2, which does have a reference

of a programme to the environmental council for its consideration and advice, takes one then to sections 89 and 90, and when we look at the duties of the council in section 91 we do not find that the council is empowered to hold hearings or the reference in section 11.

**Mr. Bullbrook:** I do not think you can just let it go, and not for the sake of continuing the discussion unduly, but the fact of the matter is, getting back to my comments previously, to the last dialogue between the minister and the hon. member for Windsor West, there is no balance here.

I think the hon. member for Windsor West is agreeing in effect that the amendment goes too far by requiring a hearing in every situation. It again is patently wrong to request a hearing when nobody is objecting to the decision of the director. But you have made no provision for public recourse in this statute in connection with administrative decisions that are made by the bureaucracy—and surely that was your intention to do so?

But it cannot be section 82 that you referred to because there is no provision for a hearing here. I am just wondering whether you want to take the position that you do not want any public recourse to a hearing on an administrative decision under this section, or whether you want to go half way? I would be inclined to think it would be in the best interests of the public to go half way.

**Hon. Mr. Kerr:** Mr. Chairman, I think I have spoken enough on the amendment. I have indicated the reasons I am not supporting the amendment and I do not think there is any further point in my continuing.

**Mr. Chairman:** All those in favour of the amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

I declare the amendment lost and section 9 is carried unamended.

Are there any other sections to be dealt with before we reach section 16, 15 having been dealt with?

**Mr. MacDonald:** Yes, Mr. Chairman, section 11.

**Mr. Chairman:** Section 11. The hon. member for York South.

**Mr. MacDonald:** Section 11, Mr. Chairman, is an example, on the one hand, of permissive legislation. When one reads the section one wonders why for any conceivable reason it should remain permissive, and secondly, a failure to involve again the environmental council. For example, in subsection 1:

> A person responsible for a source of contaminant may submit to the Director a programme to prevent or to reduce and control the addition to—

and so on. Now why would it only be "may," if a person is responsible for a source of contaminant?

Secondly, in subsection 2:

> When a programme referred to in subsection 1 is submitted to the director, the director may, with the consent of the minister, refer the programme to the environmental council—

Finally, when you get into subsection 3, the director may issue an approval to be known as a programme approval. There is no tie-in with the reference that was made to the environmental council. I think that for that reason I would like to move that sections 1 and 2 of clause 11 be amended by substituting "shall" for "may" in the second line, and that section 3 be amended as follows; "Upon receipt of the advice of the environmental council the minister may issue" and so on.

**Mr. Chairman:** The member for York South's amendment is to the effect that subclauses 1 and 2 be amended by substituting "shall" for "may" in the second line of each, I presume, so that 1 reads "A person responsible for a source of contaminant shall submit to the director" and section 2, "When a programme referred to in subsection 1 is submitted to the director, the director shall with the consent of the minister". Then in section 3, "upon receipt of the advice of the environmental council the minister may issue."

**Mr. MacDonald:** That would now read "director." I am sorry, Mr. Chairman, because of the changes throughout the Act, "the director may."

**Mr. Chairman:** "Upon the advice of the director" rather than "environmental council"?

Interjection by an hon. member.

**Mr. Chairman:** I am not clear on whether it is "the director may issue" or is it the—

**Mr. MacDonald:** Right. It is now changed in the Act, in the amended Act, to read "director."

**Mr. Chairman:** Right. "The director may issue." Has the minister any comments on this amendment?

**Hon. Mr. Kerr:** Mr. Chairman, I think we should refer to section 7 of the Act which is the obligatory section for control orders. Section 11 really is a voluntary section. In other words, the person responsible for a source of contaminant may submit to the director a programme "to prevent or reduce or control the addition to."

This is a provision whereby if they feel that there is some great danger of issuing a contaminant or adding a contaminant to the environment they may, in fact, submit a programme themselves, as with our present ministerial orders.

That programme is not necessarily accepted by the department. This may be the polluter's idea of what is necessary to control those emissions or to clean up. What usually happens is that as a result of negotiation, shall we say, or meetings between respective technicians, a proper control programme is put into effect, according to our standards, to meet our objectives.

This you might say is an extra step that we are providing in the Act whereby we say—and this step can be taken after we are satisfied under other sections of the bill that there is a degree of contamination—we can say to that company, "we are not satisfied with your emissions. We will impose a programme on you."

It is quite possible that if there is a voluntary suggestion that the company, because of the nature of its industry—you know it might be Acres or somebody, or Monsanto, who think they know how to control their problems—we will say, "All right you submit the programme to us and we will decide whether or not it is satisfactory."

In any event if that is not done, if the source of contaminant does not take that initiative, under section 7 which is our obligatory section, we of course can impose a control programme on the source of pollution.

**Mr. Sopha:** At the risk of appeal?

**Hon. Mr. Kerr:** Right.

**Mr. MacDonald:** No, but section 11 says "a person responsible for a source of contaminant." Surely the word "responsible" means that somebody has come into the picture, apart from a completely voluntary assessment on the part of the polluter? If that is the case, then I do not see why the thing is permissive with a straight "may."

**Hon. Mr. Kerr:** I agree with that.

**Mr. MacDonald:** In fact, one of the things that sometimes puzzles me about this Act is the sequence. Why would we start out with control orders and then, four or five sections later, we have this permissive section tucked in. At that point, surely, it becomes an irrelevant point.

**Mr. Sopha:** The man just explained it to the member.

**Hon. Mr. Kerr:** Mr. Chairman, I think the main point here is that there are many sources of contamination that just would not be in a position to submit a programme. We could not make it mandatory for small foundries, for example.

**Mr. Peacock:** But the minister makes it mandatory if they modify it in any way.

**Hon. Mr. Kerr:** But to make it mandatory for a small business to submit an elaborate engineering programme to control its emissions just does not make sense. They do not know really the first step of how to get around controlling these emissions. We are just saying that if the company is in a position to take that initiative, we will look at what they are suggesting—without prejudice, of course—and satisfy ourselves that it will work. But if this situation does not exist, if it is a small company that cannot do this, we of course will impose a control order, or in some events, if it is a serious type of contamination which could do irreparable damage, we would move to a stop order.

**Mr. Sopha:** And there is an appeal.

**Hon. Mr. Kerr:** There is an appeal, right.

**Mr. Peacock:** Mr. Chairman, in section 9 it is made mandatory that if there is any change whatsoever, if there is a new plant or structure or source constructed, or if there is any alteration or modification, or if there is any change in the process, or an increase in production that brings about a change in the level of contaminant, that person is certainly required under penalty to submit the information. But where there is no change envisaged, whether small business or large, they continue to go on; it is permissive. They may or may not submit plans for abatement or control.

**Hon. Mr. Kerr:** There is a difference between notification and submitting a detailed programme.

**Mr. Nixon:** This is designed to help big industry and oppress small industry.

**Mr. Chairman:** The committee has heard the amendment. All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

I declare the amendment is lost.

Section 11 agreed to.

**Mr. Chairman:** Any other section? On section 12, the member for Windsor West.

**Mr. Peacock:** Well, the same argument applies in regard to the word "may" but let me ask, Mr. Chairman, why it is that the minister allows the director to decide whether publicity will be given, so to speak, or secrecy will be maintained where programme approval is issued? Why should it be that because the person who is in charge of the source of pollution submits voluntarily a programme, which is approved by the minister, that this should go unnoted, if in the opinion of the director the person or the location or the source of contaminant should not be listed, or details of the programme should not be listed.

Once again we are allowing this shroud to be hung around those who are engaged in pollution in the province, and if it happens that a large corporation voluntarily submits a control programme which is given approval the public need never hear about it. We will never know what standards the minister has accepted, we will never know whether or not his judgement should prevail over that of the community which is affected by the pollution of the firm, and the person so affected will have no recourse at all to the minister or to the council of the environment to argue as to why the minister should not have given his approval, albeit the programme was submitted voluntarily.

**Hon. Mr. Kerr:** Mr. Chairman, section 12 is an extension of section 11, which, as I say, is the voluntary programme, and in the programme approval he may set out the name of the person to whom the approval is directed, set out the location and nature of the source.

**Mr. Peacock:** Why not require him to set it out once he gives approval? Why not have the director tell us if he has given his approval?

**Hon. Mr. Kerr:** It should be mandatory then. Mr. Speaker, I have no objection to changing the word "may" to "shall" in section 12.

**Mr. Chairman:** Moved by the minister that the word "may" be changed to the word "shall" in the first line of section 12.

All those in favour of the amendment, will please say "aye."

Contrary minded?

Section 12 is carried and amended.

**Mr. Peacock:** If only the member for Lambton were here.

**Mr. Nixon:** Where is the member for Lambton so he can see the co-operation?

**Mr. Sopha:** We do not want him back.

**Mr. Nixon:** I did not ask for him to come back. I just wanted to know where he is.

**Mr. Chairman:** Section 13? Section 14? Section 15 has been carried. Section—

**Hon. Mr. Kerr:** Mr. Chairman, I am sorry. I think that in sections 14 and 16, the same additional subsection that we added in section 15 regarding farms should be included in those sections.

**Mr. Nixon:** He has something on section 13.

**Hon. Mr. Yaremko:** Wants to change "shall" to "may."

**Hon. Mr. Kerr:** I think on those sections—

**Mr. Nixon:** I think they probably should be added to every section, just in case.

**Hon. Mr. Kerr:** —that would become "notwithstanding,"—

**Mr. Sopha:** Now does that complete the farmers, if you gentlemen—

**Hon. Mr. Stewart:** I hope so.

**Mr. Chairman:** So that there would be a subclause (c) to section 14 which would read: "subclauses (a) and (b)," I suppose, "do not apply to animal waste," et cetera, et cetera.

**Hon. Mr. Kerr:** Right!

**Mr. Nixon:** What is the et cetera in animal waste?

**Hon. Mr. Kerr:** Section 16 would be changed the same way in subsection 2.

**Mr. Chairman:** Very good. Section 14 carried as amended.

**Hon. J. White** (Minister of University Affairs): Well, that tidies it up to my satisfaction.

**Mr. Chairman:** Gentlemen, any further amendments to the bill?

**Mr. MacDonald:** Are you joking?

**Mr. Chairman:** What section, Mr. MacDonald?

**Mr. MacDonald:** Section 18.

**Mr. Chairman:** Anything before section 18?

**Mr. MacDonald:** I am sorry.

**Mr. Chairman:** Section 18. The member for York South.

**Mr. MacDonald:** In 18, Mr. Chairman, I am mystified as to why particular areas for damage are singled out and others are neglected. For example, it mentions 'injures or damages land or water, or plant life." Well, what about real and personal property? What about animal life? What about human health and safety? Why does the minister pick those and ignore other equally important areas for concern?

Finally, at the end of the section it states that, "may order such persons to do all things and take all steps necessary to repair the injury or damage." But there is nothing by way of compensation for those for whom repairing the damage is impossible. Therefore, I would like to move that clause 18 of Bill 94 be amended so as to read as follows:

18. Where any person causes or permits the deposit, addition, emission or discharge into the natural environment of a contaminant that injures or damages land or water, real or personal property, plant or animal life, human health or safety, the minister shall order such persons to do all things and take all steps necessary to repair the injury or damage or to compensate for the injury or damage that cannot be repaired.

**Mr. Nixon:** I like that.

**Mr. Paterson:** Sounds pretty good.

**Hon. Mr. Kerr:** Mr. Chairman, the main intent and purpose of section 18 is a repair section.

**Mr. Peacock:** The whole bill is.

**Mr. Stokes:** Well, let us repair it.

**Hon. Mr. Kerr:** In other words, the minister, where he is of the opinion that it is in the public interest so to do, may order such persons to do all things and to take all steps necessary to repair the injury or damage. It is not a compensation section. It is strictly to restore the status quo to the situation.

**Mr. MacDonald:** First, where is the minister's compensation section?

**Hon. Mr. Kerr:** Well, there is a section further on dealing with damage to plant life and things like that.

**Mr. Peacock:** Animals.

**Mr. Bullbrook:** Is the minister going to get into that again?

**Hon. Mr. Kerr:** Yes, that is strictly the reason for that. I am thinking, for example—we can get back to mercury again—dredging the St. Clair River would be a good example of repairing the damage.

**Hon. W. D. McKeough** (Treasurer): Carried!

**Mr. MacDonald:** No, just a minute, Mr. Chairman. The minister has not dealt with that in one sense—if there is a compensation section later, fine, that is met. The minister has ignored completely the reason why you limit the area for injury and damages to one or two areas of concern but you ignore many others. Why, for example, do you refer to land and water or plant life? Why do you exclude animal life? Why do you ignore completely human life and safety? Why do you include real and personal property?

**Hon. Mr. Kerr:** Because you are getting into compensation. You are talking about animal life. You know, I suppose they could treat animals but we are talking about repairing, about getting rid of the contaminants so that—

**Mr. MacDonald:** Well, how in heaven's name do you repair plant life?

**Hon. Mr. Kerr:** We could replant it.

**Mr. MacDonald:** Pardon?

**Hon. Mr. Kerr:** Replant a crop.

**Mr. MacDonald:** Well, if the animal has suffered certain injury because of the pollu-

tion, you mean to say that it has got to be complete death and you cannot repair it?

**Hon. Mr. Kerr:** I think, Mr. Chairman, there is no sense in repeating this. This is not dealing with compensation.

**Mr. Peacock:** You cannot explain it, that is why.

**Mr. MacDonald:** You have not given any rational explanation. Real or personal property—can you not repair real personal property?

**Mr. Chairman:** The member for Thunder Bay has the floor.

**Mr. Stokes:** Thank you, Mr. Chairman. I would like a little clarification on this from the minister if I may. Does this section deal with a siltation problem, where you say you would try to repair a condition that exists?

It does not require compensation as such but it may require that certain people do certain things such as to a siltation problem created by the diversion of water that causes an impairment to land or water which is specifically mentioned in section 18. Now would this empower the minister to take certain action against, say, Ontario Hydro which was diverting water that was causing damage as outlined in this section?

Is that what it is intended to do rather than to compensate people?

**Hon. Mr. Kerr:** No, Mr. Chairman. This, basically, is referring mainly to, for example, Crown lands. This is a remedy really that is available to the Crown where there has been some, shall we say, public injury or damage. That is why we have got the words, "when it is in the public interest so to do," we are not talking about really, personal damages here so much as damage to the environment in the public realm.

**Mr. Stokes:** That is precisely what I meant when I asked you.

**Hon. Mr. Kerr:** Now in this situation, Mr. Chairman, regarding Ontario Hydro, in this situation to which the hon. member refers, yes. Under this Act, the minister could order Hydro to make certain repairs; to fight certain injuries that have been caused to that area of the province, to the land, as the hon. member asked.

**Mr. Stokes:** Yes, that is right.

**Mr. Chairman:** The member for Windsor West.

**Mr. Peacock:** Mr. Chairman, is it going to be in the public interest, in the opinion of the minister, to order the International Nickel Company to repair the damage to the foliage of the trees and grasses of the environment within a 60-mile radius of Sudbury. Is he going to order that company to replace the leaves on the trees?

**Hon. Mr. Kerr:** You know, the leaves and the trees—you want to be a little more general or broad if you are talking about replacing plant life as provided here.

**Mr. Peacock:** Repairing, it says.

**Hon. Mr. Kerr:** I do not know just how you would replace those leaves on the trees unless you got a big barrel of glue or something! And if it is not an evergreen, you might be in trouble.

**Mr. Peacock:** Well, that is the kind of ridiculous nonsense you conjure up.

**Hon. Mr. Kerr:** It is not nonsense. You are reading between the lines as usual.

**Mr. MacDonald:** Mr. Chairman, I want to come back to my question. The amendment calls for the inclusion of real and personal property and the minister has argued that this is only a repair section. Now surely there is plenty of opportunity for real or personal property to be damaged by pollution. Why would that not be included in the section?

Interjections by hon. members.

**Hon. Mr. Kerr:** Mr. Chairman, really I have no objection to including property. I think the intent could extend to property. I would rather leave out the words "real and personal" and just put property damage, injuries, damages, land or water, property or plant life or something like that. That would be acceptable to me.

**Mr. MacDonald:** What about the human health and safety? Why does the minister exclude that?

**Mr. Haggerty:** Mr. Chairman, may I follow the pursuit of the member for York South's amendment. I think what he is trying to get through to the minister is in section 16. Clause (d) says "may endanger the health and safety of any person." It goes on in clause (e) to say "may injure or damage or cause injury or damage to, (1) real or personal property." This is what his amendment is. He wanted to include it in—

**Mr. MacDonald:** Right. And the next is plant or animal life incidentally.

**Mr. Haggerty:** The intent is there. Why does the minister not apply it in section 18?

**Hon. Mr. Kerr:** Mr. Chairman, we are talking about under certain extreme circumstances where one is ordering a person under the definition of this Act to repair damage. Section 16 is a notification section, for example, dealing with unusual contamination. It is important to get the intent of these sections. We have got prohibition sections here, but this is a section where the damage has been done and under certain circumstances in the public interest, the minister may order that the damage be repaired. This does not preclude certain other remedies which are in this Act also to be put into effect. But the example that the hon. member for Thunder Bay gave, I thought really hit the nail on the head where a utility goes in and causes damage as a result of its operations. Maybe monetary compensation is not enough. It is hard to measure. So the minister says go in and right that wrong. That is the intention of this section.

**Mr. MacDonald:** Mr. Chairman, the minister has indicated that he is open-minded on property.

**Hon. Mr. Kerr:** Yes, but—

**Mr. MacDonald:** Just let me draw to his attention the words in section 16 right above, in the second part of section 16, (c), (d) and (e), "may endanger the health and safety of any person," and "may injure, damage or cause injury to real and personal property."

**Hon. Mr. Kerr:** How can somebody who pollutes repair the health of somebody, unless we get into the whole area of compensation?

**Mr. Peacock:** The minister is just ignoring it everywhere.

**Mr. MacDonald:** So he ignores it.

**Mr. Peacock:** He ignores it throughout the bill.

**Mr. MacDonald:** How about human safety —some repairing here.

**Hon. Mr. Kerr:** That is a precautionary measure. It has nothing to do with repairing.

**Mr. Jackson:** Mr. Chairman, the minister says it has nothing to do with repairing. What about the situation where the Ontario Hydro and the Ontario Northland Railroad have used a pesticide—not a pesticide, but a herbicide—to spray the areas bordering on the right of way. They have now created a situation where they have poisoned all the blueberries. The blueberries in many areas of Ontario are a crop. What do they do about them? Will they compensate the person who gets a blueberry and finds himself ill? Will they compensate them for the loss of the crop?

**Hon. Mr. Kerr:** No, this is not a compensation section.

**Mr. Jackson:** Where is the compensation section?

**Mr. Peacock:** The minister, if it is in the public interest, will ask the Prime Minister to make plants of blueberry.

**Hon. Mr. Kerr:** That is the type of thing, right. That is the purpose of this section.

**Mr. Peacock:** You know, Mr. Chairman, this minister and this Prime Minister are going to find it increasingly difficult to go before the people of this province and convince them that we have in this legislation any serious effort to tackle the problems of pollution or the damage that causes the problems.

**Mr. Chairman:** We are dealing with section 18—

**Mr. MacDonald:** Now, Mr. Chairman, do not start with—

**Mr. Chairman:** Let us stay with section 18. We have a proposed amendment.

**Mr. MacDonald:** The minister indicated that he was willing to accept something.

**Mr. Chairman:** I am not clear on what the minister is prepared to accept.

**Mr. MacDonald:** Not only do we not understand what he originally presented, but we are not sure what he is willing to accept.

**Hon. Mr. Kerr:** Mr. Chairman, I indicated that I would be quite willing that the word property be inserted—

**Mr. Chairman:** Be inserted where, Mr. Minister?

**Hon. Mr. Kerr:** That injuries or damages, land or water or property—

**Mr. MacDonald:** Property or plant life?

**Hon. Mr. Kerr:** Property or plant life.

**Mr. Peacock:** Or health?

**Mr. Chairman:** Land, water, property, or plant life.

**Hon. Mr. Kerr:** Or plant life, yes.

**Mr. Deans:** Health?

**Mr. MacDonald:** No, you just die. It does not matter about repairing health, you just die.

**Mr. Deans:** What is wrong with health?

**Mr. Haggerty:** I do not think this goes far enough. I think the hon. member for York South is right when he says you should have the word health in when you are dealing with human beings. There have been studies made in Europe, and other countries; United States particularly.

Let us take asbestosis. Perhaps an industry in Ontario produces asbestos products. It has been proved that the health hazard outside the plant is just as great as it is inside. There have been studies taken that youngsters have developed asbestosis. Now you have the same thing here. You could have a plant, an industry that will be polluting the area, sending out this contaminated air, and these youngsters could have their health endangered by it.

I think the hon. member for York South is right. It should be included in this section 18. You do not go far enough.

**Mr. Chairman:** We have an amendment by the minister to the proposed amendment by the hon. member for York South which would amend the amendment to read as follows:

> Where any person causes or permits the deposit, addition, emission or discharge into the natural environment of a contaminant that injures or damages land or water, property or plant life, the minister, where he is of the opinion that it is in the public interest to do so, may order such person to do all things and take all steps necessary to repair the injury or damage.

All those in favour of the amendment to the amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the "ayes" have it; the amendment to the amendment carries, and in my interpretation then the section is amended accordingly.

**Mr. Peacock:** Amendment to the amendment?

**Mr. Chairman:** Mr. MacDonald's amendment as amended is—

**Hon. Mr. Kerr:** Just added one word!

**Mr. Sopha:** You have two different amendments.

**Mr. Chairman:** I have treated the second as an amendment to the first.

**Mr. MacDonald:** Then if it is an amendment to the first one, the whole of the first one goes in because I put many things in there. I put real and personal property, human health and safety.

**Mr. Chairman:** Exactly, those were all deleted in this amendment to Mr. MacDonald's amendment.

**Mr. Stokes:** That is not parliamentary.

**Hon. Mr. Kerr:** Make it a government amendment if you do not want to do it that way.

**Mr. Chairman:** All right. We treat this the section as amended to read as I read it?

**Mr. MacDonald:** Okay.

**Mr. Chairman:** Then as amended it carries.

**Mr. MacDonald:** Now that we are familiar with the Meenian rules—

**Mr. Chairman:** Yes, it is 4 o'clock in the morning!

**Mr. MacDonald:** Yes, it is rather crazy, is it not?

**Mr. Chairman:** The next section, gentlemen—

**Hon. J. Yaremko** (Provincial Secretary): Anything up to section 90?

**Mr. MacDonald:** Sure, we are going up to section 90.

**Mr. Chairman:** Anything up to and including section 22?

**Mr. Jackson:** Mr. Chairman, on section 19, I would like the minister to tell me what he anticipates that you would have to have equipment on hand for, What kind of damage would be done that you would have to have the equipment standing by? Why would he anticipate the damage and do nothing to prevent it? In section 19.

**Hon. Mr. Kerr:** Mr. Chairman, I think, for example, oil spills would be an example of that. There are other types of operations where you could have an emergency situation, and we know by the very nature of the operation of that plant or business that there is that type of danger.

The director may order the company to have certain equipment on hand at all times so that in the event there is contamination it can be prevented or at least controlled.

**Mr. Chairman:** Any further discussion on any sections in this bill?

**Mr. Sopha:** Section 97.

**Mr. Haggerty:** Mr. Chairman, section 22.

**Mr. Chairman:** Section 22?

**Mr. Haggerty:** This is bearing on The Air Pollution Control Act of 1967. Now the minister has ministerial orders on certain plants in the Niagara peninsula. I was wondering if this bill now comes into effect—this one here—you have an additional four years in to it or would the final date for pollution control abatement programmes in these industries still be met in 1972? In particular, I am thinking of Union Carbide in Welland.

**Hon. Mr. Kerr:** Yes, that is right. Any control programmes now in existence shall remain in force when this Act comes into effect and the other Act is repealed.

**Mr. Haggerty:** In other words they will meet the commitment as set out under your orders—

**Hon. Mr. Kerr:** Yes.

**Mr. Haggerty:** —in 1972?

**Hon. Mr. Kerr:** Yes.

**Mr. Haggerty:** Providing they do not close down and move to some other area?

**Hon. Mr. Kerr:** Right.

**Mr. Haggerty:** That is a double-barrelled question!

**Hon. Mr. Kerr:** I know, but let us not get into that one.

**Mr. Haggerty:** Pardon?

**Hon. Mr. Kerr:** Let us not get into that one.

**Mr. Haggerty:** No, it is getting into—

**Hon. Mr. Kerr:** The answer to your question is yes.

**Mr. Haggerty:** Yes. You do not want to get into it?

**Hon. Mr. Kerr:** Not Union Carbide, no.

**Mr. Haggerty:** All right; we will get off the hook.

**Mr. Chairman:** Any comments, questions or amendments to sections 23 to 25?

Carried.

Any comments or amendments to 26 through to 28?

**Mr. Peacock:** Section 27, Mr. Chairman.

**Mr. Chairman:** Section 27?

**Mr. Peacock:** I withdraw my earlier remarks that 27 makes no sense. The sense of section 27 has since come through clearly to me.

**Mr. Chairman:** Part V of the Act, sections 29 through 49, carried?

Carried.

Part VI, sections 50 through 56, carried?

Carried.

**Mr. MacDonald:** Where are you?

**Mr. Sopha:** Sections 50 to 56.

**Mr. MacDonald:** Well, go ahead.

**Mr. Chairman:** Part VII, sections 57 through 63?

**Mr. Jackson:** Mr. Chairman, just a small comment on it.

**Mr. Chairman:** Which section please?

**Mr. Jackson:** Section 62. It says "No person shall repair, service, clean or empty any private sewage disposal system, or construct, repair," and it goes on. Does this mean that the person who owns or the person who does the work must have the licence?

**Mr. Sopha:** Either.

**Mr. Jackson:** Specifically speaking, in the case of a septic system, does it mean that in order to clean a domestic septic system a person has to get a permit first?

**Hon. Mr. Kerr:** The intent of that section, Mr. Chairman, is to control commercial operators, commercial people who repair, service and clean septic systems. At the

present time, for example, this legislation, as the hon. member probably knows, is under The Public Health Act. This is almost verbatim and it applies strictly to commercial operators.

**Mr. Sopha:** It is broader than that, Mr. Minister.

**Hon. Mr. Kerr:** Pardon?

**Mr. Chairman:** Any further discussion on section 62?

**Mr. Sopha:** It is broader than that.

**Hon. Mr. Kerr:** Well, there is an exemption in the regulations if necessary.

**Mr. Chairman:** Section 63? Then part VIII, section 64 through 69?

**Mr. Nixon:** On section 64, the minister said on second reading that when part VIII was carried and proclaimed the next day, he would declare a ban on non-returnable bottles.

**Hon. Mr. Kerr:** I did not.

**Mr. Nixon:** Or words to that effect.

**Hon. Mr. Kerr:** Oh, well, that is a different thing!

**Mr. Nixon:** What is the minister going to do about non-returnable bottles? They are not mentioned here.

**Hon. Mr. Kerr:** I think—

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Recycle them!

**Hon. Mr. Kerr:** —the wording at that point was that if you approved the bill in principle within half an hour, I might consider banning the non-returnable bottles.

**Mr. Nixon:** I thought the half an hour concerned—

**Hon. Mr. Kerr:** But we went on for another four—

**Mr. Nixon:** —with the time after proclamation and what you were going to do.

**Hon. Mr. Kerr:** I think the member for Huron-Bruce (Mr. Gaunt) wanted to make a deal but nobody else would agree.

**An hon. member:** You are certainly misleading the House.

**Mr. Chairman:** Sections 64 through 69, carried?

**Mr. Sopha:** I am not happy with the word "abandoned."

**Mr. Chairman:** The member for Sudbury. Which section?

**Mr. Sopha:** Section 64. "Abandoned" constricts and is much too narrow. It is perfectly possible to litter without abandoning the material.

**Mr. Nixon:** Your intention would be to go back and pick it up?

**Hon. Mr. Wishart:** Good question.

**Mr. Sopha:** I would prefer if it said "placed" or "left", because it is possible to litter without the act of abandonment. A person can have—

**Hon. Mr. Kerr:** You mean that—

**Mr. Sopha:** —to use the Latin phrase; change it a little—that my friend from Downsview used tonight, he can have the animus possedendi over the litter and he has not abandoned it. Are you with me?

**Hon. Mr. Kerr:** Yes.

**Hon. Mr. Stewart:** You lost me!

**Mr. Sopha:** He has not abandoned it.

**Mr. Nixon:** He still thinks of it as his paper cup.

**Mr. Sopha:** That is right. Or he has strewn it about his piece of property that he is not using and it is litter. But that verb is just too narrow and I would like to change it—

**Hon. Mr. Kerr:** Like a half-smoked cigar for example?

**Mr. Sopha:** Well, we could get down to all sorts of minutiae but—

**Hon. Mr. Kerr:** Why not just add the word "left" or "abandoned"?

**Mr. Sopha:** Right; "left or abandoned."

Section 64, as amended, agreed to.

**Mr. Nixon:** It is fun making law.

**Mr. Chairman:** Any further discussion of any sections in part 8?

Sections 65 to 69, inclusive, agreed to.

**Mr. Chairman:** Part IX, section 70, the member for Windsor West.

**Mr. Peacock:** On section 70, I repeat that the director, whichever office he holds, should

once again give notice in some fashion to other than the person affected by the control order that either he is about to issue the control order or has issued it, so that once again the people of this province, who are supposed to be the beneficiaries of this legislation, know in fact what is going on within the administration of it.

Section 70 agreed to.

**Mr. Chairman:** Any other discussions on sections in part IX—sections 70 through 77?

Sections 71 to 77, inclusive, agreed to.

**Mr. Chairman:** Part X, sections 78 through 82?

**Mr. Peacock:** On section 80.

**Mr. Chairman:** Section 80, the member for Windsor West.

**Mr. Peacock:** Mr. Chairman, I will not put the amendment, but I would like to point out that the section ought to contain provision that persons whose interest can be shown to be affected by the granting of an approval or the refusal to grant an approval, for extension of an approval or permit or stop order or control order, or operation of a regulation, may notify the director of his intention to require a hearing together with the text of his brief.

Once again the narrowing of this provision, as in so many others in the Act, to the person who is the polluter or the source of the contaminant, is the kind of exclusion of the interests of every other person, and in this respect once again, of course, the bill is flawed in principle and so flawed throughout.

**Hon. Mr. Kerr:** Mr. Chairman, just dealing with that point, I realize it is a point of principle and I do not want to delay it, but I think the hon. member is really looking at these sections in a vacuum, in a rather stereotyped way. If there is a source of pollution in a particular area many of these sources are dealt with by my department as a result of complaints, as a result of petitions by the public, particularly in the area where the source is located.

So they are quite aware—by simply contacting the department—of what is going on, what is the state of that industry, and we tell them that a control order is issued or a stop order is issued, and generally under what conditions we are treating that source of pollution. There is nothing secretive about this. We have a provision now in the Act where there is an index and if you are concerned about a particular industry you can go to a central location, find out if the industry is being dealt with by our department and get the particulars of any orders or approvals.

It is not quite as narrow a procedure as indicated by the hon. member. However, if we are going to have a department that is being administered efficiently and that we deal with these sources in a hurry and in an efficient way, so that there is no delay in the implementation of certain remedial measures, that we do not drag out hearings and appeals, I cannot see any other really efficient way of doing it except as provided in the bill.

**Mr. Peacock:** Let me make this one comment, Mr. Chairman. Perhaps the member for Sudbury would forgive me for making it, but it is at times like this that I envy the citizens of the United States and citizens of some of the jurisdictions there, such as California or Michigan. They would have such a right if the laws applied in respect to this matter and in respect to the granting of approvals by the director. It is at times like this that one is envious—

**Mr. H. L. Rowntree** (York West): Would you exchange your residence?

**Mr. Peacock:** —of the constitution of the United States and the Bill of Rights. It gives the individual—

**Hon. Mr. Kerr:** That is why they cannot get power in New York State.

**Mr. Peacock:** —it gives the individual some equity in the determination of whether his particular environment is to continue to be polluted—

**Hon. Mr. Kerr:** The environmental council would do that.

**Mr. Peacock:** Here, the polluter is the only one who has the right to be heard. That is just not the way the courts of the United States, as I understand it, have interpreted the rights of the individual. When his interests are at stake, he has the right to be heard.

**Hon. Mr. Kerr:** We are acting in the public interest.

**Mr. Peacock:** Not in this jurisdiction.

**Mr. Chairman:** Sections 81 and 82.

Carried.

**Mr. Chairman:** Part XII, sections 89 through 91.

Carried.

**Mr. Chairman:** Section 91, the member for Windsor West.

**Mr. Peacock:** Once again, in the interest of public education and disclosure, I would ask the the minister to consider that he instruct the council in the legislation to publish from time to time its findings in the matters referred to it under clause (a) and to submit its annual report to him.

**Hon. Mr. Kerr:** I have no objection to that. I think this would be the normal function of a council such as this.

**Mr. Chairman:** Part XIII, sections 92 through 107.

Carried.

**Mr. Nixon:** On section 97, specific powers.

**Mr. M. Makarchuk** (Brantford): On section 95.

**Mr. Chairman:** Section 95.

**Mr. Peacock:** Section 93.

**Mr. Makarchuk:** You go ahead, and I will come after.

**Mr. Peacock:** Section 93 is, I believe the compensatory section?

In 93, Mr. Chairman, there is no compensation spoken of in respect to injury or dammage to the health of persons or real or personal property. We made the point, I think, earlier that compensation in respect to these matters is important. It should be countenanced by the bill.

**Mr. Chairman:** The member for Brantford.

**Mr. Makarchuk:** Yes, Mr. Chairman, one of the big problems—

**Mr. Chairman:** The section, please?

**Mr. Makarchuk:** Under 95. One of the big problems, of course, is the litter that results from abandoned automobiles. It does not seem to me that anywhere under this Act is there anything to do or anything that empowers the minister with the right to make some kind of regulation to control the automobiles which are either left beside the roads, or left in fields, or left in out of the way places; something to control the operation of either the wrecking yards or the collection yards whatever you want to call them. Certainly it is one of the major environmental types of pollution that is an eyesore in the province. Perhaps you could—it comes somewhere in this Act—you have the power to enforce regulations to clean this up.

**Mr. Stokes:** On abandoned pits and quarries—

**Mr. Makarchuk:** If not, I think you are very remiss in this legislation in that respect.

**Hon. Mr. Kerr:** Mr. Chairman, this would be covered under waste management and part 5 is referred to in the regulation, subparagraph on page 31. This would enable us to deal with abandoned hulks or old cars.

**Mr. Sopha:** Let me ask this question.

**Mr. Chairman:** The member for Sudbury.

**Mr. Sopha:** At 4 in the morning my mind gets kind of bogged. What has happened to the sulphur fumes arbitrator? Has he gone into extinction?

**Hon. Mr. Kerr:** The Act was repealed, yes.

**Mr. Sopha:** He has gone and that was under The Air Pollution Control Act?

**Hon. Mr. Kerr:** Yes.

**Mr. Sopha:** Now The Air Pollution Control Act is to be repealed, so those claims come under 93? Is that the ball of wax, as my friend from Grey-Bruce (Mr. Sargent) would say?

**Hon. Mr. Kerr:** Yes. If they were within the provisions of 93, as provided in subsection 1—

**Mr. Sopha:** Why should those persons not be able to avail themselves of the expertise in the department? You see, I do not agree with the rest of these people.

**Hon. Mr. Kerr:** I do not think we are experts in health really.

**Mr. Sopha:** Well, I do not agree with these people—let me get around to it—when they want the minister to become the paterfamilias of Ontario and he conducts all the actions.

**Hon. Mr. Kerr:** Right.

**Mr. Sopha:** I do not want to deprive the individual of his right of recourse to the courts.

**Hon. Mr. Kerr:** Right.

**Mr. Sopha:** Now, coming down to this, the minister says his officials are not experts in health, but they are experts in determining the nature of the contaminant. And if a person suspects his health is deteriorating by reason of a contaminant, why should he not be able to make recourse to this department to ascertain whether that is so? Does the minister follow me? I am not going to belabour it, but it just seems to put a pre-eminence on property. We have worked out something here—

**Hon. Mr. Kerr:** First of all, Mr. Chairman, what I might say is that this section 93 has provisions in it which are in the present Air Pollution Control Act. We have not really enlarged on that. I think the provisions of that section really were implemented as a result of the situation with Erco in the Port Maitland or Dunnville area.

The hon. member knows there is certain legislation now—whether it is The Mining Act of The Public Health Act; I believe there is also some legislation dealing with labour—where health is compensated as a result of damage from some form of contamination. Because of that, we did not enlarge on this section.

I am not saying that we are not going to, but one of the first things the environmental council may do, from the point of view of advising the minister, is enlarging that section, not only to include human health but also the whole area of compensation.

I do not think I am revealing any secret when I say that when we were considering this bill in its draft form, we did consider the idea of some form of pollution compensation board, but then we realized that we would have to adjudicate, that it could not be similar to the Workmen's Compensation Board, where we have the company contributing as well as the employee. Then you get into the whole realm of the small claims courts. So really what are we gaining by it? We might as well let the courts adjudicate on claims of that kind.

But the section is not broad enough. I want to deal with some form of compensation either in this or some other form of legislation, and I suppose that is why we have omitted health and why we have simply reprinted the existing sections of the old bill.

**Mr. Sopha:** Well let us face it. We are on the frontiers here, and I would be very wary of removing these matters from the courts until we built up a body of experience upon which we could rely, and I do not think we should take that stand in a venturesome way.

**Hon. Mr. Kerr:** Right; right on!

**Mr. Chairman:** The minister was dealing I think with section 93. Section 94? Section 95? Any further sections on which there are any comments, questions or amendments through to section 107?

**Mr. Sopha:** Ninety-seven bothered me. I just wondered whether all the statutes were winnowed through to see whether there was any conflict. I do not like those snares lying around. Did they look through all the statutes? I see references throughout the Act to "regulations remaining in force" and "till new regulations" and so on. I do not want any perils. I want assurance to be given.

**Hon. Mr. Kerr:** Mr. Chairman, the reason for this section really is because it involved about four or five pieces of legislation; we have part of The Public Health Act, The Pesticides Act, The Air Pollution Control Act, part of The OWRC Act. So in matters related to the natural environment we wanted this Act to be supreme. It is as simple as that.

**Mr. Chairman:** Any further discussions on any sections up to section 107?

Shall the bill as amended be reported?

Bill 94, as amended, reported.

**Hon. Mr. Wishart:** Mr. Chairman, we have one further bill in committee, that is Bill 120.

## PITS AND QUARRIES CONTROL ACT

House in committee on Bill 120, an Act to Regulate Pits and Quarries and to provide for their Rehabilitation.

**Hon. L. Bernier** (Minister of Mines and Northern Affairs): Mr. Chairman, section 1. I move that clause (g)—

**Mr. Sopha:** What has the minister got there, a speech?

**Hon. Mr. Bernier:** —of section 1 of the bill be amended by adding at the end thereof "or open pit metal mine."

**Mr. Chairman:** Moved by the minister that section 1—did I understand that to be subsection (g)?

**Hon. Mr. Bernier:** Yes.

**Mr. Chairman:** Subsection (g), as in George, be amended to add at the end, changing at the end—the last word being quarry—"or open pit mine."

**Hon. Mr. Bernier:** "Open pit metal mine."

**Mr. Chairman:** "Or open pit"—I am sorry, I missed the other one—

**Hon. Mr. Bernier:** Metal.

**Mr. Chairman:** "Metal mine."

**Mr. Sopha:** He took up my challenge. He is going to fill in the Frood open-pit!

**Hon. Mr. Yaremko:** One of the world's biggest swimming pools!

**Mr. Chairman:** Any discussion on the amendment proposed by the minister? Shall section 1 as amended carry?

**Mr. Jackson:** Mr. Chairman, the argument that I made earlier still stands valid I believe. I do not see any reason to exclude in sections (f) and (g)—

**Mr. Chairman:** Is the member for Timiskaming speaking on section 1?

**Mr. Jackson:** Yes, I am indeed.

In sections (f) and (g) I see no reason to exclude wayside pits and wayside quarries or open pit metal mines, and I would hope that he does a little thinking about it over the recess.

**Hon. Mr. Bernier:** Will do.

**Mr. Makarchuk:** We will remind the public about it during the election campaign.

**Hon. Mr. Bernier:** What election campaign?

**Mr. Chairman:** Section 1 carries as amended. Any amendments to any sections up to section 4? Section 4, the minister has two amendments I believe.

**Hon. Mr. Bernier:** Yes. I move that section 4 of the bill be amended by deleting subsection 2 and by renumbering subsections 3, 4 and 5, as 2, 3, and 4 respectively, and that subsequent references to renewal of licences in the bills are deleted.

On section 4, I move that subsection 2 of section 4 be amended by striking out "proposed" where it occurs in the first line and in the second line of clause (b).

**Hon. Mr. McKeough:** Great stuff; carried.

**Hon. Mr. Bernier:** Mr. Chairman, it is just a clarification.

**Mr. Nixon:** Mr. Chairman, is the position to just refer by amendment to all occurrences in the bill of renewal of licence?

**Hon. Mr. Bernier:** Yes.

**Mr. Nixon:** Surely it is necessary to draw to the attention of the Chairman and the House the specific references you want removed?

**Hon. Mr. Bernier:** I can do that as we go along; I think we can.

**Mr. Chairman:** Of course, at this stage I do not know whether that is going to be a frequent reference or not, but it certainly would help to be advised of these as we go along.

**Mr. Jackson:** Mr. Chairman, would the minister explain why it is necessary to bring in this amendment?

**Hon. Mr. Bernier:** As I pointed out in my opening remarks on the bill, Mr. Chairman, we are removing this section which would require an annual licence and in section 7(1) we are making it mandatory that an annual inspection be made of the licensed site to make sure that the licensee complies with all the provisions of the site plan and of the Act. It tightens up and it puts more meaning to the intent of the Act.

**Mr. Makarchuk:** By way of clarification, Mr. Chairman, does this mean that under 7 you will have an amendment requiring that—

**Hon. Mr. Bernier:** Yes, it is coming up next.

**Mr. Makarchuk:** There will be an amendment? Fine.

**Mr. Chairman:** Now as I understand it, subclause 2, subsection 2 of section 4 is deleted; subsection 3 is renumbered as subsection 2, and in subclause (b) of the renumbered subclause 2, the word "proposed" in the first and second lines are deleted.

**Hon. Mr. Bernier:** Right!

**Mr. Chairman:** Any discussion on the amendment proposed by the Minister?

All those in favour of the amendment will please say "aye."

Those opposed will please say "nay."

In my opinion the "ayes" have it.

Section 4, as amended, agreed to.

**Mr. Chairman:** Now are there any amendments up to and including section 7?

The minister has an amendment to section 7.

**Hon. Mr. Bernier:** Yes. I move that subsection 1 of section 7 of the bill be deleted and the following substituted therefor:

"The minister shall review the operation of each licensee at least once each year for the purpose of reassessing the licensee's compliance with this Act, the regulations, the site plan, and the terms and conditions of the licence."

**Mr. Chairman:** You have heard the amendment.

All those in favour please say "aye." Those opposed please say "nay."

In my opinion the "ayes" have it.

Amendment agreed to.

**Mr. Chairman:** Now on section 8, the minister has amendments to subsections 2 and 4.

**Hon. Mr. Bernier:** I move that subsection 2 of section 8 of the bill be amended by striking out "fifteen" in the third line and inserting in lieu thereof "thirty."

In the same section, I move that section 8 be amended by deleting subsection 4 and by renumbering subsection 5 as subsection 4.

That section deals totally with renewals.

**Mr. Chairman:** You have heard the amendment. Is there any discussion?

All those in favour of the amendment to section 8 as proposed by the minister please say "aye."

Those opposed please say "nay."

Amendment agreed to.

**Mr. Chairman:** Any amendments up to section 11?

The minister has an amendment to section 11, subsection 3.

**Hon. Mr. Bernier:** I move that subsection 3 of section 11 of the bill be amended by adding at the end thereof, "and the balance refunded in accordance with the regulations."

**Mr. Chairman:** You have heard the amendment. Is there any discussision?

The member for Brant?

**Mr. Nixon:** Mr. Chairman, with regard to the section itself as it stands without amendment, what is going to happen to the operators who have opened very small pits in the weeks of discussion before this bill was introduced and in the time period before it will actually become effective?

There has been some indication that land owned by operating gravel pit companies, which had not been opened for that purpose, has been subject to some small working so that it could qualify for original licensing.

**Hon. Mr. Bernier:** Mr. Chairman, I would like to point out that this is one field that we are examining very, very closely and which we will keep a close check on, because these pits in our opinion will not be existing commercial operations. If they are just there as token pits they will not be eligible for a licence. They will have to file, of course, an initial application, a site plan for rehabilitation and that will be our check point.

**Mr. Nixon:** The minister has said that he would not ask for any retroactive powers. Does that mean then that he will deem these operations are not in fact to be gravel pits in the meaning of the Act unless a certain tonnage has been removed?

**Hon. Mr. Bernier:** Yes, this is correct.

**Mr. Chairman:** Any further discussion on the amendment proposed by the minister?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the "ayes" have it.

Section 11 as amended agreed to.

**Mr. Chairman:** The minister has a proposed amendment to section 12; I believe to subsection 4.

**Hon. Mr. Bernier:** I move that subsection 4 of section 12 of the bill be deleted and the following substituted therefor:

A permit issued out of this section expires on the completion of a project or contract, or one year after its issue, whichever occurs first. But in the latter case the minister may renew the permit for such further period as the minister considers appropriate for the completion in good faith of the project or contract.

**Mr. Chairman:** You have heard the amendment. Is there any discussion of the amendment?

All those in favour please say "aye."

All those opposed please say "nay."

Amendment agreed to.

Are there any further amendments to the discussion or comments or questions to any of the sections from there through to section 22? There being none we will carry those sections, including section 21.

The minister has a proposed amendment to section 22.

**Hon. Mr. Bernier:** Mr. Chairman, I move that section 22 of the bill be deleted and the following substituted therefor:

This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

**Mr. Chairman:** You have heard the minister's amendment. Is there any discussion?

**Mr. Nixon:** Mr. Chairman, I wonder if the minister could explain why he feels there might be some further delays before the enactment becomes law?

**Hon. Mr. Bernier:** As I pointed out in the debate—

**Mr. Stokes:** Got to make a few more overpasses.

**Hon. Mr. Bernier:** —we are increasing our staff and it will also take us a little time to designate the certain areas. We feel it needs a little extra time rather than have it coming into force tonight when it receives royal assent.

**Mr. Nixon:** The time that is necessary, for example, for the designation of areas. Will this involve the inspection of the sites, or will it mean the establishment of the areas where really no regulation is required since the substratum does not contain the aggregate that we are talking about?

**Hon. Mr. Bernier:** No, we will designate the areas that have a high priority and a high use at the moment, and this will take us some time to assess. This is why this extra time is needed.

**Mr. Nixon:** Mr. Chairman, if I may ask the minister, is the goal to have the whole province come under this statute when the staff is available to undertake the inspection?

**Hon. Mr. Bernier:** Eventually yes, Mr. Chairman.

**Mr. Chairman:** Is there any further discussion on the amendment?

**Mr. T. Reid** (Scarborough East): How long does the minister think it will take to do this? Is he talking about one week, two weeks, three months or a year?

**Hon. Mr. Bernier:** I am hoping that in a matter of weeks we will have them proclaimed.

**Mr. Chairman:** Is there any further discussion gentlemen? You have heard the amendment.

**Mr. Jackson:** Mr. Chairman, in designating areas why does not the minister just use the French River, as he has every other time when he deals with northern Ontario?

**Mr. Paterson:** Through the whole province.

**Mr. Chairman:** All those in favour of the amendment please say "aye."

All those opposed please say "nay."

I declare the amendment carried.

Section 22, as amended, stands as part of the bill.

Section 23 agreed to.

Bill 120, as amended, reported.

Hon. Mr. Wishart moves the Committee of the Whole House rise and report.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the Committee of the Whole House reports two bills with certain amendments and asks for leave to sit again.

Report agreed to.

**Mr. R. F. Nixon** (Leader of the Opposition): All right, who has the nerve to get the Lieutenant Governor?

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, I move that the House recess until 10 o'clock this morning—

**Mr. R. Haggerty** (Welland South): The House leader must have rocks in his head.

**Hon. Mr. Wishart:** —and that at that hour I think all we will have to do will be to deal with the third readings which are on the present order paper and the royal assent.

**Mr. Nixon:** And, of course, the usual question period.

**Hon. Mr. Wishart:** That is not at 10 o'clock.

**Hon. W. G. Davis** (Prime Minister): We can have it right now if the member wants. I am available.

It being 4:25 o'clock, a.m., the House took recess.

# CONTENTS


**Tuesday, July 27, 1971**

**Legislative Assembly Act,** bill to amend, Mr. Dunlop, second reading ..... 4953

**Concurrence in supply,** Departments of Health, Mines and Northern Affairs, and Education ..... 4954

**Election Act, 1968,** bill to amend, reported ..... 4954

**Certain sums of money for the public service for the fiscal year ending March 31, 1972,** bill for granting to Her Majesty, Mr. McKeough, first reading, second reading ..... 4973

**Third reading** ..... 4975

**Exploration and drilling for, and the production and storage of oil and gas,** bill to regulate, Mr. Bernier, second reading ..... 4976

**Pits and quarries and to provide for their rehabilitation,** bill to regulate, Mr. Bernier, second reading ..... 4976

**Mining Act,** bill to amend, Mr. Bernier, second reading ..... 5010

**Niagara Parks Act,** bill to amend, Mr. Davis, second reading ..... 5011

**Resolution re The Environmental Protection Act, 1971,** concurred in ..... 5011

**Natural Environment,** bill to protect, reported ..... 5011

**Pits and quarries, and to provide for their rehabilitation,** bill to regulate, Mr. Bernier, reported ..... 5038

**Recess,** 4.25 o'clock a.m. ..... 5042

No. 119

ONTARIO

# Legislature of Ontario Debates

**OFFICIAL REPORT – DAILY EDITION**

**Fourth Session of the Twenty-Eighth Legislature**

## Wednesday, July 28, 1971

**Speaker: Honourable Fred McIntosh Cass, Q.C.**
**Clerk: Roderick Lewis, Q.C.**

THE QUEEN'S PRINTER
TORONTO
1971

*Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.*

# CONTENTS

(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO



The House resumed at 10 o'clock, a.m.

**Mr. Speaker:** When the House recessed earlier this morning it was my understanding that we proceed until we complete the business which was initiated yesterday morning.

**Hon. R. Brunelle** (Minister of Lands and Forests): Mr. Speaker, if I may have the consent of the House I have a very short statement on matters that have been brought to my attention by members of this side and members of the Liberal Party and the NDP concerning admittance of senior citizens to provincial parks.

I am pleased to inform the hon. members that, effective immediately, senior citizens from homes for the aged established under The Charitable Institutions Act or The Homes for the Aged and Rest Homes Act, and from approved centres under The Elderly Persons Centres Act, will be admitted free of charge to provincial parks for day-use purposes. In order to gain free admittance, it will be necessary only for the driver of the motor vehicle carrying the senior citizens to present, at the gate, a letter on the letterhead of an eligible institution.

At the present time, there is a total of 184 institutions established under the legislation to which I have referred. This proposed change in the regulations under The Provincial Parks Act was approved yesterday by the Ontario Parks Integration Board.

Mr. Speaker, we find that increasing numbers of senior citizens are visiting our provincial parks and enjoying the recreational opportunities which they provide. This is a matter of great satisfaction to me, and it is my hope that through the provision of free entry for those persons from authorized institutions, an even greater number of our senior citizens will be able to enjoy our beautiful provincial parks.

## THIRD READINGS

The following bills were given third reading upon motion:

Bill 64, An Act to provide for the Registration of Businesses engaged in the Distribution of Paperback and Periodical Publications.

Bill 65, The Human Tissue Gift Act, 1971.

Bill 81, An Act to amend The Insurance Act.

Bill 82, An Act to amend The Health Services Insurance Act, 1968-1969.

Bill 94, An Act to protect the Natural Environment.

Bill 100, An Act to amend The Northern Ontario Development Corporation Act, 1970.

Bill 101, An Act to amend The Liquor Control Act.

Bill 104, An Act to amend The Department of Education Act.

Bill 105, An Act to amend The Schools Administration Act.

Bill 107, An Act to amend The Children's Boarding Homes Act.

Bill 109, An Act to amend The Family Benefits Act, 1966.

Bill 110, An Act to amend The Day Nurseries Act, 1966.

Bill 117, An Act to regulate the Exploration and Drilling for, and the Production and Storage of Oil and Gas.

Bill 119, An Act to amend The Public Health Act.

Bill 120, An Act to regulate Pits and Quarries and to provide for their Rehabilitation.

Bill 121, An Act to amend The Niagara Parks Act.

Bill 122, An Act respecting the Age of Majority and Accountability.

Bill 124, An Act to amend The Homes for the Aged and Rest Homes Act.

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker, on third reading of Bill 125, An Act to amend The Election Act, I want to state to you, sir, and the members of the House, our opposition to the failure of the government to bring forward a progressive Election Act after the work that was done by the standing committee over the years.

I particularly want to express my disappointment that the first minister was not here to support the Minister without Portfolio (Mr. Dunlop) in his efforts and attempts, valiant though they were, to defend the indefensible.

I refer particularly to the provisions of the bill which in fact remove the rights which had been expressly established for the young people of this province, the students attending postsecondary schools, to vote where they were resident.

If the Prime Minister had been here for the debate, he would realize that the repeal of one of the special rules that had been enacted two years ago—and in fact had been in practice at the election in 1967—is a gross interference with those rights.

I publicly expressed our opposition to the government's position and I personally said that I regretted the fact that the Prime Minister was not in his place—

**Mr. D. A. Paterson** (Essex South): The member for Lambton (Mr. Henderson) was in the Premier's place!

**Mr. Nixon:** —to take part in the debate and assist the Minister without Portfolio in putting forward the government's position. I would say it was indefensible. He used the majority to ram it through this House and it is a matter of some concern, particularly that the first minister would treat this matter of importance the way he did.

**Hon. W. G. Davis** (Prime Minister): Mr. Speaker, in that the Leader of the Opposition felt prompted to try and rescue his party's very lamentable position on so many of these issues this morning, I would only make this very brief observation:

Firstly, the Minister without Portfolio does not need the assistance of any other minister. He has the capacity to handle these things very admirably himself.

**Mr. Nixon:** He has learned to fight alone. The Prime Minister was not even in here to help him.

**Hon. Mr. Davis:** Secondly, Mr. Speaker, he very adequately and articulately expressed the position and the feelings of the government as it relates to this particular bill.

**Mr. Nixon:** The Prime Minister reverses his personal position on every opportunity. He has to fight on new ground every day.

**Hon. Mr. Davis:** Thirdly, Mr. Speaker, there is no question that this bill represents the feelings of this government as it relates to those people 18 to 21 years of age. It ill behooves the Leader of the Opposition at this particular time in history to stand up and give the indication that this party, this government, has not taken a more progressive attitude as it relates to young people in this province than he or his colleagues have ever taken or demonstrated. This is made very clear in this Act and The Age of Majority Act.

**Mr. Nixon:** The Prime Minister makes nice announcements, but his legislation belies them.

**Mr. D. C. MacDonald** (York South): Lest it be lost in this rather vigorous political exchange this morning, I just want it on the record that we in this party believe that this is a very poor bill. The government gave to the youth with one hand and took away with the other hand. In fact they gave them the right and then they established a procedure.

**Mr. Nixon:** Political window dressing.

**Mr. MacDonald:** However, Mr. Speaker, we are already on the record and a little bit more politicking here is not going to make any difference. It will count out in the hustings and the youth of today are getting spirited to deal with the government.

**Mr. Speaker:** The motion is for third reading of Bill 125. It is the pleasure of the House the motion carry?

As many as are in favour of the motion, will please say "aye."

As many as are opposed, will please say "nay."

In my opinion, the "ayes" have it.

## THIRD READINGS
*(concluded)*

Bill 125, An Act to amend The Election Act, 1968-1969.

Bill 126, An Act to amend The Legislative Assembly Act.

Bill 129, An Act to amend The Mining Act.

**Mr. E. W. Sopha** (Sudbury): We never heard from the Premier on unemployment.

**Hon. Mr. Davis:** We are not finished yet.

**Mr. I. Deans** (Wentworth): The Premier is not only finished; he is washed up.

**Mr. Speaker:** I thought perhaps members would like to know that the member for Ottawa South (Mr. Haskett) is now completing 12 years in this House, his ninth

session. He has never missed a session and he tells me also—and I presume the opposition would have knowledge and agree—that he has always been here for question period when he had a ministerial chair.

**Mr. Sopha:** That is unique.

**Mr. Speaker:** I think both those records are unusual and I think worth noting.

**Mr. Sopha:** That is why they kicked him out of the cabinet.

**Hon. A. A. Wishart** (Minister of Financial and Commercial Affairs): Mr. Speaker, the Lieutenant Governor is standing by for royal assent.

The Honourable the Lieutenant Governor of Ontario entered the chamber of the legislative assembly and took his seat upon the throne.

**Hon. W. Ross Macdonald** (Lieutenant Governor): Pray be seated.

**Mr. Speaker:** May it please Your Honour, the legislative assembly of the province has, at it present sittings thereof, passed certain bills to which, in the name of and on behalf of the said legislative assembly, I respectfully request Your Honour' assent.

**Clerk Assistant:** The following are the titles of bills to which Your Honour's assent is prayed:

Bill 64, An Act to Provide for the Registration of Businesses engaged in the Distribution of Paperback and Periodical Publications.

Bill 65, The Human Tissue Gift Act, 1971.

Bill 81, An Act to amend The Insurance Act.

Bill 82, An Act to amend The Health Services Insurance Act, 1968-69.

Bill 94, An Act to Protect the Natural Environment.

Bill 100, An Act to amend The Northern Ontario Development Corporation Act, 1970.

Bill 101, An Act to amend The Liquor Control Act.

Bill 104, An Act to amend The Department of Education Act.

Bill 105, An Act to amend The Schools Administration Act.

Bill 107, An Act to amend The Children's Boarding Homes Act.

Bill 109, An Act to amend The Family Benefits Act, 1966.

Bill 110, An Act to amend The Day Nurseries Act, 1966.

Bill 117, An Act to regulate the Exploration and Drilling for, and the Production and Storage of Oil and Gas.

Bill 119, An Act to amend The Public Health Act.

Bill 120, An Act to regulate Pits and Quarries and to provide for their Rehabilitation.

Bill 121, An Act to amend The Niagara Parks Act.

Bill 122, An Act respecting the Age of Majority and Accountability.

Bill 124, an Act to amend The Homes for the Aged and Rest Homes Act.

Bill 125, An Act to amend The Election Act, 1968-69.

Bill 126, An Act to amend the Legislative Assembly Act.

Bill 129, An Act to amend The Mining Act.

**Clerk of the House:** In Her Majesty's name, the Honourable, the Lieutenant Governor doth assent to these bills.

**Mr. Speaker:** May it please Your Honour: We, Her Majesty's most dutiful and faithful subjects of the legislative assembly of the Province of Ontario in session assembled, approach Your Honour with sentiments of unfeigned devotion and loyalty to Her Majesty's person and government, and humbly beg to present for Your Honour's acceptance, a bill intituled, An Act granting to Her Majesty Certain Sums of Money for the Public Service for the Fiscal Year ending March 31, 1972.

**Clerk of the House:** The Honourable, the Lieutenant Governor doth thank Her Majesty's dutiful and loyal subjects, accept their benevolence and assent to this bill in Her Majesty's name.

The Honourable, the Lieutenant Governor was pleased to to retire from the chamber.

**Hon. Mr. Davis:** Mr. Speaker, before moving the adjournment of the House, I would, in spite of the dialogue of the past two or three days, like to express, very briefly, a very sincere word of appreciation to the Leader of the Opposition, the members of his party; and, in the absence—I understand on matters of urgent public importance—of the leader of the New Democratic Party (Mr. Lewis), to the member for York

South and, through him, to that individual and members of his party, my appreciation in my first session here as Prime Minister, or Premier of this province, for the substantial degree of constructive cooperation which, by and large, emanated from the hon. members opposite, in assisting us to develop one of the most progressively comprehensive and conservative programmes of legislation that this House has seen in some many years.

I would also like to extend to them, Mr. Speaker, and to my colleagues on this side of the House, my best wishes for a well-deserved, perhaps relatively brief summer recess, but nonetheless one that I am sure the general public would understand, after the past seven or eight days at least, is well deserved by all members of this assembly.

Hon. Mr. Davis moves that when this House adjourns today it do stand adjourned until a date to be named by the Lieutenant Governor by his proclamation.

**Mr. Nixon:** Mr. Speaker, before the motion is put, I wonder if the Premier can indicate more clearly what his intentions are. When he refers to a rather brief vacation, is he referring to the possibility of this House being reconvened some time in the next few weeks to complete the business of the province?

**Hon. Mr. Davis:** Mr. Speaker, I do not preclude the possibility of this House resuming its deliberations some time in the fall. I do not preclude that. But that is the—

**Mr. MacDonald:** The Premier is keeping all his options open.

**Hon. Mr. Davis:** I learned that very early in my political career.

**Mr. Nixon:** Last Friday morning the Premier learned it.

**Hon. Mr. Davis:** I was hopeful last Friday, but some of the leader's members became a little verbose.

Motion agreed to.

**Mr. Speaker:** Before I adjourn the House, I think I should on behalf of members here express our appreciation to the servants of the House, the sessional attendants, the regular attendants, the pages, the clerks, the people who have enabled us to operate at the pace we have operated. I am sure the members have appreciated the services they received from these people over and above the normal hours.

**Mr. Nixon:** And the interjectionists.

**Mr. Speaker:** Then may I say to the Prime Minister, the Leader of the Opposition and the acting leader of the New Democratic Party, that I hope everyone has a good rest regardless of what the eventuality may be as discussed shortly here between the leaders.

**Mr. Sopha:** It is a day of benevolence!

**Mr. Speaker:** No question period, so it is a day of benevolence.

Interjections by hon. members.

Hon. Mr. Davis moves the adjournment of the House.

Motion agreed to.

**Mr. Speaker:** This House stands adjourned until a date to be named by the Lieutenant Governor by his proclamation.

The House adjourned at 10:30 o'clock a.m.

## ERRATA

| No. | Page | Col. | Line | Should read: |
|---|---|---|---|---|
| 7 | 253 | 2 | 47 | in today's mores I would not have delayed |
| 7 | 261 | 2 | 42 | If it turns out not to be true call me a |
| 7 | 263 | 1 | 26 | target we are shooting at, and Ontario Housing |
| 18 | 740 | 2 | 9 | **Mr. R. F. Ruston (Essex-Kent):** I wish to |
| 55 | 2323 | 1 | 11 | 10 years as a professor of pastoral theology. Part of the |

# CONTENTS

**Wednesday, July 28, 1971**

**Admittance of senior citizens to provincial parks,** statement by Mr. Brunelle ..... 5047

**Third readings** ..... 5048

**Royal assent to certain bills,** the honourable the Lieutenant Governor ..... 5049

**Motion to adjourn, Mr. Davis,** agreed to ..... 5050

JOURNALS AND PROCEDURAL RESEARCH BRANCH
DIRECTION DES JOURNAUX ET DES RECHERCHES EN PROCÉDURE
ROOM 1640, WHITNEY BLOCK
QUEEN'S PARK, TORONTO, ON M7A 1A2